

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

No. 25-371

**SCA EFiled: Jun 13 2025
05:02PM EDT
Transaction ID 76462963**

**STATE OF WEST VIRGINIA *ex rel.*
STATE OF WEST VIRGINIA,**

Petitioner,

v.

**HONORABLE JAMES YOUNG,
Judge of the Circuit Court of Wayne County,
sitting by special assignment in Cabell County,
JAN HITE KING, and KIMBERLY MAYNARD,**

Respondents.

**BRIEF OF AMICUS CURIAE WEST VIRGINIA
SECRETARY OF STATE KRIS WARNER
IN SUPPORT OF PETITIONER AND IN FAVOR OF ISSUING THE WRIT**

**JOHN B. MCCUSKEY
ATTORNEY GENERAL**

Michael R. Williams (14148)
Solicitor General
Mattie F. Shuler (14480)
Assistant Solicitor General
State Capitol Complex
Building 1, Room E-26
Charleston, WV 25305-0220
Email: Michael.R.Williams@wvago.gov
Mattie.F.Shuler@wvago.gov
Telephone: (304) 558-2021
Facsimile: (304) 558-0140

*Counsel for Amicus Curiae West Virginia
Secretary of State Kris Warner*

TABLE OF CONTENTS

INTRODUCTION AND INTERESTS OF AMICUS CURIAE	1
SUMMARY OF THE ARGUMENT	3
ARGUMENT	4
I. The five-year statute of limitations permits thorough investigations that safeguard the integrity of elections	4
II. A five-year limitations period has historically applied to misdemeanor violations of the election code	8
III. The Secretary’s Election Manual is not a relevant guidance document	11
CONCLUSION	12

TABLE OF AUTHORITIES

Cases

<i>Appalachian Power Co. v. State Tax Dep't of W. Va.</i> , 195 W. Va. 573 466 S.E.2d 424 (1995)	11, 12
<i>Ass'n of Flight Attendants-CWA, AFL-CIO v. Huerta</i> , 785 F.3d 710 (D.C. Cir. 2015).....	12
<i>Brown v. United States</i> , 113 U.S. 568 (1884).....	10
<i>Clifford v. U.S. Coast Guard</i> , 915 F. Supp. 2d 299 (E.D.N.Y. 2013)	12
<i>Crawford v. Marion Cnty. Election Bd.</i> , 553 U.S. 181 (2008).....	5
<i>Eu v. S.F. Cnty. Democratic Central Comm.</i> , 489 U.S. 214, 231 (1989).....	4
<i>Hechler v. McCuskey</i> , 179 W. Va. 129, 365 S.E.2d 793 (1987)	8
<i>Hutchinson v. Miller</i> , 797 F.2d 1279 (4th Cir. 1986)	7, 8, 10
<i>Morris v. Bd. of Canvassers of City of Charleston</i> , 49 W. Va. 251, 38 S.E. 500 (1901)	4
<i>Park v. Landfried</i> , 135 W. Va. 361, 63 S.E.2d 586 (1951)	2
<i>Rogers v. Hechler</i> , 176 W. Va. 713, 348 S.E.2d 299 (1986)	5
<i>Schweiker v. Hansen</i> , 450 U.S. 785 (1981).....	12
<i>State v. Leonard</i> , 209 W. Va. 98, 543 S.E.2d 655 (2000)	6

<i>State ex rel. Ballard v. Vest</i> , 136 W. Va. 80, 65 S.E.2d 649 (1951)	8, 9
<i>State ex rel. Booth v. Bd. of Ballot Com'rs of Mingo Cnty.</i> , 156 W. Va. 657, 196 S.E.2d 299 (1972)	7
<i>State ex rel. Carenbauer v. Hechler</i> , 208 W. Va. 584, 542 S.E.2d 405 (2000)	1, 2, 5, 6, 7
<i>State ex rel. Manchin v. Lively</i> , 170 W. Va. 672, 295 S.E.2d 912 (1982)	9
<i>State ex rel. Wayne v. Sims</i> , 141 W. Va. 302, 90 S.E.2d 288 (1955)	8
<i>State ex rel. Zickefoose v. West</i> , 145 W. Va. 498, 116 S.E.2d 398 (1960)	7
<i>Storer v. Brown</i> , 415 U.S. 724 (1974).....	1
<i>Timmons v. Twin Cities Area New Party</i> , 520 U.S. 351 (1997).....	4
<i>W. Va. Dep't of Hum. Servs. v. David B., ex rel. J.B.</i> , 251 W. Va. 217, 911 S.E.2d 884 (2024)	11
<i>Wells v. State ex. rel. Miller</i> , 237 W. Va. 731, 791 S.E.2d 361 (2016)	1, 4, 5

