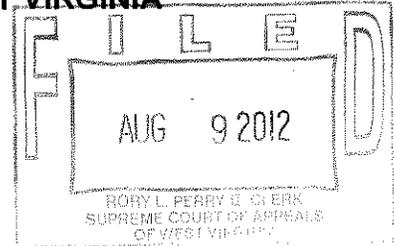


IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

No. 12-0899



**State of West Virginia ex rel., Allen H. Loughry II,
candidate for the Supreme Court of Appeals of
West Virginia, Petitioner**

vs.

**Natalie E. Tennant, in her official capacity as West Virginia
Secretary of State; Natalie E. Tennant, Gary A. Collias,
William N. Renzelli, and Robert Rupp, in their official
capacities as members of the West Virginia State Election
Commission; Glen B. Gainer III, in his official capacity
as West Virginia State Auditor; and John Perdue, in his
official capacity as West Virginia State Treasurer,
Respondents**

**RESPONSE OF JOHN PERDUE, WEST VIRGINIA STATE TREASURER,
TO PETITION FOR WRIT OF MANDAMUS**

Diana Stout (WVBN3631)
Special Assistant Attorney General
West Virginia State Treasurer's Office
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**COUNSEL FOR RESPONDENT
JOHN PERDUE**

TABLE OF CONTENTS

TABLE OF AUTHORITIES	1
QUESTION PRESTENTED	1
STATEMENT OF THE CASE	1
SUMMARY OF ARGUMENT	1
STATEMENT REGARDING ORAL ARGUMENT AND DECISION	1
ARGUMENT	2
CONCLUSION	2
VERIFICATION	
CERTIFICATE OF SERVICE	

TABLE OF AUTHORITIES

Cases

State ex rel. Kucera v. City of Wheeling, 153 W.Va. 538, 170 S.E.2d 367 (1960).....2

Rules

W. Va. Rev. R. Civil P. 19.....2

Respondent West Virginia State Treasurer John Perdue ("Treasurer"), by counsel Diana Stout, files this Response to the Petition for Writ of Mandamus filed July 30, 2012.

QUESTION PRESENTED

The Treasurer agrees with the question presented in the Petition for Writ of Mandamus by Petitioner.

STATEMENT OF THE CASE

The Treasurer does not dispute the accuracy of the statements made by Petitioner in the Statement of the Case in the Petition for Writ of Mandamus.

SUMMARY OF ARGUMENT

The Treasurer takes no position with regard to the Summary of Argument in the Petition for Writ of Mandamus.

STATEMENT REGARDING BRIEFING, ORAL ARGUMENT AND DECISION

The Treasurer agrees with the Petitioner that oral argument is unnecessary. In the event this honorable Court sets this matter for oral argument, the Treasurer will participate to the extent the Court determines.

ARGUMENT

The Treasurer agrees the three elements for a writ of mandamus established in *State ex rel. Kucera v. City of Wheeling*, 153 W.Va. 538, 170 S.E.2d 367 (1969), must be met for the writ to be granted. However, the Treasurer takes no position with regard to whether the elements have been met, nor whether the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program is constitutional. The Treasurer believes his sole role in this matter is to remit payment to the payee and in the amount specified in a warrant issued by the State Auditor in the event this honorable Court so orders, which makes him a proper party defendant in accordance with Rule 19 of the West Virginia Rules of Civil Procedure.

CONCLUSION

The Treasurer will abide by any order of this honorable Court.

JOHN PERDUE
WEST VIRGINIA STATE TREASURER



Diana Stout (WVBN3631)
Special Assistant Attorney General
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COUNSEL FOR RESPONDENT
JOHN PERDUE

VERIFICATION

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to-wit:

I, John Perdue, being first duly sworn upon oath, state that I have read the foregoing **“Response of John Perdue, West Virginia State Treasurer, To Petition for Writ of Mandamus”** and that the facts and allegations therein contained are true and correct to the best of my belief and knowledge.



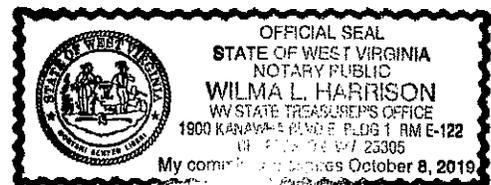
John Perdue

Taken, sworn to, and subscribed before me this 9th day of August, 2012.

My commission expires October 8, 2019.



NOTARY PUBLIC



IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

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Commission; Glen B. Gainer III, in his official capacity
as West Virginia State Auditor; and John Perdue, in his
official capacity as West Virginia State Treasurer,
Respondents**

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that she served the foregoing
**Response of John Perdue, West Virginia State Treasurer, To Petition for Writ of
Mandamus** upon the following individuals via hand delivery, on the 9th day of August,
2012 to:

The Honorable Natalie E. Tennant
State Capitol, Bldg. 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305

The Honorable Glen B. Gainer, III
State Capitol, Bldg. 1, Room W-100
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The Honorable Darrell V. McGraw
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Gary A. Collias
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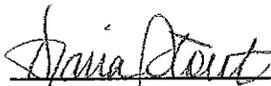
~~William N. Renzelli~~
c/o West Virginia Secretary of State's Office
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1900 Kanawha Blvd., East
Charleston, WV 25305

Robert Rupp
c/o West Virginia Secretary of State's Office
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1900 Kanawha Blvd., East
Charleston, WV 25305

The undersigned attorney hereby certifies that she served the foregoing
**Response of John Perdue, West Virginia State Treasurer, To Petition for Writ of
Mandamus** upon the following individuals via U. S. Mail, on the 9th day of August, 2012
to:

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Randall L. Saunders
Jenna E. Hess
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J. Adam Skaggs, Esquire (Pro Hac Vice pending)
Matthew Mendez, Esquire (Pro Hac Vice pending)
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161 Avenue of the Americas, 12th Floor
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Diana Stout