

**BEFORE THE WEST VIRGINIA
STATE ELECTION COMMISSION**

In Re: Request for Disqualification of Larry Gene Ashley, Jr., as a Candidate for Ritchie County Commission Pursuant to W. Va. Code § 3-5-19(a)(4)

ORDER

On August 10, 2026, the Petitioner, Angela Hardbarger, appeared before the West Virginia State Election Commission (“Commission”) for a duly noticed meeting.

The Commission, through counsel, David P. Cook, Jr., provided notice of meeting to the last known addresses for the Respondent, Larry Gene Ashley, Jr. Mr. Ashley failed to appear for the meeting.

For the reasons set forth in the following Findings of Fact and Conclusions of Law, the Commission hereby **ORDERS** as follows:

Findings of Fact

1. On February 17, 2026, Respondent, Larry Gene Ashley, Jr., filed a sworn and notarized Certificate of Announcement with the Ritchie County Clerk as a write-in candidate for an unexpired term of the Ritchie County Commission, Northeast District.

2. On August 6, 2026, Petitioner, Angela Hardbarger, submitted a timely written request to the Commission seeking the disqualification of Larry Gene Ashley, Jr., as a candidate for Ritchie County Commission pursuant to W. Va. Code § 3-5-19(a)(4).

3. The Commission scheduled a public meeting for August 10, 2026, to hear evidence and determine whether the circumstances warranted the disqualification of the candidate. On August 7, 2026, counsel for the Commission sent notice of the upcoming public meeting to Mr. Ashley at the address listed on his Certificate of Announcement, as well as to addresses listed in the Statewide Voter Registration System and the West Virginia Division of Motor Vehicles

database. Counsel further attempted to provide notice through several telephone numbers listed for Mr. Ashley.

4. On August 10, 2026, the public meeting was conducted remotely through Microsoft Teams. The Commission received testimony and evidence and heard arguments from Ms. Hardbarger. Despite the aforementioned attempts to provide notice to Mr. Ashley, he failed to appear for the public meeting.

5. Ms. Hardbarger, the Clerk for Ritchie County, testified that Mr. Ashley is no longer a resident of Ritchie County, West Virginia. Ms. Hardbarger testified that, after updating Mr. Ashley's address information into the Statewide Voter Registration System, she mailed a letter to Mr. Ashley on July 9, 2026, at the address listed on his Certificate of Announcement, 508 Fream Street, Pennsboro, WV 26415, notifying him that his Certificate of Announcement has been processed. A copy of that letter was provided to the Commission. Ms. Hardbarger testified that the letter was returned as undeliverable on July 20, 2026.

6. Ms. Hardbarger testified that she thereafter received notification from the West Virginia Division of Motor Vehicles ("DMV") that Mr. Ashley had moved to West Union, Doddridge County, West Virginia. A copy of the Doddridge County DMV registration was provided to the Commission.

7. Ms. Hardbarger testified that, upon receiving notice from the DMV, she called both telephone numbers on file for Mr. Ashley to inquire about the move. Those calls went unanswered. She also mailed a voluntary candidate withdraw form to Mr. Ashley on July 22, 2026. To date, Mr. Ashley has failed to respond to Ms. Hardbarger's various inquiries.

8. After considering the factual evidence and arguments presented by Ms. Hardbarger, the Commission entered executive session to receive advice from counsel and to deliberate.

Conclusions of Law

9. W. Va. Code § 3-5-19(a)(4) provides that, if a vacancy in nomination is caused by the disqualification of a candidate and the vacancy occurs not later than 84 days before the general election, a nominee may be appointed by the executive committee and certified to the proper filing officer not later than 78 days before the general election.

10. W. Va. Code § 3-5-19(a)(4) further provides that a candidate may be determined disqualified if a written request is made to the State Election Commission by an individual with information demonstrating a candidate's ineligibility. The request must be made no later than 84 days before the general election and must explain the grounds upon which the candidate is alleged to be ineligible to be placed on the general election ballot or ineligible to hold the office, if elected.

