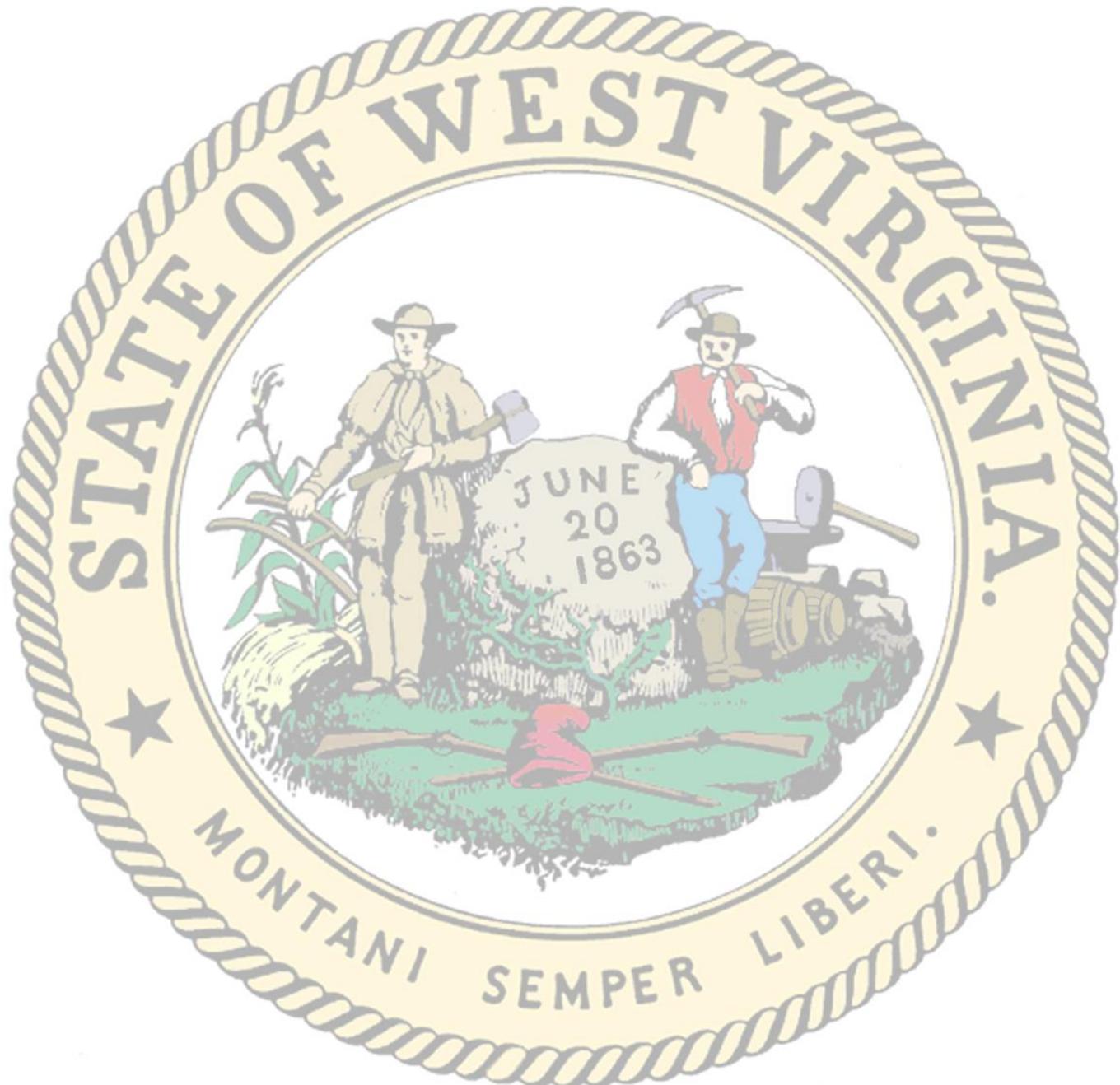


# Write-In Candidate Guide



WEST VIRGINIA SECRETARY OF STATE'S OFFICE  
ELECTIONS DIVISION

UPDATED: 9/14/2022

## **BECOMING A WRITE-IN CANDIDATE**

A write-in candidate is a candidate for office that does not appear on the ballot. The list of Official Write-in Candidates is posted at the polling place for voters to review. Names of write-in candidates are written or placed on the ballot by voters according to the type of voting system used. Write-in candidates who do not file the Certificate of Announcement will not have their name on the official list and votes will not be counted. There is no filing fee for write-in candidates.

### **When to file:**

You may do this no later than 49 days before the election in which the office is elected. The application must be received in the filing office no later than close of business on the 49<sup>th</sup> day.

