

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972



ENROLLED

HOUSE BILL No. 570

(By Mr. SPEAKER, Mr. McMANUS)



PASSED FEBRUARY 23, 1972

In Effect 90 Days From Passage



FILED IN THE OFFICE
JAMES O. COCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-1-72

570

ENROLLED

House Bill No. 570

(By Mr. Speaker, MR. McMANUS)

[Passed February 23, 1972; in effect ninety days from passage.]

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
- 2 for or election to office in any primary election, shall, at
- 3 the time of filing the certificate of announcement as re-
- 4 quired in this article, pay a filing fee as follows:
- 5 (a) A candidate for president of the United States,
- 6 for vice-president of the United States, for United States
- 7 senator, for member of the United States house of rep-

8 representatives, for governor and for all other state elective
9 offices shall pay a fee equivalent to one percent of the
10 annual salary of the office for which the candidate an-
11 nounces;

12 (b) A candidate for the office of judge of a circuit
13 court and judge of any court of record of limited juris-
14 diction shall pay a fee equivalent to one percent of the
15 total annual salary of the office paid from any and all
16 sources for which the candidate announces;

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

20 (d) A candidate for sheriff, prosecuting attorney, cir-
21 cuit clerk, county clerk, assessor, member of the county
22 court and member of the county board of education shall
23 pay a fee equivalent to one percent of the annual salary
24 of the office for which the candidate announces: *Pro-*
25 *vided*, That the fee in no case shall be less than five dol-
26 lars. A candidate for any other county office shall pay a
27 fee of five dollars;

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

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

40 (g) Delegates to the national convention of any po-
41 litical party shall pay the following filing fees:

42 A candidate for delegate-at-large shall pay a fee of
43 twenty dollars; and a candidate for delegate from a con-
44 gressional district shall pay a fee of ten dollars;

45 (h) Candidates for members of political executive
46 committees and other political committees shall pay the
47 following filing fees:

48 A candidate for member of a state executive committee
49 of any political party shall pay a fee of ten dollars; a
50 candidate for member of a county executive committee
51 of any political party shall pay a fee of one dollar; and a
52 candidate for member of a congressional, senatorial or
53 delegate district committee of any political party shall
54 pay a fee of one dollar.

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

63 All moneys received by such clerk from such fees shall
64 be credited to the general county fund. Moneys received
65 by the secretary of state from fees paid by candidates for
66 offices to be filled by all the voters of the state shall be
67 deposited in a special fund for that purpose and shall be
68 apportioned and paid by him to the several counties on
69 the basis of population, and that received from candi-
70 dates from a district or judicial circuit of more than one
71 county shall be apportioned to the counties comprising
72 the district or judicial circuit in like manner. When such
73 moneys are received by sheriffs, it shall be credited to
74 the general county fund.

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

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

5 On such primary ballot, the names of candidates for
6 president of the United States, for United States senator
7 and for representative in Congress, shall be placed in the
8 first column of candidates; the names of candidates for
9 all state offices, and all other offices to be filled by the
10 voters of a political division greater than a county, in-
11 cluding the state executive committee, in the second
12 column; the names of all candidates for county offices,

13 including members of the House of Delegates and con-
14 gressional, senatorial and delegate district executive com-
15 mittee, shall be placed in the third column; the names of
16 all candidates for office in the magisterial districts shall be
17 placed in the fourth column; and the names of all can-
18 didates for delegates to the national convention of the
19 party shall be placed in the fifth column and in counties
20 using voting machines the names of all candidates for
21 delegates to the national convention of the party shall
22 be placed after the names of all other candidates for all of
23 the other above specified offices.

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

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

32 A separate ballot, in connection with a primary elec-
33 tion, for election of members of county board of educa-
34 tion, shall be printed in bold type, under the caption,
35 "Nonpartisan Ballot for Election of Members of the
36County Board of Education." The
37 names of the candidates for election to the county board
38 of education, and the number of candidates for which
39 each voter is entitled to vote shall be printed beneath
40 the caption, without reference to political party affilia-
41 tion, and without designation as to a particular term of
42 office.

43 In printing each set of ballots the position of the names
44 of the candidates shall be changed in each office division
45 as many times as there are candidate in that office di-
46 vision. As nearly as possible an equal number of ballots
47 shall be printed after each change. In making the change
48 of position, the printer shall take the line of type con-
49 taining the first name in the office division concerned and
50 place it at the bottom of the list of names in that di-
51 vision and move up the column so that the name that
52 before was second shall be first after the change. After
53 the ballots are printed they shall be kept in separate

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Russell M. Beale
Chairman Senate Committee

Phyllis Rutledge
Chairman House Committee

Originated in the House.

In effect ninety days from passage.

Howard E. Garson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Edw. B. B. B. B.
President of the Senate

Lewis K. McManus
Speaker House of Delegates

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

Mich. A. Thorne, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 2/25/72

Time 10:55 a.m.