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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED

Senate Bill No. 618

(BY SENATORS KESSLER, EDGELL, MINARD AND HUNTER)

[Passed March 6, 2007; in effect ninety days from passage.]

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AN ACT to amend and reenact §3-6-4a of the Code of West Virginia, 1931, as amended, relating to filing requirements for write-in candidates; and requiring a certificate of announcement to be filed no later than forty-two days before an election.

Be it enacted by the Legislature of West Virginia:

That §3-6-4a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 6. CONDUCT AND ADMINISTRATION OF ELECTIONS.

§3-6-4a. Filing requirements for write-in candidates.

1 Any eligible person who seeks to be elected by write-
2 in votes to an office, except delegate to national
3 convention, which is to be filled in a primary, general or

4 special election held under the provisions of this
5 chapter, shall file a write-in candidate's certificate of
6 announcement as provided in this section. No
7 certificate of announcement may be accepted and no
8 person may be certified as a write-in candidate for a
9 political party nomination for any office or for election
10 as delegate to national convention.

11 (a) The write-in candidate's certificate of
12 announcement shall be in a form prescribed by the
13 Secretary of State on which the candidate shall make a
14 sworn statement before a notary public or other officer
15 authorized to give oaths containing the following
16 information:

17 (1) The name of the office sought and the district and
18 division, if any;

19 (2) The legal name of the candidate and the first and
20 last name by which the candidate may be identified in
21 seeking the office;

22 (3) The specific address designating the location at
23 which the candidate resides at the time of filing,
24 including number and street or rural route and box
25 number and city, state and zip code;

26 (4) A statement that the person filing the certificate of
27 announcement is a candidate for the office in good
28 faith; and

29 (5) The words "subscribed and sworn to before me this
30 _____ day of _____, ____" and a space for the
31 signature of the officer giving the oath.

32 (b) The certificate of announcement shall be filed with
33 the filing officer for the political division of the office as
34 prescribed in section seven, article five of this chapter.

35 (c) The certificate of announcement shall be filed with
36 and received by the proper filing officer as follows:

37 (1) Except as provided in subdivisions (2) and (3) of

38 this subsection, the certificate of announcement for any
39 office shall be received no later than the close of
40 business on the forty-second day before the election at
41 which the office is to be filled;

42 (2) When a vacancy occurs in the nomination of
43 candidates for an office on the ballot resulting from the
44 death of the nominee or from the disqualification or
45 removal of a nominee from the ballot by a court of
46 competent jurisdiction not earlier than the twenty-first
47 day nor later than the fifth day before the general
48 election, the certificate shall be received no later than
49 the close of business on the fifth day before the election
50 or the close of business on the day following the
51 occurrence of the vacancy, whichever is later;

52 (3) When a vacancy occurs in an elective office which
53 would not otherwise appear on the ballot in the
54 election, but which creates an unexpired term of one or
55 more years which, according to the provisions of this
56 chapter, is to be filled by election in the next ensuing
57 election and the vacancy occurs no earlier than the
58 twenty-first day and no later than the fifth day before
59 the general election, the certificate shall be received no
60 later than the close of business on the fifth day before
61 the election or the close of business on the day following
62 the occurrence of the vacancy, whichever is later.

63 (d) Any eligible person who files a completed write-in
64 candidate's certificate of announcement with the proper
65 filing officer within the required time shall be certified
66 by that filing officer as an official write-in candidate:

67 (1) The Secretary of State shall, immediately following
68 the filing deadline, post the names of all official write-
69 in candidates for offices on the ballot in more than one
70 county and certify the name of each official write-in
71 candidate to the clerks of the county commissions of the
72 appropriate counties.

73 (2) The clerk of the county commission shall,
74 immediately following the filing deadline, post the
75 names of all official write-in candidates for offices on

76 the ballot in one county and certify and deliver to the
77 election officials of the appropriate precincts, the names
78 of all official write-in candidates and the office sought
79 by each for statewide, district and county offices on the
80 ballot in the precinct for which valid write-in votes will
81 be counted and the names shall be posted at the office
82 where absentee voting is conducted and at the precincts
83 in accordance with section twenty, article one of this
84 chapter.

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 Senate.

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 *is approved* this
the *28th* Day of *March*, 2007.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 20 2007

Time 4:07