### **Where to file the Certificate of Announcement:**

- With the Secretary of State for statewide offices, those offices on the ballot in more than one county, all Legislative offices and all Judicial offices, except Magistrates
- With your county clerk for offices on the ballot only in one county including Magistrates
- With the municipal clerk/recorder for city or town offices

### **Reporting requirements:**

Write-in candidates are subject to the same ethics, campaign finance laws, and reporting requirements as other candidates.

### ***Campaign Finance***

From the time you file either a Precandidacy Statement or a Certificate of Announcement you will be required to file campaign finance reports. All reports must be filed on time and include all information regarding your campaign contributions and expenditures. You must continue to file reports until the election is over and you file a final report with a zero balance. Any personal money spent on your campaign must be reported as a contribution or loan. A candidate is not limited to the amount of personal money he or she may spend on his or her own campaign.

### ***Ethics Disclosure***

You must file a personal financial disclosure report with the WV Ethics Commission within 10 days after you file your Certificate of Announcement.

Note: This is not required for executive committee candidates and municipal candidates in cities or towns not covered by the Ethics Act. For more information, contact the Ethics Commission at 1-304-558-0664.

## **How to Cast a Write-In Vote**

If you wish to cast a write-in vote, you may do so by following the instructions pertaining to the voting system used in your county.

### **Paper Ballots**

Paper ballots can have the name of the candidate and name of the office written on the face of the ballot. This type of ballot may also have a designated place on the ballot under each office title to use for writing in your choice.

You may use a rubber stamp or sticker with the candidate's name and office printed on it. When getting stickers or stamps made, make sure they are no larger than 1/2 inch by 2 inches in size. This will help prevent any problems with defacing the ballot or voting equipment.

**\*West Virginia law prohibits the distribution of campaign materials (such as stamps or stickers) within 100 feet of a polling place on Election Day or on the property of the county courthouse, any annex facilities, or within 100 feet of the outside entrance of any other designated early voting locations within the county where early voting is taking place.**

The vote may be cast by crossing out the name of one of the candidates printed on the ballot, then enter your write-in candidate's name.

A sticker (containing all the necessary candidate information) can be used to cover up another candidate's name on the ballot. The sticker may be placed in other areas, as long as it is on the front of the ballot. Stickers placed on the back of the ballot will not be counted.

Another way to cast a write-in vote is by using a rubber stamp, which is printed with the same information as a sticker. A voter can then "stamp" the front of the ballot with the rubber stamp.

Because of the costs involved in making these rubber stamps, candidates do not often use this as a means to cast write-in votes.

### **Optical/Digital Scan Ballots**

Optical or digital scan ballots are paper ballots that have coding which allows them to be tabulated electronically.

With the optical or digital scan system, the voter fills in the oval next to the name of the candidate for which a vote is cast. A position is also provided to mark a write-in vote. When casting the write-in vote, fill in the oval and write in the name of the candidate on the blank line next to the oval.

### **Direct Recording Electronic (DRE) Ballots and Ballot Marking Devices**

The DRE and ballot marking devices use a computer screen to prompt the voter through the ballot by touching the screen. To cast a write-in vote, the box designated "write-in" is selected and the name of the official write-in candidate is typed using the keyboard that appears on the screen of the voting device.

## **Frequently Asked Questions Relating to Write-Ins**

**Q:** Where can I find out who is running as a write-in candidate?

**A:** A list of official write-in candidates that have filed the Certificate of Announcement is posted at the polling place.

**Q:** Why can poll workers not tell voters about write-in candidates?

**A:** Poll workers are not permitted to discuss write-in candidates with voters, just as they are not allowed to talk about other candidates or campaign-related matters. This might be considered a form of campaigning by the poll workers. If a voter asks who the write-in candidates are in an election, the poll worker must direct that voter to the posted list. If a voter needs to know how to cast a write-in vote, they may ask a poll worker for instructions in utilizing the voting system.

**Q:** If I am allowed to vote for two people for an office, can one of those be a write-in candidate?

**A:** Yes.

**Q:** Do I have to file to be a write-in candidate if no one else is running for that office?

**A:** Yes. All write-in candidates must file the certificate of announcement.

**Q:** What if I spell a write-in candidate's name wrong?

**A:** Misspelling the name will not matter as long as the intent of the voter to vote for the write-in candidate is clear.

**Q:** Do I have to know the write-in candidate's full name?

**A:** It depends. If two official write-in candidates do not have the same first or last name, either the first or last name of the candidate(s) alone shall be deemed to express the clear intention of the voter. This is determined in a number of ways. The election officials look at each write-in vote to determine if it is clear who the voter wishes to vote for by viewing the area to mark the write-in and/or writing the candidate's name.

**Q:** What happens if I do not file as a write-in candidate, but I get a large number of write-in votes anyway?

**A:** If you did not file as an official write-in candidate, none of the votes you received will be counted.