Statutes

W. VA. CODE § 3-1-1.....	5
W. VA. CODE § 3-1A-5.....	12
W. VA. CODE § 3-1A-6.....	1, 5
W. VA. CODE § 3-5-7.....	10
W. VA. CODE § 3-5-9.....	10
W. VA. CODE § 3-9-24.....	2

W. VA. CODE § 61-11-9.....	3
52 U.S.C. § 30145	7
18 U.S.C. § 3282	7
Rules	
W. Va. R. App. P. 30(a).....	3
Regulations	
W. VA. CODE R. § 153-21-5.4.1	6
Constitutional Provisions	
W. VA. CONST. art. IV, § 8	4
W. VA. CONST. art. IV, § 11.....	4
Other	
Andrew “Mac” Warner, <i>Confidence & Security: West Virginia’s General Election is a Model for Other States</i> , WV.GOV (Nov. 17, 2022), available at https://bit.ly/4jM9LOc	6
<i>Election Fraud Map: A Sampling of Proven Instances of Election Fraud – West Virginia</i> , HERITAGE FOUND. (2025), available at https://herit.ag/4kGvatz	10
Kris Warner: West Virginia Secretary of State, <i>Manuals, Training, and Guidance</i> WV.GOV (2025), available at https://bit.ly/4l4OUGL	11
W. VA. SEC’Y OF STATE’S OFFICE, MANUAL FOR ELECTION OFFICIALS OF WEST VIRGINIA (2025), available at https://bit.ly/45Tnr6z	11

INTRODUCTION AND INTERESTS OF AMICUS CURIAE

Free, fair, and honest elections are fundamental to maintaining our government. States thus have an “irrefutable need to impose ‘order, rather than chaos’ in the democratic process.” *State ex rel. Carenbauer v. Hechler*, 208 W. Va. 584, 596, 542 S.E.2d 405, 417 (2000) (quoting *Storer v. Brown*, 415 U.S. 724, 730 (1974)). That’s especially true in West Virginia, where a handful of votes can determine a victor. So it is “common sense” that our state election code prescribes “substantial regulation” on elections and offenses against them. *Brown*, 415 U.S. at 730; *see also Wells v. State ex. rel. Miller*, 237 W. Va. 731, 745, 791 S.E.2d 361, 375 (2016).

The Secretary of State is principally responsible for achieving those objectives and implementing those regulations. As our “chief election official,” the Secretary has a duty to “standardize and make effective” our election laws. W. VA. CODE § 3-1A-6(a). In that role, he must “investigate the administration of election laws, frauds, and irregularities,” and “report violations of election laws to the appropriate prosecuting officials.” W. VA. CODE § 3-1A-6(c). Following this directive, the Secretary’s Office conducts a ground-level appraisal of the administration, results, and offenses committed during every election.

The Secretary of State has followed a routine procedure for the investigation and referral of election offenses to prosecutors. On average, the Secretary’s investigations take two years. And this longer period is intentional given the several “dangers presented by commingling politics with the judiciary.” *Hechler*, 208 W. Va. at 598, 542 S.E.2d at 419. By all accounts, every matter investigated “is, to a great extent, a political case—whether we want to say so or not.” *Id.* at 612, 542 S.E.2d at 433 (App’x Comments of Starcher, J.). And

so, swift involvement of prosecutors “may very well magnify public skepticism about its fairness.” *Id.*

The Secretary of State is mindful that “public confidence is undermined when the citizenry concludes, even erroneously, that cases are decided on the basis of favoritism or prejudice rather than according to law and fact.” *Hechler*, 208 W. Va. at 599, 542 S.E.2d at 420 (cleaned up). And the Legislature took good care to ensure the Secretary’s investigation and referral of election-related offenses would not fall to “political shenanigans.” *Id.* at 612, 542 S.E.2d at 433 (App’x Comments of Starcher, J.). Specifically, it provided a five-year limitations period for election-related offenses, regardless of the status of that charge. *See* W. VA. CODE § 3-9-24. Providing that additional time permits a fuller investigation while allowing some breathing room from an active election.

