

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

53

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House Bill No. 53

(By MR. WATSON)

[Passed January 31, 1964; in effect from passage.]

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

9 a candidate for the nomination for such office; which cer-
10 tificate shall be in form or effect as follows:

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

23 _____

Candidate

25 Signed and acknowledged before me this _____ day of
26 _____, 19_____.

27 _____

Signature and official title

29 of person before whom signed.

30 Such announcement shall be signed and acknowledged
31 by the candidate before some officer qualified to admin-
32 ister oaths, who shall certify the same.

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

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

51 year one thousand nine hundred sixty-three, regular ses-
52 sion, relating to the apportionment of membership in the
53 Legislature, are declared unconstitutional by the supreme
54 court of appeals of West Virginia, and (b) that there-
55 after the Legislature enacts legislation reapportioning
56 said Legislature prior to the primary election for the year
57 one thousand nine hundred sixty-four, the announce-
58 ments of candidacies for membership in the state Senate
59 and membership in the House of Delegates which were
60 properly filed on or before February one, one thousand
61 nine hundred sixty-four, by any persons under the pro-
62 visions of this section, shall be considered valid and
63 sufficient announcements of candidacies for such offices
64 in the counties or districts wherein such candidates reside
65 at the time said certificates of candidacies were filed for
66 membership in the Legislature representing the particu-
67 lar counties, delegate districts or senatorial districts for
68 which filed, as the case may be, or which are created
69 in such apportionment legislation as may hereafter be
70 adopted during the year one thousand nine hundred
71 sixty-four, prior to the primary election: *Provided, how-*

72 *ever*, That in event such apportionment legislation is
73 hereafter adopted during the year one thousand nine
74 hundred sixty-four prior to the primary election where-
75 in delegate districts are established, the circuit clerks of
76 all counties within such established delegate districts
77 shall immediately transfer all certificates of candidacy
78 for membership in the House of Delegates, together with
79 the filing fees therefor, to the secretary of state: *Provided*
80 *further*, That notwithstanding the provisions of section
81 nine, article five of this chapter and any other provision
82 of this chapter requiring an earlier date or time, the
83 secretary of state shall arrange the names of all candi-
84 dates who have filed announcements with him and who
85 are entitled to have their names printed on any political
86 party ballot for the offices of state senator and member
87 of the House of Delegates and shall certify the same
88 to the several clerks of the circuit courts prior to the
89 week next following the second Saturday in the month
90 of March, in the year one thousand nine hundred sixty-
91 four.

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

Roy Parker
Chairman Senate Committee

Abel L. Crandall
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Cannon
President of the Senate

Julius W. Singletary
Speaker House of Delegates

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

W. W. Cannon
Governor