

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1973



ENROLLED

HOUSE BILL No. 616

(By Mr. McManus and M. Rollins)



PASSED April 9 1973

In Effect Ninety days from Passage



616

FILED IN THE OFFICE  
EDGAR F. WEISKELL III  
SECRETARY OF STATE  
THIS DATE 5-1-73

**ENROLLED**

**House Bill No. 616**

(By MR. SPEAKER, MR. MCMANUS, AND MR. ROLLINS)

[Passed April 9, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact section nineteen, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to elections; primary elections; nominating procedures; and providing for filling vacancies in party nominations for office due to death by party executive committees and by chairmen of party executive committees.

*Be it enacted by the Legislature of West Virginia:*

That section nineteen, article three, chapter five 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.**

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

1 If any vacancy shall occur in the party nomination of can-  
2 didates for office, caused by the withdrawal, failure to make  
3 a nomination for the office at the primary election, or other-  
4 wise, it may be filled and the name of the candidate certified  
5 by the executive committee of the political party for the  
6 political division in which the vacancy occurs. If such vacancy  
7 be not filled by the executive committee by the sixty-fifth  
8 day next preceding the date of the election, it shall be lawful  
9 for the chairman of the political party executive committee  
10 for the political division to fill such vacancy, make a certifi-

11 cate thereof, and file the same with the officer with whom  
12 the original certificate of nomination was or might have been  
13 regularly filed. Such certificate shall be filed not later than  
14 the sixtieth day next preceding the date of the election and,  
15 when filed, such officer shall proceed therewith in the same  
16 manner in all respects as in cases of original nominations.  
17 When any such vacancy exists because of failure to make a  
18 nomination for the office at the primary election, no nomi-  
19 nation for such office shall be deemed filed under provisions  
20 of this section until the required filing fee for such office  
21 candidacy shall have been paid as provided in section eight  
22 of this article.

23 Notwithstanding any provision of this chapter to the con-  
24 trary, when a vacancy for office occurs due to the death  
25 of the nominee for office, the executive committee of the  
26 political party for the political division in which the vacancy  
27 occurs may certify a candidate for such vacancy by the  
28 fourteenth day next preceding the date of the election, in  
29 the manner provided above. In the event such vacancy for  
30 office due to death is not filled by the executive committee  
31 by the fourteenth day next preceding the date of the election,  
32 then the chairman of the executive committee of the political  
33 party for the political division in which the vacancy occurs  
34 may certify a candidate for such vacancy by the twelfth day  
35 next preceding the date of the election, in the manner provided  
36 above. When vacancies are filled in the manner provided  
37 for in this paragraph, appropriate changes in the ballots shall  
38 be made in accordance with the provisions of section ten,  
39 article four, and section four, article six, of this chapter.

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

H. Darrel Darby  
Chairman Senate Committee

Clarence C. Christensen  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard W. Coarson  
Clerk of the Senate

C. Blankenship  
Clerk of the House of Delegates

H. C. Bostwick  
President of the Senate

Lewis H. McManus  
Speaker House of Delegates

The within approved this the 16th  
day of April, 1973.

Arch A. Moore Jr.  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/16/73

Time 9:11 a.m.