WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 510

(By Mr. Speaker, Mr. McManus)

PASSED FEBRUARY 23, 1972

In Effect 90 DAYS FROM PASSAGE

Filed in the office of John D. Rockefeller, IV, Secretary of State, this date 3-1-72.
AN ACT to amend and reenact sections eight and thirteen, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, requiring and specifying the amount of filing fees which must be paid by candidates for nomination for or election to office; relating to the place of payment of such filing fees; relating to the disposition of such filing fees; relating to the form and contents of the official primary election ballot; relating to separate ballots; and relating to alternating names of candidates and ballots.

Be it enacted by the Legislature of West Virginia:

That sections eight and thirteen, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

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

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

(a) A candidate for president of the United States, for vice-president of the United States, for United States senator, for member of the United States house of rep-
resentatives, for governor and for all other state elective offices shall pay a fee equivalent to one percent of the annual salary of the office for which the candidate announces;

(b) A candidate for the office of judge of a circuit court and judge of any court of record of limited jurisdiction shall pay a fee equivalent to one percent of the total annual salary of the office paid from any and all sources for which the candidate announces;

(c) A candidate for member of the house of delegates shall pay a fee of thirty-three dollars, and a candidate for state senator shall pay a fee of sixty-six dollars;

(d) A candidate for sheriff, prosecuting attorney, circuit clerk, county clerk, assessor, member of the county court and member of the county board of education shall pay a fee equivalent to one percent of the annual salary of the office for which the candidate announces: Provided, That the fee in no case shall be less than five dollars. A candidate for any other county office shall pay a fee of five dollars;

(e) A candidate for justice of the peace in districts having a population of five thousand or less shall pay a fee of ten dollars; in districts having a population of more than five thousand and not more than twenty-five thousand, fifteen dollars; and in districts having more than twenty-five thousand population, each candidate shall pay a fee of twenty-five dollars;

(f) A candidate for constable in districts having a population of five thousand or less shall pay a fee of five dollars; in districts having a population of more than five thousand and not more than twenty-five thousand, ten dollars; and in all other districts fifteen dollars;

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

A candidate for delegate-at-large shall pay a fee of twenty dollars; and a candidate for delegate from a congressional district shall pay a fee of ten dollars;

(h) Candidates for members of political executive committees and other political committees shall pay the following filing fees:
A candidate for member of a state executive committee of any political party shall pay a fee of ten dollars; a candidate for member of a county executive committee of any political party shall pay a fee of one dollar; and a candidate for member of a congressional, senatorial or delegate district committee of any political party shall pay a fee of one dollar.

Candidates filing for an office to be filled by the voters of one county shall pay the filing fee to the clerk of the circuit court, and candidates filing for an office to be filled by the voters of more than one county shall pay the filing fee to the secretary of state at the time of filing their certificates of announcement, and no certificate of announcement shall be received until the filing fee is paid.

All moneys received by such clerk from such fees shall be credited to the general county fund. Moneys received by the secretary of state from fees paid by candidates for offices to be filled by all the voters of the state shall be deposited in a special fund for that purpose and shall be apportioned and paid by him to the several counties on the basis of population, and that received from candidates from a district or judicial circuit of more than one county shall be apportioned to the counties comprising the district or judicial circuit in like manner. When such moneys are received by sheriffs, it shall be credited to the general county fund.

§3-5-13. Form and contents of ballots.

The official primary ballot shall contain at the left of each column of names of candidates, a perpendicular column, and shall be so printed as to leave a square at the left of each name on the ballot.

On such primary ballot, the names of candidates for president of the United States, for United States senator and for representative in Congress, shall be placed in the first column of candidates; the names of candidates for all state offices, and all other offices to be filled by the voters of a political division greater than a county, including the state executive committee, in the second column; the names of all candidates for county offices,
including members of the House of Delegates and con-
gressional, senatorial and delegate district executive com-
mittee, shall be placed in the third column; the names of
all candidates for office in the magisterial districts shall be
placed in the fourth column; and the names of all can-
didates for delegates to the national convention of the
party shall be placed in the fifth column and in counties
using voting machines the names of all candidates for
delegates to the national convention of the party shall
be placed after the names of all other candidates for all of
the other above specified offices.

The face of every primary election ballot shall conform
as nearly as practicable to that used at the general elec-
tion.

The secretary of state, or the circuit court clerk, as the
case may be, shall arrange the names of the candidates
to be printed on the ballot in alphabetical order, accord-
ing to the surname, under the title of the respective of-
ices upon the ballot.

A separate ballot, in connection with a primary elec-
tion, for election of members of county board of educa-
tion, shall be printed in bold type, under the caption,
"Nonpartisan Ballot for Election of Members of the
__________________________ County Board of Educa-
tion.” The
names of the candidates for election to the county board
of education, and the number of candidates for which
each voter is entitled to vote shall be printed beneath
the caption, without reference to political party affili-
ation, and without designation as to a particular term of
office.

In printing each set of ballots the position of the names
of the candidates shall be changed in each office division
as many times as there are candidate in that office di-
vision. As nearly as possible an equal number of ballots
shall be printed after each change. In making the change
of position, the printer shall take the line of type con-
taining the first name in the office division concerned and
place it at the bottom of the list of names in that di-
vision and move up the column so that the name that
before was second shall be first after the change. After
the ballots are printed they shall be kept in separate
piles, one pile for each change in position, and shall then be gathered by taking one from each pile. Sample ballots shall be in the same form as the official ballot, but the order of the names thereon need not be altered. All ballots used in primary elections shall be printed on paper conforming as nearly as practicable in weight, texture, and color to the samples furnished by the secretary of state, and the paper shall be sufficiently thick so that the printing cannot be discernible from the back. On the back of the ballot shall be printed in black ink, and in plain legible, black face pica type, the name of the political party as contained in the heading or "Non-partisan Board of Education," as the case may be, followed by the word "ballot." Under this designation shall be printed two blank lines followed by the words "poll clerks."
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House.

In effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within Approved this the 29th day of February, 1972.

[Signature]
Governor
PRESENTED TO THE GOVERNOR

Date 2/25/72
Time 10:55 a.m.