Up to the point of the circuit court’s dismissal, this case showed how election cases *should* work. The Secretary of State conducted a patient, thorough investigation into 2022 Cabell County Commission candidates Jan Hite King and Kimberly Maynard. And it did so with a clear Legislative directive in mind—to ensure our elections are “conducted within the rules, prescribed by the statutes of this State, which were enacted for the specific purpose of preventing illegality in the conduct of elections.” *Park v. Landfried*, 135 W. Va. 361, 379, 63 S.E.2d 586, 596 (1951). The Secretary’s investigation was comprehensive, and it revealed that both Jan Hite King and Kimberly Maynard made false statements on their candidate filings. So the Secretary reported these findings to prosecuting officials, and both candidates were indicted in 2025.

Yet things soon went off the rails. All agree that the grand jury indicted the candidates within the election code's five-year limitations period. But the circuit court instead applied a separate one-year limitations period for general misdemeanors, W. VA. CODE § 61-11-9, and dismissed both indictments. That decision was wrong. It was contrary to the purpose of the election code's five-year limitation period. And it departs from a decade-long history of the Secretary of State's framework for investigating and reporting violations of our election code. The State has appropriately asked this Court to rectify the error through a writ.

The Secretary thus files this brief under West Virginia Rule of Appellate Procedure 30(a) to explain why the Court should not endorse the decision below. The Court should instead issue a writ to prohibit the circuit court from enforcing its mistaken order.

SUMMARY OF THE ARGUMENT

I. Offenses against our elections affect democracy in the gravest manner. The five-year statute of limitations in our state election code ensures that officials can conduct a thorough investigation before prosecuting those offenses. This time is a necessary means to safeguard the integrity of elections and protect public trust.

II. Our state election code decides the limitations period for election-related offenses, regardless of the misdemeanor or felony status of that charge. But practice informs how that code applies. And since 2021, the Secretary, courts, and prosecutors have applied the state election code's five-year limitations period to at least nine investigations and prosecutions. The investigation and prosecution of candidates Jan Hite King and Kimberly Maynard is no exception.

III. Although Respondents have sometimes cited the Secretary’s own election manual as support for the notion that a one-year statute applies, that manual is not a relevant guidance document warranting deference. An agency’s interpretation of statutes in internal manuals lacks the force and effect of law.

ARGUMENT

I. **The five-year statute of limitations permits thorough investigations that safeguard the integrity of elections.**

“A state indisputably has a compelling interest in preserving the integrity of its election process.” *Eu v. S.F. Cnty. Democratic Central Comm.*, 489 U.S. 214, 231 (1989). But in West Virginia, preserving the reliability of our election process is a constitutional requirement.

For 125 years, this Court has acknowledged that the West Virginia Constitution “gives wide powers to the legislature to make all reasonable regulations and restrictions as to preparation of ballots and the conduct and return of elections.” Syl. Pt. 4, *Morris v. Bd. of Canvassers of City of Charleston*, 49 W. Va. 251, 38 S.E. 500 (1901); *see also* W. VA. CONST. art. IV, § 8. And our Constitution mandates that “[t]he Legislature ... shall pass such laws as may be necessary and proper to prevent intimidation, disorder or violence at the polls, and corruption or fraud in voting, counting the vote, ascertaining or declaring the result or fraud in any manner upon the ballot.” W. VA. CONST. art. IV, § 11. So, “the Legislature ‘-inevitably must, enact reasonable regulations of parties, elections, and ballots to reduce election and campaign-related disorder.’” *Wells*, 237 W. Va. at 736, 791 S.E.2d at 366 (citing *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 358 (1997)).

To preserve the integrity of our election process, it “takes several steps to get beyond the level of abstraction.” *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 225 (2008) (Souter, J., dissenting). Our “government must play an active role in structuring elections.” *Id.* at 210 (cleaned up). With this need in mind, “our state election code presents a comprehensive ‘code of laws for the establishment, administration and regulation of elections and election procedures in the state of West Virginia.’” *Wells*, 237 W. Va. at 738, 791 S.E.2d at 368 (quoting W. VA. CODE § 3-1-1).

The Secretary of State is our “chief election official,” and he is charged with a duty to “standardize and make effective” our election laws. W. VA. CODE § 3-1A-6(a). In an “increasingly complex political and electoral system,” the Secretary State must “effectuate broad legislative policies regarding the electoral process.” *Rogers v. Hechler*, 176 W. Va. 713, 717, 348 S.E.2d 299, 304 (1986). Among other things, our state election code specifically requires that the Secretary of State “investigate the administration of election laws, frauds, and irregularities,” and “report violations of election laws to the appropriate prosecuting officials.” W. VA. CODE § 3-1A-6(c).

