
From the Office of the West Virginia Secretary of State

MEMORANDUM

To: Prospective Circuit Court Candidates in the 2024 Election Cycle
From: Donald Kersey, General Counsel, Office of the West Virginia Secretary of State
Date: May 24, 2023
Re: Guidance Concerning the Judicial Circuit Realignment in HB 3332 (2023)

Introduction and Background:

This memorandum is provided to prospective circuit court candidates seeking election to the circuit court in the 2024 election cycle.

The recent passage of HB 3332 (2023) alters, in part, the judicial circuit numbers, counties in each circuit, and number of seats in each circuit, beginning with the start of the next term on January 1, 2025.

The official candidate filing period for the 2024 election cycle is January 8 – 27, 2024. All prospective candidates desiring to raise and expend campaign funds prior to January 8, 2024, must first file a Precandidacy Registration Form.

Once the candidate filing period begins, candidates are not required to file a Precandidacy Registration Form. Rather, to make their candidacy official, they need only file a Certificate of Announcement and the filing fee with the Office of the Secretary of State (along with any requisite campaign finance forms, such as a Treasurer Designation form, as well as the Ethics Commission’s Financial Disclosure Statement).

Brief Guidance:

Prospective candidates for a circuit court seat in the 2024 election cycle are to provide the new, post-realignment judicial circuit number on the Precandidacy Registration Form and Certificate of Announcement.

For precandidates who have already filed and listed their current circuit number, which will change on January 1, 2025, they can either (1) amend their Precandidacy Registration Form by submitting a new form marked “Amendment,” or making manual amendments to the original form on file with the Secretary of State’s Elections Division; or (2) simply provide the post-realignment circuit number when filing the official Certificate of Announcement in January of 2024.

Precandidacy Registration Form:

The Precandidacy Registration Form establishes a candidate's committee and provides notice to the public that the candidate is authorized to accept and expend funds for their public office election campaign.

The Precandidacy Registration Form can be amended at any time and does not prevent candidates from changing the office, district, circuit, or other political jurisdiction initially provided on the form. Additionally, no precandidate is required to become an official candidate. If a precandidate chooses not to run for election to a public office, the campaign funds are managed in the same manner as "excess" campaign funds as provided by W. Va. Code § 3-8-10 and 146 CSR 3-7.

The only deadline for judicial candidates to affirmatively select the office and circuit to which they seek election is the close of the candidate filing period on January 27, 2024.

Judicial Circuit Realignment Impact on Precandidacy Registration and Certificate of Announcement:

HB 3332 (2023) goes into effect on June 9, 2023. However, the effective date for the judicial circuit realignment, which changes the circuit numbers, counties that make up each circuit, and number of available seats, is January 1, 2025.

The discrepancy in effective dates has raised questions as to whether candidates must list on the Precandidacy Registration Form or Certificate of Announcement their current circuit number or the post-realignment circuit number that officially goes into effect on January 1, 2025.

To resolve this discrepancy, the Office of the West Virginia Secretary of State advises prospective circuit court candidates in the 2024 election cycle to provide on the forms the new, post-realignment judicial circuit number as amended by HB 3332 (2023).