WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED

HOUSE BILL No. 616

(By Mr. Raimondi Rollins)

PASSED April 9, 1973

In Effect Thirty days from Passage

FILED IN THE OFFICE
EDGAR S. BEISKELL, 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 candidates for office, caused by the withdrawal, failure to make a nomination for the office at the primary election, or otherwise, 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 certifi-
cate thereof, and file the same with the officer with whom
the original certificate of nomination was or might have been
regularly filed. Such certificate shall be filed not later than
the sixtieth 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.
When any such vacancy exists because of failure to make a
nomination for the office at the primary election, no nomi-
nation for such office shall be deemed filed under 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.
Notwithstanding any provision of this chapter to the con-
trary, when a vacancy for office occurs due to the death
of the nominee for office, the executive committee of the
political party for the political division in which the vacancy
occurs may certify a candidate for such vacancy by the
fourteenth day next preceding the date of the election, in
the manner provided above. In the event such vacancy for
office due to death is not filled by the executive committee
by the fourteenth day next preceding the date of the election,
then the chairman of the executive committee of the political
party for the political division in which the vacancy occurs
may certify a candidate for such vacancy by the twelfth day
next preceding the date of the election, in the manner provided
above. When vacancies are filled in the manner provided
for in this paragraph, appropriate changes in the ballots shall
be made in accordance with the provisions of section ten,
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

Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

Howard B. Cavanaugh  
Clerk of the Senate

Clerk of the House of Delegates

W. C. Burrows  
President of the Senate

Lewis F. Manigault  
Speaker House of Delegates

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

Avery C. Sheppard  
Governor
PRESENTED TO THE GOVERNOR

Date  4/16/73
Time  9:11 a.m.