

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

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

Petitioner,

v.

Civil Action No. 26-C-1252
Honorable Carrie Webster

KRIS WARNER,
Secretary of State for the
State of West Virginia, and
STEPHANIE BUTCHER,

Respondents.

aw
AGREED ORDER

On October 13, 2026, Petitioner filed a Verified Petition for Writ of Mandamus requesting this Court Order Respondent Secretary of State to withdraw Respondent Stephanie Butcher's Candidate Certificate of Acceptance and remove Respondent Butcher from the ballot in Senatorial District 4. The Court entered a Briefing Schedule on October 19, 2026 and required any responses to the Petition be filed by October 21, 2026. Respondent Secretary of State filed a Response on October 22, 2026 and Respondent Butcher did not file a response.

A hearing was held on October 23, 2026 at which time Petitioner and Respondent Secretary of State and Respondent Butcher appeared. The Court considered argument and heard testimony from the parties. Respondent Butcher does not contest that she is a resident of Mason County, West Virginia and that Senator Amy Nicole Grady who currently serves District 4 is also a resident of Mason County. The Court further **FINDS** that District 4 is a multi-county district which includes all of Mason County and portions of Cabell, Jackson and Putnam counties and that the West Virginia Constitution Article VI, section 4 prohibits a multi-county district electing two

senators who reside in the same county. *See also State ex. rel Boley v. Tennant*, 228 W. Va. 812, 724 S. E.2d 783 (2012).

Thus, under due consideration, this Court **GRANTS** Petitioner's Writ and **ORDERS** Respondent Secretary of State to withdraw the certification of candidacy of Respondent Butcher. The Secretary of State is **ORDERED**, pursuant to the authority granted by W. Va. Code, § 3-1A-6(a), to direct the respective county clerks and ballot commissioners for the District 4 Counties to post a sign at all polling places stating that the Respondent Stephanie Butcher is ineligible as a candidate for Senate District 4. The Court **ORDERS** that all signs be posted on the polling place door. For all absentee-by-mail ballots issued after the date of this Order, a printed notice shall be placed in all absentee ballot envelopes mailed to eligible absentee voters informing them that Respondent Stephanie Butcher is ineligible as a candidate for Senate District 4.

There being nothing further, the Court **ORDERS** that this action be **STRICKEN** from the docket of this Court and further **DIRECTS** the Clerk of this Court to provide a certified copy of this order to the parties.

ENTERED this 23 day of October, 2026.



Carrie Webster
Circuit Court Judge

Prepared by:

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