WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

HOUSE BILL No. 40

(By Mr. Mills)

PASSED Feb 21, 1957

In Effect 90 days from Passage
ENROLLED

House Bill No. 40
(By Mr. Mills)

[Passed February 21, 1957; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-three, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to vacancies in nominations for elections and payment of filing fees by candidates.

Be it enacted by the Legislature of West Virginia:

That section twenty-three, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 23. Vacancies in Nominations; Filing Fees.—If any vacancy shall occur in the party nomination of candidates for office, caused by the death, withdrawal, failure to make a nomination for the office at the primary election, or otherwise, it may be filled and the name of the candidate certified by the executive committee of the
political party for the political division in which the 
vacancy occurs. If such vacancy be not filled by the execu-
tive committee more than forty-five days next preceding 
the date of the election, it shall be lawful for the chairman 
of the political party executive committee for the political 
division to fill such vacancy and make a certificate thereof 
and file the same with the officer with whom the original 
certificate of nomination was, should or might have been, 
regularly filed. And it shall be the duty of the officer to 
receive and proceed with the same in all respects as an 
original nomination: Provided, however, That in no in-
stance shall a certificate be filed and received less than 
fourty-two days preceding the date of election: Provided 
further, That where the vacancy exists because of a failure 
to make a nomination for the office at the primary elec-
tion, no nomination under this section shall be deemed 
filed until a filing fee shall have been paid in an equal 
amount and to the same office that a candidate for the 
nomination to the position being filled under this section 
is required to pay under section six-a of this article.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker, House of Delegates

The within approved this the second
day of March 1957.

[Signature]
Governor

Filed in the Office of the Secretary of State
of West Virginia. MAR 2 - 1957

D. Pitt O'Brien

Secretary of State