

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
2 any vacancy shall occur in the party nomination of can-
3 didates for office, caused by the death, withdrawal, failure
4 to make a nomination for the office at the primary elec-
5 tion, or otherwise, it may be filled and the name of the
6 candidate certified by the executive committee of the

7 political party for the political division in which the
8 vacancy occurs. If such vacancy be not filled by the execu-
9 tive committee more than forty-five days next preceding
10 the date of the election, it shall be lawful for the chairman
11 of the political party executive committee for the political
12 division to fill such vacancy and make a certificate thereof
13 and file the same with the officer with whom the original
14 certificate of nomination was, should or might have been,
15 regularly filed. And it shall be the duty of the officer to
16 receive and proceed with the same in all respects as an
17 original nomination: *Provided, however,* That in no in-
18 stance shall a certificate be filed and received less than
19 forty-two days preceding the date of election: *Provided*
20 *further,* That where the vacancy exists because of a failure
21 to make a nomination for the office at the primary elec-
22 tion, no nomination under this section shall be deemed
23 filed until a filing fee shall have been paid in an equal
24 amount and to the same office that a candidate for the
25 nomination to the position being filled under this section
26 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.

Don R. Mardouff
Chairman Senate Committee

J. F. Seem
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

Howard Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ralph J. Bean
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

Filed in the Office of the Secretary of State of West Virginia