

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  
FRANK D. COCKEFELDER, IV  
SECRETARY OF STATE  
THIS DATE 3-1-72

570

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**House Bill No. 570**

(By Mr. Speaker, MR. McMANUS)

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

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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  
36 .....County 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. Carson*

Clerk of the Senate

*U. Blankenship*

Clerk of the House of Delegates

*Edw. Bond*

President of the Senate

*Lewis K. McManis*

Speaker House of Delegates

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

*Wm. A. Shreve, Jr.*

Governor



PRESENTED TO THE  
GOVERNOR

Date 2/25/72

Time 10:55 a.m.