The Secretary’s investigative duty is more than a “revolving-door method of justice selection.” *Hechler*, 208 W. Va. at 599 n. 26, 542 S.E.2d at 420 (cleaned up). For that “end result would be the utter and complete demise of the public’s confidence in its judicial system.” *Id.* Instead, the Secretary conducts careful, ground-level appraisals of election code criminal violations. And he does so because “it is not only the accuracy of an allegation of impropriety that warrants concern, but, significantly, it is even the mere appearance of

impropriety that has the capability of signaling disastrous results” for our government. *Id.* at 598–99, 419–20.

When an election-related offense is reported to the Secretary, he has 30 days to determine whether the offense must be pursued under administrative or criminal procedures. W. VA. CODE R. § 153-21-5.4.1. If a reported offense is deemed to be a criminal violation of our election code, the Secretary of State’s initial investigation begins. The Secretary starts by obtaining relevant documents. These documents may include financial statements, photographs, media posts, and filings. The Secretary then conducts witness interviews. He may issue subpoenas, and objections to those subpoenas may need to be litigated. After collecting sufficient evidence and considering all of it as a whole, the Secretary of State refers the matter to a prosecutor if the facts warrant a charge. Ultimately, these efforts aim to ensure that West Virginians enjoy “a secure election process structured by well-thought-out laws and careful planning.” Andrew “Mac” Warner: West Virginia Secretary of State, *Confidence & Security: West Virginia's General Election is a Model for Other States*, WV.GOV (Nov. 17, 2022), available at <https://bit.ly/4jM9LOc>.

The Legislature appropriately acknowledged that these investigations can become complex by adopting a specific five-year limitations period for election code violations. The five-year period ensures that the Secretary can complete a careful, comprehensive investigation before reporting to prosecuting officials. As Respondents noted below, “time periods set by statutes of limitation represent a balance between the prosecution of stale cases and the granting to law enforcement sufficient time to bring a suspect to justice.” *State v. Leonard*, 209 W. Va. 98, 100, 543 S.E.2d 655, 657 (2000). But for election code

offenses, another interest weighs on the scale: the “legitimacy of democratic politics,” which “would be compromised if ... elections were regularly to be rehashed” through rushed criminal actions amid an election or the middle of the political high-season. *Hutchinson v. Miller*, 797 F.2d 1279, 1280 (4th Cir. 1986). Of course, “it is axiomatic” that election security measures “can properly function only when [those measures] act[] independent of all extraneous influences or interests.” *Hechler*, 208 W. Va. at 598, 542 S.E.2d at 419. So, by all accounts, it is “imperative” that the Secretary of State’s prosecution referrals “be separated from politics.” *Id.* Perhaps for these same reasons, federal law generally provides five years for federal election-related crimes to be brought. *See* 52 U.S.C. § 30145(a); *see also* 18 U.S.C. § 3282.

At bottom, rushing the investigation and prosecution of election code violations would be harmful to our electoral process. Under a one-year limitations period, prosecutors may also be more inclined to bring harsher felony penalties against election code offenders to avoid the statute of limitations altogether. Further, the courtroom may become “yet another avenue for those disgruntled with the political process to keep the contest alive in the courtroom.” *Hutchinson*, 797 F.2d at 1280. Incumbents may be tempted to use the investigatory process “improperly in an effort to sustain tenure.” *State ex rel. Zickefoose v. West*, 145 W. Va. 498, 507, 116 S.E.2d 398, 404 (1960), *overruled on other grounds by State ex rel. Booth v. Bd. of Ballot Com’rs of Mingo Cnty.*, 156 W. Va. 657, 196 S.E.2d 299 (1972). Campaigns may be unfairly impacted through the public release of premature allegations instead of “partisan debate and competition” which “has from the earliest days of the

Republic been a part of the quest for public office.” *Hutchinson*, 797 F.2d at 1285. And the reputation of those candidates would be irreparably injured.

In the end, providing time for sure, confident prosecutions will deter these many dangers. As Petitioner has already explained, the statute’s language shows that the Legislature intended for exactly that.

