

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

HUNTINGTON DIVISION

NAOMI SPENCER DALY,
DARRELL CASTLE and
DORREL W. ARTHUR,

Plaintiffs,

v.

No. 3:16-cv-08981

NATALIE TENNANT.
in her official capacity as
Secretary of State of the
State of West Virginia,

Defendant.

COMPLAINT OF DORREL W. ARTHUR, INTERVENING PLAINTIFF

1. Dorrel W. Arthur, as an intervening plaintiff, accepts and incorporates in this Complaint by reference, as if fully set forth verbatim, paragraphs 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 16, 17, 18, 19, 28, 21, 22, 23, and 24 as contained in the original verified complaint filed in this action and listed on the docket of this Court as document entry number 1.

2. Dorrel W. Arthur is a citizen of the United States and of Putnam County, West Virginia.

3. Dorrel W. Arthur is a duly qualified, non-affiliated, independent candidate for the office of Commissioner, County Commission of Putnam County, West Virginia, by virtue of a certificate of announcement dated June 1, 2016, obtained from the Clerk of the County Commission of Putnam County West Virginia.

4. Dorrel W. Arthur obtained his certificate of announcement and qualified as a candidate to be included in the general election ballot in November 8, 2016, by virtue of his compliance with *W.Va. Code* § 3-5-7(d)(6) and §§ 3-5-23, 24 as they were represented to him by the West Virginia Secretary of State.

5. On September 19, 2016, Dorrel W. Arthur was informed by the Putnam County Clerk that his name would be removed from the November 8, 2016, general election ballot because of the defendant's interpretation of *Wells v. SER Miller*, West Virginia Supreme Court of Appeals, No. 16-0779, September 15, 2016; Mr. Arthur was told that his only means of ballot access would be as a "write-in" candidate.

6. Dorrel W. Arthur's certificate of announcement of his candidacy for Putnam County Commissioner was not filed prior to January 30, 2016, because in the month of January 2016, Mr. Arthur was not eligible to announce his candidacy as a non-affiliated, independent candidate.

7. Dorrel W. Arthur's certificate of announcement of his candidacy for Putnam County Commissioner was filed on June 1, 2016, three days after he became eligible to be a non-affiliated, independent candidate for office.

Based upon the foregoing, the intervening plaintiff, Dorrel W. Arthur, joins in the prayer for relief stated in the original Complaint filed herein; with regard to the original plaintiffs' emergency motion for a temporary restraining order, Dorrel W. Arthur prays for additional relief in the form of a directive from the Court ordering the Secretary of State to instruct the County Clerk of Putnam County, West Virginia, to include Mr. Arthur's name on the November 8, 2016, general election ballot as a candidate for the office of Putnam County Commissioner.

DORREL W. ARTHUR

BY COUNSEL

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