Committee Substitute
for
House Bill 4571

BY DELEGATES CAMPBELL, AMBLER, LYNCH, R. MILLER,
CANESTRARO, THOMPSON, HICKS, COOPER, WAGNER,
BREWER AND DEAN

[Passed March 10, 2018; in effect ninety days from passage.]
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AN ACT to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating
to the filing of certificates of announcement of candidacy for a political office; requiring that
the office of the Secretary of State be open from 9:00 a.m. until 11:59 p.m. on the last day
of the period during which a certificate of announcement may be filed; and requiring that
the offices of the county clerks of each county be open from 9:00 a.m. until 12:00 p.m. on
the last day of the period during which a certificate of announcement may be filed.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-7. Filing certificates of announcements of candidacies; requirements; withdrawal of
candidates when section applicable.

(a) Any person who is eligible and seeks to hold an office or political party position to be
filled by election in any primary or general election held under the provisions of this chapter shall
file a certificate of announcement declaring his or her candidacy for the nomination or election to
the office.

(b) The certificate of announcement shall be filed as follows:

(1) Candidates for the House of Delegates, the State Senate, circuit judge, family court
judge, and any other office or political position to be filled by the voters of more than one county
shall file a certificate of announcement with the Secretary of State.

(2) Candidates for an office or political position to be filled by the voters of a single county
or a subdivision of a county, except for candidates for the House of Delegates, State Senate,
circuit judge or family court judge, shall file a certificate of announcement with the clerk of the
county commission.

(3) Candidates for an office to be filled by the voters of a municipality shall file a certificate
of announcement with the recorder or city clerk.

(c) The certificate of announcement shall be filed with the proper officer not earlier than
the second Monday in January before the primary election day and not later than the last Saturday
in January before the primary election day and must be received before midnight, eastern standard time, of that day or, if mailed, shall be postmarked by the United States Postal Service before that hour. This includes the offices of justice of the Supreme Court of Appeals, circuit court judge; family court judge and magistrate, which are to be filled on a nonpartisan and division basis at the primary election: *Provided, That* on the final day of a political filing period, the office of the Secretary of State shall be open from 9:00 a.m. until 11:59 p.m. The offices of the County Clerk in all counties of the state shall be open on that final day of a political filing period from 9:00 a.m. until 12:00 p.m.

(d) The certificate of announcement shall be on a form prescribed by the Secretary of State on which the candidate shall make a sworn statement before a notary public or other officer authorized to administer oaths, containing the following information:

(1) The date of the election in which the candidate seeks to appear on the ballot;

(2) The name of the office sought; the district, if any; and the division, if any;

(3) The legal name of the candidate and the exact name the candidate desires to appear on the ballot, subject to limitations prescribed in §3-5-13 of this code;

(4) The county of residence and a statement that the candidate is a legally qualified voter of that county; and the magisterial district of residence for candidates elected from magisterial districts or under magisterial district limitations;

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

(6) For partisan elections, the name of the candidate’s political party and a statement that the candidate: (A) Is a member of and affiliated with that political party as evidenced by the candidate’s current registration as a voter affiliated with that party; and (B) has not been registered as a voter affiliated with any other political party for a period of sixty days before the date of filing the announcement;
(7) For candidates for delegate to national convention, the name of the presidential
candidate to be listed on the ballot as the preference of the candidate on the first convention
ballot; or a statement that the candidate prefers to remain "uncommitted";
(8) A statement that the person filing the certificate of announcement is a candidate for
the office in good faith;
(9) The words "subscribed and sworn to before me this ______ day of __________, 20____" and a space for the signature of the officer giving the oath.
(e) The Secretary of State or the board of ballot commissioners, as the case may be, may
refuse to certify the candidacy or may remove the certification of the candidacy upon receipt of a
certified copy of the voter's registration record of the candidate showing that the candidate was
registered as a voter in a party other than the one named in the certificate of announcement during
the sixty days immediately preceding the filing of the certificate: Provided, That unless a signed
formal complaint of violation of this section and the certified copy of the voter's registration record
of the candidate are filed with the officer receiving that candidate's certificate of announcement
no later than ten days following the close of the filing period, the candidate may not be refused
certification for this reason.
(f) The certificate of announcement shall be subscribed and sworn to by the candidate
before some officer qualified to administer oaths, who shall certify the same. Any person who
knowingly provides false information on the certificate is guilty of false swearing and shall be
punished in accordance with §3-9-3 of this code.
(g) Any candidate for delegate to a national convention may change his or her statement
of presidential preference by notifying the Secretary of State by letter received by the Secretary
of State no later than the third Tuesday following the close of candidate filing. When the rules of
the political party allow each presidential candidate to approve or reject candidates for delegate
to convention who may appear on the ballot as committed to that presidential candidate, the
presidential candidate or the candidate's committee on his or her behalf may file a list of approved
or rejected candidates for delegate and the Secretary of State shall list as "uncommited" any
candidate for delegate who is disapproved by the presidential candidate.

(h) A person may not be a candidate for more than one office or office division at any
election: Provided, That a candidate for an office may also be a candidate for President of the
United States, for membership on political party executive committees or for delegate to a political
party national convention: Provided, however, That an unsuccessful candidate for a nonpartisan
office in an election held concurrently with the primary election may be appointed under the
provisions of section nineteen of this article to fill a vacancy on the general ballot.

(i) A candidate who files a certificate of announcement for more than one office or division
and does not withdraw, as provided by §3-5-11 of this code, from all but one office prior to the
close of the filing period may not be certified by the Secretary of State or placed on the ballot for
any office by the board of ballot commissioners.
Enr. CS for HB 4571

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

[Signatures]
Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within bill was approved this the 27th day of __________________________, 2018.

Governor
PRESENTED TO THE GOVERNOR

MAR 21 2018

Time 3:39 pm