II. A five-year limitations period has historically applied to misdemeanor violations of the election code.

In the Secretary’s view, the statute’s plain language is enough to decide this case. Our state election code establishes its own comprehensive scheme of offenses and penalties. And it assigns a special limitations periods for election-related offenses, regardless of the charge’s misdemeanor or felony status. The Legislature intended to accord special treatment to this area of criminal conduct—to the exclusion of more general provisions of the crimes code. That should be the end of the story.

But if the Court does find ambiguity in these statutes, then it should consider the Secretary’s usual practices and understandings of these provisions. The doctrine of “practical construction” can be used to understand language that “is doubtful, ambiguous, or uncertain.” *State ex rel. Wayne v. Sims*, 141 W. Va. 302, 313, 90 S.E.2d 288, 295 (1955); *see also, e.g., Hechler v. McCuskey*, 179 W. Va. 129, 132, 365 S.E.2d 793, 796 (1987) (“In the case of an ambiguous statute, custom and usage may be resorted to as an aid to construe the statute.”). So the Court has said that “[a] contemporary exposition of a statute, uncertain in its meaning, recognized and acquiesced in for a long period of time by the officers charged with the duty of enforcing it, the courts, the Legislature, and the people, will be adopted unless it is manifestly wrong.” *State ex rel. Ballard v. Vest*, 136 W. Va. 80,

87–88, 65 S.E.2d 649, 653 (1951) (cleaned up). The Secretary’s practice is particularly relevant here given that the Legislature has “intended to give him some position or standing in the election law field.” *State ex rel. Manchin v. Lively*, 170 W. Va. 672, 674, 295 S.E.2d 912, 914 (1982).

Here, practice supports Respondents’ view. Before these cases, the Secretary is not aware of *any* election case that has been dismissed for untimeliness under a one-year statute of limitations. Quite the opposite: The Secretary has routinely pursued several election-related cases after the one-year period. Just since 2021, for instance, the Secretary of State has investigated and reported to prosecutors six misdemeanors that were charged after the general one-year limitations period:

- Kathryn Nestor (Wood County) — False Swearing
- Richard Fox (Fayette County) — Illegal Voting
- Michael Quick-Borgard (Monongalia County) — Illegal Voting
- Jon Cooper (Randolph County) — Illegal Voting
- Jack Vaughn (Kanawha County) — Illegal Voting
- Richard Chapman (Wayne County) — Illegal Voting

Three deferred adjudications were also substituted for probation after the general one-year limitations period:

- Timothy Metz (Monongalia County) — False Swearing
- Judy Taylor (Mingo County) — False Swearing
- Sink Samuel (Mercer County) — Illegal Voting

See Election Fraud Map: A Sampling of Proven Instances of Election Fraud – West Virginia, HERITAGE FOUND. (Apr. 28, 2025), *available at* <https://herit.ag/4kGvatz>.

The Secretary’s established practice has deterred election inference while avoiding the need to prosecute election code offenses mid-election. But if this Court applies a one-year statute of limitations to election-code prosecutions, it will cause “direct intrusions on [our] election[s].” *Hutchinson*, 797 F.2d at 1285; *see also supra* Part I. Take Respondents’ false swearing offenses, for example. A candidate’s certificate of announcement must be filed by the last day of January. *See* W. VA. CODE § 3-5-7(c). And the candidate’s certificate isn’t certified until the end of February. *See* W. VA. CODE § 3-5-9. With just three months until the primary election, courts and prosecutors would be appropriately reluctant to hastily indict a candidate. Likewise, for successful primary candidates, courts and prosecutors would remain reluctant to indict a party’s nominee for the general election ballot in November. In the end, when victors are announced and the clamor of an election year settles, prosecutors would be faced with only two months to obtain an indictment from the grand jury. And even that timeframe falls in the height of the holiday season. Grand juries don’t meet often during Thanksgiving, Christmas, and New Years. So in practice, a one-year statute of limitations isn’t realistic.

Altogether, this “uniform interpretation is entitled to weight in the construction of the law, and in a case of doubt ought to turn the scale.” *Brown v. United States*, 113 U.S. 568, 571 (1884). And here, it has been uniformly true that the state election code’s five-year limitations period has been applied to election code offenses. It would be reproach to the

election code and this longstanding, on-the-ground precedent to now impair the Secretary of State's power to enforce our election laws.

