

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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ENROLLED

*Committee Substitute for*

SENATE BILL NO. 255

(By Senator Cook and Lucht )

—•—

PASSED March 5, 1986

In Effect 90 days from Passage



**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**

**Senate Bill No. 255**

(SENATORS COOK AND LUCHT, *original sponsors*)

[Passed March 5, 1986; in effect ninety days from passage.]

AN ACT to amend article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eight-a, relating to primary elections and nominating procedures; permitting impecunious candidates to become nominated through a petition process instead of by a filing fee; specifying procedures to be followed to qualify through a petition process; requiring the secretary of state to prescribe the forms and oath to be used.

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

That article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eight-a, to read as follows:

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

**§3-5-8a. Nominating petitions as alternatives to filing fees; oath of impecuniosity required; petition in lieu of payment of filing fee.**

- 1 A candidate seeking nomination to any office who is un-
- 2 able to pay the filing fee may qualify through the follow-
- 3 ing petition process in lieu of payment of the filing fee.
- 4 The candidate shall file an oath with the appropriate
- 5 office required under section eight of this article stating

6 that he is unable to pay the filing fee due to a lack of  
7 financial resources. Such oath shall be filed not earlier  
8 than the second Monday in January next preceding the  
9 primary election day.

10 Upon receipt of the written oath the receiving officer  
11 shall provide the candidate with in-lieu-of-filing-fee peti-  
12 tion forms and instructions on gathering the required  
13 signatures. The number of required signatures shall be  
14 four qualified voters for each whole dollar of the filing  
15 fee: *Provided*, That the filing fee shall be waived in whole  
16 and not in part. Only signatures of voters registered in  
17 the county, district or other political division represented  
18 by the office sought may be solicited. Solicitors of signa-  
19 tures shall also be residents of the county, district or other  
20 geographical entity represented by the office sought: *Pro-*  
21 *vided, however*, That for offices to be filled by the voters  
22 of more than one county, separate petition forms shall be  
23 used for the signatures of qualified voters from each  
24 county.

25 No qualified voter forfeits his or her opportunity to vote  
26 in the primary election by signing an in-lieu-of-filing-fee  
27 petition.

28 The candidate may submit a greater number of signa-  
29 tures to allow for subsequent losses due to invalidity of  
30 some signatures. The county clerk may not be required to  
31 determine the validity of a greater number of signatures  
32 than that required by this section.

33 Signatures obtained on an in-lieu-of-filing-fee petition  
34 shall not be counted toward the number of voters required  
35 to sign a nomination certificate in accordance with section  
36 twenty-three of this article.

37 The candidate shall file all in-lieu-of-filing-fee petitions  
38 with the required number of valid signatures with the  
39 county clerk or secretary of state, as the case may be,  
40 not later than the last date required by law for filing  
41 declarations of candidacies and payment of the filing  
42 fee.

43 The oath and forms required by this section shall be  
44 prescribed by the secretary of state.


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

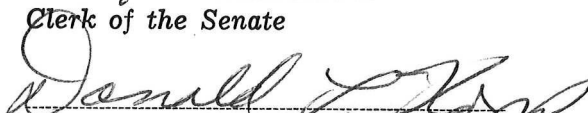
  
Chairman Senate Committee

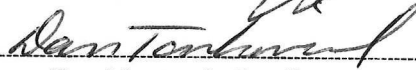
  
Chairman House Committee

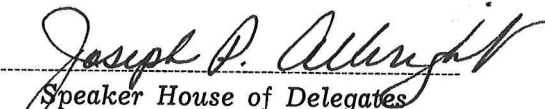
Originated in the Senate.

In effect ninety days from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

The within  this the 25<sup>th</sup>  
day of , 1986.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/8/86

Time 1:08 p.m.

RECEIVED

1906 MAR 26 PM 4: 26

UNITED STATES  
SECRETARY OF STATE

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE

3/26/86