

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 834**

By Senator Morris

[Introduced February 9, 2026; referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §3-5-8 of the Code of West Virginia, 1931, as amended, relating to  
 2 prohibiting the refund of a filing fee to a candidate for public office under certain  
 3 circumstances.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.**

**§3-5-8. Filing fees and their disposition.**

1 (a) Every person who becomes a candidate for nomination for or election to office in any  
 2 primary election shall, at the time of filing the certificate of announcement as required in this article,  
 3 pay a filing fee as follows:

4 (1) A candidate for president of the United States, for vice president of the United States,  
 5 for United States Senator, for member of the United States House of Representatives, for  
 6 Governor and for all other state elective offices shall pay a fee equivalent to one percent of the  
 7 annual salary of the office for which the candidate announces: *Provided*, That the filing fee for any  
 8 candidate for president or vice president of the United States shall ~~shall~~ may not exceed \$2,500  
 9 commencing with the 2004 filing period;

10 (2) A candidate for the office of judge of a circuit court and judge of a family court shall pay  
 11 a fee equivalent to one percent of the total annual salary of the office for which the candidate  
 12 announces;

13 (3) A candidate for member of the House of Delegates shall pay a fee of one-half percent of  
 14 the total annual salary of the office and a candidate for state Senator shall pay a fee of one percent  
 15 of the total annual salary of the office;

16 (4) A candidate for sheriff, prosecuting attorney, circuit clerk, county clerk, assessor,  
 17 member of the county commission and magistrate shall pay a fee equivalent to one percent of the  
 18 annual salary, excluding any additional compensation or commission of the office for which the  
 19 candidate announces. A candidate for county board of education shall pay a fee of \$25. A  
 20 candidate for any other county office shall pay a fee of \$10;

21 (5) Delegates to the national convention of any political party shall pay the following filing  
22 fees:

23 (A) A candidate for delegate-at-large shall pay a fee of \$20; and

24 (B) A candidate for delegate from a congressional district shall pay a fee of \$10;

25 (6) Candidates for members of political executive committees and other political  
26 committees shall pay the following filing fees:

27 (A) A candidate for member of a state executive committee of any political party shall pay a  
28 fee of \$20;

29 (B) A candidate for member of a county executive committee of any political party shall pay  
30 a fee of \$10; and

31 (C) A candidate for member of a congressional, senatorial or delegate district committee  
32 of any political party shall pay a fee of \$5.

33 (b) Candidates shall pay the filing fee to the election official with whom the certificate of  
34 announcement is filed according to §3-5-7 of this code at the time of filing their certificates of  
35 announcement and no certificate of announcement shall be received until the filing fee is paid.

36 (c) All moneys received by the clerk from the fees shall be credited to the general county  
37 fund. Moneys received by the Secretary of State from fees paid by candidates for offices to be  
38 filled by all the voters of the state shall be deposited in a special fund for that purpose and shall be  
39 apportioned and paid by him or her to the several counties on the basis of population and that  
40 received from candidates from a district or judicial circuit of more than one county shall be  
41 apportioned to the counties comprising the district or judicial circuit in like manner. When such  
42 moneys are received by sheriffs it shall be credited to the general county fund. Moneys received  
43 by the Secretary of State from fees paid by candidates for judicial or legislative offices to be filled  
44 by the voters of one county shall be apportioned to the county in which the boundaries of the  
45 district lie.

46 (d) In no case may a fee paid under this section be returned to a candidate.

NOTE: The purpose of this bill is to provide that a candidate's filing fee is not generally refundable, even if the candidate withdraws from the race or does not make it onto the ballot.

Strike-throughs indicate language that would be stricken from a heading, or the present law and underscoring indicates new language that would be added.