III. The Secretary's Election Manual is not a relevant guidance document.

Below, Respondents invoked statements found in an outdated version of a manual produced by the Secretary of State's Office to support their argument that a one-year statute of limitations applied. *See* App. 5 (citing January 2024 election manual); *but see generally* W. VA. SEC'Y OF STATE'S OFF., MANUAL FOR ELECTION OFFICIALS OF WEST VIRGINIA (2025), *available at* <https://bit.ly/45Tnr6z>. Although content to ignore the Secretary's real-world practices of supporting charges after a year, *see supra* Part II, Respondents evidently believe that a scrap of text in a non-binding "educational aid" is persuasive evidence. *See* Kris Warner: West Virginia Secretary of State, *Manuals, Training, and Guidance* WV.GOV (2025), *available at* <https://bit.ly/414OUGL> ("Though the Secretary of State has broad authority to provide such guidance, these materials ***do not constitute legal advice and are intended only as educational aids.***" (emphasis in original)). It is not.

This Court's precedent makes quick work of this argument. Just last year, this Court recognized that "an administrative agency's interpretation of statutes in internal agency policies, manuals, guidelines, or other such documents simply lack the force and effect of law." *W. Va. Dep't of Hum. Servs. v. David B., ex rel. J.B.*, 251 W. Va. 217, 911 S.E.2d 884, 896 (2024). And that statement reflects long-standing West Virginia law. *See Appalachian Power Co. v. State Tax Dep't of W. Va.*, 195 W. Va. 573, 583, 466 S.E.2d 424, 434 (1995).

West Virginia courts have been particularly reluctant to defer to statements that do not express obvious “thoroughness” in their reasoning. *Id.*

The Supreme Court of the United States has likewise held that an agency’s manual “has no legal force,” and has no binding authority. *See Schweiker v. Hansen*, 450 U.S. 785, 789 (1981) (asserting that the Social Security Administration's Claims Manual was not a binding regulation). It would be especially wrong to give weight to a manual—like this one—that leaves investigators and prosecutors “free to consider the individual facts in the various cases that arise” and does not “command any action” from either of them. *Ass’n of Flight Attendants-CWA, AFL-CIO v. Huerta*, 785 F.3d 710, 718 (D.C. Cir. 2015); *see also, e.g., Clifford v. U.S. Coast Guard*, 915 F. Supp. 2d 299, 306 (E.D.N.Y. 2013) (noting that deference is especially inappropriate for “an informal source, such as a training manual”).

At least as to the portion of the Manual upon which Respondents relied, the Secretary of State’s election manual merely re-stated statutory text with no analysis. And the election manual is merely designed to guide election officials while they perform an election—not prosecutors or courts. *See W. VA. CODE § 3-1A-5(c)* (the State Election Commission has a duty to “prepare and distribute ... manuals to assist county commissions ... county clerks and other election officials in the proper performance of their duties in the conduct of elections.”). Simply stated, the Secretary of State’s election manual lacks the force and effect of law here, and it offers no analysis of the election code’s statute of limitations that might persuade. So it should hold no weight in this Court’s decision.

CONCLUSION

This Court should issue the State’s requested writ of prohibition.

Respectfully submitted,

JOHN B. MCCUSKEY
ATTORNEY GENERAL

Michael R. Williams (13360)
Solicitor General

/s/ Mattie F. Shuler

Mattie F. Shuler (14480)
Assistant Solicitor General

State Capitol Complex
Building 1, Room E-26
Charleston, WV 25305-0220
Email: Michael.R.Williams@wvago.gov
Mattie.F.Shuler@wvago.gov
Telephone: (304) 558-2021
Facsimile: (304) 558-0140

Counsel for Amicus Curiae West Virginia
Secretary of State Kris Warner

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

No. 25-371

STATE OF WEST VIRGINIA *ex rel.*
STATE OF WEST VIRGINIA,

Petitioner,

v.

HONORABLE JAMES YOUNG,
Judge of the Circuit Court of Wayne County,
sitting by special assignment in Cabell County,
JAN HITE KING, and KIMBERLY MAYNARD,

Respondents.

CERTIFICATE OF SERVICE

I, Mattie F. Shuler, do hereby certify that the foregoing *Brief of Amicus Curiae West Virginia Secretary of State Kris Warner in Support of Petitioner and In Favor of Issuing the Writ* is being served on all counsel of record by File & Serve Xpress this 13th day of June 2025.

/s/ Mattie F. Shuler

Mattie F. Shuler
Assistant Solicitor General