11. Under the above-referenced Code section, the Commission shall review the reasons for the request and, if the Commission finds that the circumstances warrant disqualification of the candidate, the Commission shall authorize the executive committee to appoint a nominee to fill the vacancy.

12. While various sections of W. Va. Code § 3-5-19 have been amended, most recently in 2024, the process by which the Commission reviews and adjudicates candidate disqualification challenges has not changed since 1991.

13. In 2009, the Legislature enacted W. Va. Code § 7-1-15, which provides a specific procedure for challenging the qualifications of a candidate for county commission. A person desiring to contest the qualifications of a candidate for the office of county commission at a general election shall file a verified petition with the circuit court of the county in which the candidate is seeking office. The circuit court shall set the matter for hearing, conduct a bench trial, and determine whether the candidate whose qualifications have been challenged is legally qualified to

have his or her name placed upon the ballot in question. Pursuant to W. Va. Code § 7-1-15(f), the procedure set forth above “shall be the sole and only manner” in which the qualifications of a candidate for county commission may be challenged prior to the time of his or her election.

14. “When faced with a choice between two statutes, one of which is couched in general terms and the other of which specifically speaks to the matter at hand, preference generally is accorded to the specific statute.” Newark Ins. Co. v. Brown, 218 W. Va. 346, 351, 624 S.E.2d 783, 788 (2005). “Typically, when two statutes govern a particular scenario, one being specific and one being general, the specific provision prevails.” Bowers v. Wurzburg, 205 W. Va. 450, 462, 519 S.E.2d 148, 160 (1999).

15. W. Va. Code § 3-5-19(a)(4) and W. Va. Code § 7-1-15 are not in conflict; rather, one speaks generally to the disqualification of a candidate by the Commission, while the other establishes a specific procedure governing challenges to the qualifications of a county commission candidate in the circuit court. It is well established that a specific statute prevails over a general statute unless it is readily apparent that the Legislature intended to repeal the specific statute by enacting the general one. Trumka v. Clerk of the Circuit Court of Mingo County, 175 W. Va. 371, 332 S.E.2d 826 (1985).

16. Because W. Va. Code § 7-1-15 provides a specific procedure for challenging the qualifications of a candidate for county commission, and because the Legislature expressly provided that such procedure “shall be the sole and only manner” in which those qualifications may be challenged, there is no basis for employing the general candidate-disqualification procedures set forth in W. Va. Code § 3-5-19(a)(4) with respect to the requests for disqualification of Mr. Ashley.

17. The Commission must have subject-matter jurisdiction to enter a valid and enforceable order adjudicating a candidate-disqualification claim. The Commission may dismiss a matter sua sponte for lack of subject-matter jurisdiction. Because the Legislature has provided that the circuit court has subject-matter jurisdiction over challenges to the qualifications of county commission candidates, the Commission lacks subject-matter jurisdiction over the particular matter presented here.

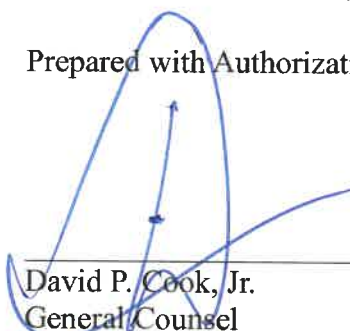
IT IS THEREFORE ORDERED that, based on the foregoing, the request for disqualification of Larry Gene Ashley, Jr., as a candidate for Ritchie County Commission pursuant to W. Va. Code § 3-5-19(a)(4) is hereby **DISMISSED, WITHOUT PREJUDICE**.

The Commission **DIRECTS** counsel of record for the West Virginia State Election Commission to transmit a copy of this Order to counsel of record and to any unrepresented party.

ENTERED this 11th day of August, 2026.

STATE ELECTION COMMISSION

Prepared with Authorization by:



David P. Cook, Jr.
General Counsel
Office of the West Virginia Secretary of State