

## STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on March 23, 2016, the following order was made and entered:

William R. Wooton, candidate for the  
Supreme Court of Appeals of West Virginia,  
Petitioner

vs.) No. 16-0226

Elizabeth D. Walker, candidate for the  
Supreme Court of Appeals of West Virginia;  
West Virginia Secretary of State Natalie Tennant;  
West Virginia State Election Commission members  
Gary A. Collias and Vincent P. Cardi;  
West Virginia State Auditor Glen B. Gainer, III;  
and West Virginia State Treasurer John D. Perdue,  
Respondents

### Order

On a former day, March 7, 2016, an order certifying question from the Circuit Court of Kanawha County was docketed in this matter. In the interest of resolving this matter in an expedited manner, on March 9, 2016, a scheduling order was issued and directed the parties to file briefs on or before March 17, 2016, and further set this matter for oral argument on March 23, 2016.

Thereafter, on March 17, 2016, briefs were filed by the petitioner, William R. Wooton, by counsel, Robert M. Bastress, Jr., Robert V. Berthold, Jr., and Thomas Patrick Maroney, as well as by respondents, Elizabeth D. Walker, by counsel, Thomas C. Ryan, K&L Gates LLP, and Natalie Tennant, Gary A. Collias and Vincent P. Cardi, Members of the WV State Election Commission, by counsel, Richard L. Gottlieb, Webster J. Arceneaux, III, and Spencer D. Elliott, Lewis Glasser Casey and Rollins, PLLC.

As scheduled, this matter was fully heard upon the briefs and oral argument of the parties. The Court has thoroughly reviewed the written arguments in this matter, and has carefully considered the oral argument of the parties. “The appellate standard of review of questions of law answered and certified by a circuit court is *de novo*.” Syl. Pt. 1, *Gallapoo v. Wal-Mart Stores, Inc.*, 197 W.Va. 172, 475 S.E.2d 172 (1996).

Recognizing the significance of election issues to the State of West Virginia and its citizens and given the parties' request for accelerated consideration and resolution of this matter as it relates to the upcoming election, the Court issues its decision through this order with an opinion to follow in due course.

The question presented to this Court is as follows: "Was the West Virginia State Election Commission's certification of Respondent Wooton for public financing of his candidacy for the West Virginia Supreme Court of Appeals under West Virginia Code §§3-12-1, et seq., valid?" The circuit court answered the question in the negative, stating that the West Virginia Election Commission's certification of Respondent Wooton for public financing of his candidacy for the West Virginia Supreme Court of Appeals under West Virginia Code §§3-12-1, et seq., was not valid.

The Court is of the opinion, based upon the applicable law, that the circuit court's answer to the certified question as formulated was erroneous. Accordingly, the Court answers the certified question in the affirmative. The State Election Commission's order certifying Petitioner Wooton as eligible for public campaign financing funds is hereby reinstated and the Court reserves the right to reformulate the question in the opinion that will follow in due course.

The Clerk of the Court is directed to issue the mandate forthwith.

Chief Justice Ketchum, Justice Davis, Justice Benjamin, Justice Workman, and Justice Loughry are disqualified. Senior Status Judge Keadle, Judge Hatcher, Judge Mazzone, Judge Evans, and Senior Status Judge Holliday, sitting by temporary assignment.

Service of a copy of this order upon all parties herein shall constitute sufficient notice of its contents.

A True Copy

Attest: //s// Rory L. Perry II  
Clerk of Court

