WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1964

ENROLLED

HOUSE BILL No. 53

(By Mr. Watson)

PASSED January 31, 1964

In Effect from Passage

FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 2-1-64
AN ACT to amend and reenact section seven, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to filing announcements of candidacies for the Legislature, and providing that announcements of candidacy for the Legislature filed on or before February one, one thousand nine hundred sixty-four, shall be considered sufficient and valid in event that section one and section two, or either of them, of chapter one hundred fifty-eight, of the acts of the Legislature of West Virginia, one thousand nine hundred sixty-three, are declared unconstitutional, and said
Legislature be reapportioned prior to the one thousand nine hundred sixty-four primary election, providing for transfer of certificates of candidacy, and filing fees from circuit clerks to secretary of state, and for the arrangement of names of candidates for the offices of state senator and member of the House of Delegates, and the certification of candidates therefor by the secretary of state for the year one thousand nine hundred sixty-four.

Be it enacted by the Legislature of West Virginia:

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

Article 5. Primary Elections and Nominating Procedures.

Section 7. Filing Announcements of Candidacies; Requirements.—Any person who is eligible to hold an office (including that of member of a state or county executive committee) shall file with the secretary of state, if it be an office to be filled by the voters of more than one county, or with the clerk of the circuit court, if it be for an office to be filled by the voters of a county or subdivision less than a county, a certificate declaring himself
a candidate for the nomination for such office; which certificate shall be in form or effect as follows:

I, ______________________, hereby certify that I am a candidate for the nomination for the office of ______________________

to represent the ___________ party, and desire my name printed on the official ballot of said party to be voted at the primary election to be held on the ______ day of __________, 19_____; that I am a legally qualified voter of the county of ________________ , State of West Virginia; that my residence is number _______ of __________ street in the city (or town) of ____________ in ____________ county in said state; that I am eligible to hold the said office; that I am a member of and affiliated with said political party; that I am a candidate for said office in good faith.

________________________________________

Candidate

Signed and acknowledged before me this ______ day of __________, 19_____.

________________________________________

Signature and official title of person before whom signed.
Such announcement shall be signed and acknowledged by the candidate before some officer qualified to administer oaths, who shall certify the same.

No person may be a candidate for nomination for office in any political party unless it be openly known that such person is a bona fide member of such party.

Such certificate shall be filed with the secretary of state or the clerk of the circuit court, as the case may be, not earlier than the first Monday in January next preceding the primary election day, and not later than the first Saturday of February next preceding the primary election day, and must be received before midnight, eastern standard time, of that day or, if mailed, shall be postmarked before that hour: Provided, That during the calendar year of one thousand nine hundred sixty-four, in event (a) that section one and section two, or either of them (in whole or in part), of article two of chapter one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, said article two having been enacted by chapter one hundred fifty-eight of the acts of the Legislature of West Virginia, for the
year one thousand nine hundred sixty-three, regular ses-

session, relating to the apportionment of membership in the

Legislature, are declared unconstitutional by the supreme
court of appeals of West Virginia, and (b) that there-
after the Legislature enacts legislation reapportioning
said Legislature prior to the primary election for the year
one thousand nine hundred sixty-four, the announce-
ments of candidacies for membership in the state Senate
and membership in the House of Delegates which were
properly filed on or before February one, one thousand
nine hundred sixty-four, by any persons under the pro-
visions of this section, shall be considered valid and
sufficient announcements of candidacies for such offices
in the counties or districts wherein such candidates reside
at the time said certificates of candidacies were filed for
membership in the Legislature representing the particu-
lar counties, delegate districts or senatorial districts for
which filed, as the case may be, or which are created
in such apportionment legislation as may hereafter be
adopted during the year one thousand nine hundred
sixty-four, prior to the primary election: Provided, how-
ever, That in event such apportionment legislation is hereafter adopted during the year one thousand nine hundred sixty-four prior to the primary election wherein delegate districts are established, the circuit clerks of all counties within such established delegate districts shall immediately transfer all certificates of candidacy for membership in the House of Delegates, together with the filing fees therefor, to the secretary of state: Provided further, That notwithstanding the provisions of section nine, article five of this chapter and any other provision of this chapter requiring an earlier date or time, the secretary of state shall arrange the names of all candidates who have filed announcements with him and who are entitled to have their names printed on any political party ballot for the offices of state senator and member of the House of Delegates and shall certify the same to the several clerks of the circuit courts prior to the week next following the second Saturday in the month of March, in the year one thousand nine hundred sixty-four.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 1st day of February, 1964.