WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

HOUSE BILL No. 569

(By Mr. Stemp and Mr. Companion)

PASSED March 5, 1969
In Effect Ninety days from Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
TH'S DATE 3-12-69
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 been made in conformity with the provisions of this chapter and no certificate thereof has been received by them, they shall include such persons among the names of candidates to be printed upon the ballots, as in this article provided.

8 If, after the time is closed for announcing as a candidate for any office, and not later than the fifth day preceding the date of the primary election, any person who has filed an announcement of candidacy shall withdraw and decline to stand as a candidate for the office, or shall die, leaving no primary election candidate for his party’s nomination for such office, or if no candidate shall have filed an announcement of candidacy for such office the executive committee of the party, for the political division within which such candidate was to be voted for, may, in its discretion, fill the vacancy by naming another candidate for such office, and, when any such vacancy is filled because of the failure of any candidate to file an announcement of candidacy for such office, the vacancy shall not be filled under the provisions of this section.
until the required filing fee for such office candidacy shall have been paid as provided in section eight of this article. The chairman of such executive committee shall forthwith certify the candidate so named for such vacancy to the ballot commissioners of the county or counties concerned and shall immediately send a copy of such certificate to the secretary of state. If the ballots have been printed before receipt of such certificate, the ballot commissioners shall cause the name of the candidate so certified by the chairman of the executive committee to be printed on “stickers” and supplied to the commissioners of election appointed to hold the primary election at the different precincts of the county wherein such candidate will stand for nomination. The procedures prescribed in section four of article six of this chapter, relating to the use of stickers in general elections, shall be adaptable and applicable in primary elections where not inconsistent with any provisions hereof.

§3-5-19. Vacancies in nominations; how filled; 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, other than the failure of a person
to file for the office at the primary election (whether such
death, withdrawal or other occurrence occurs within five
days prior to such primary election or thereafter), 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 executive committee
by the sixty-fifth day 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, make a certificate thereof,
and file the same with the officer with whom the original
certificate of nomination was or might have been regu-
larly filed. Such certificate shall be filed not later than
the sixtieth day, or in case of death of the nominated
candidate after the sixtieth day, not later than the fortieth
day, next preceding the date of the election and, when
filed, such officer shall proceed therewith in the same
manner in all respects as in cases of original nominations.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tempez  
Chairman Senate Committee

Clayton C. Davisson  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Forward Tonnes  
Clerk of the Senate

Oakley Hanafin  
Clerk of the House of Delegates

Lloyd E. Jackson  
President of the Senate

Earl F. Burm Y  
Speaker House of Delegates

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

Arch B. Shade Jr.  
Governor
PRESENTED TO THE
GOVERNOR

Date 3/13/69

Time 3:15 P.M.