

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969



ENROLLED

HOUSE BILL No. 569

(By Mr. Stump and Mr. Compassion)



PASSED March 8, 1969

In Effect Ninety days from Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 3-12-69

#569

ENROLLED
House Bill No. 569
(By MR. STAMP and MR. COMPANION)

[Passed March 8, 1969; in effect ninety days from passage.]

AN ACT to amend and reenact sections eleven and nineteen, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to vacancies in party nominations of candidates for office; how filled; fees.

Be it enacted by the Legislature of West Virginia:

That sections eleven and nineteen, 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.

§3-5-11. Candidacies not certified; vacancies; stickers; fees.

1 If, by satisfactory evidence, it shall appear to the ballot

2 commissioners of any county that announcements have
3 been made in conformity with the provisions of this
4 chapter and no certificate thereof has been received by
5 them, they shall include such persons among the names
6 of candidates to be printed upon the ballots, as in this
7 article provided.

8 If, after the time is closed for announcing as a candi-
9 date for any office, and not later than the fifth day pre-
10 ceding the date of the primary election, any person who
11 has filed an announcement of candidacy shall withdraw
12 and decline to stand as a candidate for the office, or shall
13 die, leaving no primary election candidate for his party's
14 nomination for such office, or if no candidate shall have
15 filed an announcement of candidacy for such office the
16 executive committee of the party, for the political division
17 within which such candidate was to be voted for, may,
18 in its discretion, fill the vacancy by naming another
19 candidate for such office, and, when any such vacancy is
20 filled because of the failure of any candidate to file an
21 announcement of candidacy for such office, the vacancy
22 shall not be filled under the provisions of this section

23 until the required filing fee for such office candidacy
24 shall have been paid as provided in section eight of this
25 article. The chairman of such executive committee shall
26 forthwith certify the candidate so named for such vacancy
27 to the ballot commissioners of the county or counties
28 concerned and shall immediately send a copy of such
29 certificate to the secretary of state. If the ballots have
30 been printed before receipt of such certificate, the ballot
31 commissioners shall cause the name of the candidate so
32 certified by the chairman of the executive committee to
33 be printed on "stickers" and supplied to the commis-
34 sioners of election appointed to hold the primary election
35 at the different precincts of the county wherein such
36 candidate will stand for nomination. The procedures
37 prescribed in section four of article six of this chapter,
38 relating to the use of stickers in general elections, shall
39 be adaptable and applicable in primary elections where
40 not inconsistent with any provisions hereof.

§3-5-19. Vacancies in nominations; how filled; fees.

1 If any vacancy shall occur in the party nomination of
2 candidates for office, caused by the death, withdrawal,

3 failure to make a nomination for the office at the primary
4 election, or otherwise, other than the failure of a person
5 to file for the office at the primary election (whether such
6 death, withdrawal or other occurrence occurs within five
7 days prior to such primary election or thereafter), it
8 may be filled and the name of the candidate certified
9 by the executive committee of the political party for
10 the political division in which the vacancy occurs. If
11 such vacancy be not filled by the executive committee
12 by the sixty-fifth day next preceding the date of the
13 election, it shall be lawful for the chairman of the
; 14 political party executive committee for the political
15 division to fill such vacancy, make a certificate thereof,
16 and file the same with the officer with whom the original
17 certificate of nomination was or might have been regu-
18 larly filed. Such certificate shall be filed not later than
19 the sixtieth day, or in case of death of the nominated
20 candidate after the sixtieth day, not later than the fortieth
21 day, next preceding the date of the election and, when
22 filed, such officer shall proceed therewith in the same
23 manner in all respects as in cases⁶ of original nominations.

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

William Tamm
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

St. Lawrence Hughes
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Lloyd G. Jackson
President of the Senate

Everett R. Bunker
Speaker House of Delegates

The within disapproved this the 15th
day of March, 1969.

Arch A. Shaare Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/13/69

Time 3:15 p.m.

RECEIVED

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA