WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941

ENROLLED
SENATE BILL No. 19
(By Mr. Smith)

PASSED Feb. 11, 1941

In Effect 90 days from Passage
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AN ACT to amend and reenact section twenty-nine, article four, chapter three, of the code of West Virginia, one thousand nine hundred thirty-one, relating to elections and the nominations of candidates by certificate, and providing for authority to investigate the validity of such certificates and the institution of legal proceedings, and penalties for violations.

Be it enacted by the Legislature of West Virginia:

That section twenty-nine, article four, chapter three, of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:
Section 29. Certificate Nominations; Qualifications of Signers and Solicitors; Penalties. (a) Groups of citizens having no party organization may nominate candidates for public office otherwise than by conventions or primary elections. In such case, the candidate or candidates, jointly or severally, shall file a declaration containing the name of the political party he or they propose to represent, its platform, principles or purposes, with the secretary of state if the office is to be filled by the voters of more than one county, or with the clerk of the circuit court of the county if the office is to be filled by the voters of one county or political subdivision thereof; such declaration to be filed at least thirty days prior to the time of filing the certificate provided by section thirty of this article and at the time of filing of such declaration each candidate shall pay the filing fee required by law, and if such declaration is not so filed or the filing fee so paid the certificate shall not be received by the secretary of state, or clerk of the circuit court, as the case may be.

(b) The person or persons soliciting or canvassing sig-
natures of duly qualified voters on such certificate or
certificates, shall be residents and qualified, registered
voters, of the magisterial district of the county in which
such solicitation or canvassing is made, and may solicit or
canvass duly registered voters resident within their own
respective magisterial district, but must first obtain from
the clerk of the county court of which such canvasser or
solicitor is a resident, credentials which must be ex-
hibited to each voter canvassed or solicited, which creden-
tials may be in the following form or effect:

State of West Virginia, County of _____, ss:

This certifies that ________, a duly registered voter
of Precinct No. _____, District, of this
county and state; whose postoffice address is ________,
is hereby authorized to solicit and canvass duly regis-
tered voters residing in ________ District of this
County to sign a certificate purporting to nominate
_______ (here place name of candidate head-
ing list on certificate) for the office of ________, and
others, to represent the ________ Party at the
general election to be held on ________, 19___. 
Given under my hand and the seal of my office this 

_______ day of ________, 19____.

Clerk, County Court of ______County.

The clerk of each county court, upon proper applica-
tion made as herein provided, shall issue such creden-
tials and shall keep a record thereof.

(c) The certificate shall be personally signed by duly
registered voters, in their own proper handwriting or
by their marks duly witnessed, who must be residents
within the magisterial district of the county wherein
such canvass or solicitation is made by the person or
persons duly authorized. Such signatures need not all
be on one certificate. The number of such signatures
shall be equal to not less than one per centum of the
entire vote cast at the last preceding general election
for the office in the State, circuit, district, county or
other political division for which the nomination is to
be made, but in no event shall the number be less than
twenty-five. Where two or more nominations may be
made for the same office, the total of the votes cast at
the last preceding general election for the candidates receiving the highest number of votes on each ticket for such office shall constitute the entire vote. No signature on such certificate shall be counted unless it be that of a duly registered voter of a precinct within the magisterial district wherein such certificate was presented. No person signing such certificate shall vote at any primary election to be held to nominate candidates for office to be voted for at the election to be held next after the date of signing such certificate.

(d) Such certificates shall state the name and residence of each of such candidates; that he is legally qualified to hold such office; that the subscribers are legally qualified and duly registered as voters and desire to vote for such candidates; and shall designate, by not more than five words, a brief name of the party which such candidates represent and may adopt a device or emblem to be printed on the official ballot. All candidates nominated by the signing of such certificates shall have their names placed on the official ballot as candidates, as if otherwise nominated under the provisions of this chapter. At the
top of each certificate shall be the following form or to
the following effect:

State of West Virginia, County of ____________, ss:
This is to certify that we, the undersigned, are duly
registered voters, resident within the magisterial district
of ____________, County of ____________, State of
West Virginia, and do hereby make the following nomi-
nations for public office, to-wit:

For House of Delegates

A________ B________, Residence ____________________

(And so on for each nomination so made)

And, we further certify that each of said candidates is
legally qualified to hold the office for which he is nomi-
nated; that we are legally registered and qualified voters
and desire to vote for said candidates and acknowledge
that we are aware that no person signing this certifi-
cate can legally vote at the primary election next en-
suing after the date of the filing of this certificate. The
name of the party which the candidates represent is (here
state name) and the device or emblem of the party is
(here affix device).
(e) The secretary of state, or the clerk of the circuit court, as the case may be, may investigate the validity of such certificates and the signatures thereon, and if upon such investigation there may be doubt as to the legitimacy and the validity of such certificate, he may request the attorney general of the state, or the prosecuting attorney of the county, to institute a quo warranto proceeding against the nominee or nominees by certificate to determine his or their right to such nomination to public office, and upon request being made, the attorney general or prosecuting attorney shall institute such quo warranto proceeding.

(f) Any person violating the provisions hereof, in addition to penalties prescribed elsewhere for violations of this chapter, shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than one thou-
sand dollars, or confined in the county jail for not more than one year, or both, in the discretion of the court.

All acts, or parts of acts, in conflict with the provisions hereof are hereby repealed; and if any clause, sentence, paragraph, or part of this section shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this section, but shall be confined in its operation to the clause, sentence, paragraph or part thereof of directly involved in the controversy in which such judgment shall have been rendered.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

C. H. M. Towne
Chairman Senate Committee

Leon Rice
Chairman House Committee

Originated in the Senate

Takes effect 90 days from passage

Oscar Walters
Clerk of the Senate

Clerk of the House of Delegates
Byron B. Raudolph
President of the Senate

Malcolm R. Arnold
Speaker House of Delegates

The within appeared this the 15th-
day of February, 1941.

Matthew M. Neely
Governor.

Filed in the office of West Virginia.
Wm. S. O'Brien,
Secretary of State