

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941



ENROLLED

HOUSE BILL No. 16

(By Mr. James R. Ewing)



PASSED March 7 1941

In Effect thirty days from Passage

217#

ENROLLED

House Bill No. 16

(BY MR. JAMES R. EWING)

[Passed March 7, 1941; in effect ninety days from passage.]

AN ACT to amend and reenact sections six and eight, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, relating to announcement and certification and posting of candidacies.

Be it enacted by the Legislature of West Virginia:

That sections six and eight, 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 6. *Announcement of Candidacies.*—Any person
2 who is eligible to hold an office (including that of mem-
3 ber of a state or county executive committee) may file
4 with the secretary of state, if it be an office to be filled
5 by the voters of more than one county, or with the clerk

6 of the circuit court, if it be for an office to be filled by the
7 voters of a county or a subdivision less than a county, a
8 certificate declaring himself a candidate for the nomina-
9 tion for such office; which certificate shall be in form or
10 effect as follows:

11 I, _____, hereby certify that
12 I am a candidate for the nomination for the office.....
13 _____ to represent the.....
14 party, and desire my name printed on the official ballot
15 of said party to be voted at the primary election to be
16 held on the.....day of....., 19.....; that
17 I am a legally qualified voter of the county of.....,
18 state of West Virginia; that my residence is number.....
19 _____of..... street in the city (or
20 town) of..... in..... county
21 in said State; that I am eligible to hold the said office;
22 that I am a member of and affiliated with said political
23 party; that I am a candidate for said office in good faith.

24

25

Candidate.

26 Signed and acknowledged before me this.....day of
 27 _____, 19____
 28 _____
 29 Signature and official title
 30 of person before whom
 31 signed.

32 Such announcement shall be signed and acknowledged
 33 by the candidate before some officer qualified to admin-
 34 ister oaths, who shall certify the same: *Provided*, That
 35 no person may be a candidate for nomination for office
 36 in any political party, unless it be openly known that
 37 such person is a bona fide member of such party.

38 Such certificate shall be filed with the secretary of
 39 state or the clerk of the circuit court, as the case may be,
 40 on or before the fifth Saturday preceding the primary
 41 election day, and must be received before midnight, east-
 42 ern standard time, of that day or, if mailed, shall be post-
 43 marked before that hour.

Sec. 8. *Certification and Posting of Candidacies.*—On
 2 the Monday following the fifth Saturday preceding the
 3 day fixed for the primary election, the secretary of state

4 shall arrange the names of all the candidates, who have
5 filed announcements with him, as provided in this article,
6 and who are entitled to have their names printed on any
7 political party ballot, in accordance with the provisions of
8 this chapter, and shall forthwith certify the same under
9 his name and the lesser seal of the state, and file the same
10 in his office, and make and transmit a duplicate thereof
11 by registered mail to the clerk of the circuit court of
12 each county, in the state, in which such candidate or
13 candidates is or are to be voted for. He shall also post a
14 duplicate of such list or lists in a conspicuous place in
15 his office, and keep the same posted until after the pri-
16 mary election. In case of emergency, the secretary of
17 state may transmit such duplicate list or lists by tele-
18 graph. The certificates to be made by the secretary of
19 state as herein provided shall give the name and resi-
20 dence of each candidate, the office for which he is a
21 candidate, the name of the political party of which he
22 is a candidate, and upon what ballot his name is to be
23 printed.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

C. H. McHarris

Chairman Senate Committee

Leon Rice

Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Atale Watkins

Clerk of the Senate

Stalliff

Clerk of the House of Delegates

Byron B. Randolph

President of the Senate

Malcolm R. Arnold

Speaker House of Delegates

The within approved this the 14th

day of March, 1941.

Matthew A. Neely

Governor.

1

Filed in the office of the Secretary of State of West Virginia MAR 17 1941

Wm. S. O'BRIEN, Secretary of State

MAR 17 1941