

No. 1122

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984

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ENROLLED

HOUSE BILL No. 1122

(By ~~Mr.~~ Del. Casey + Del. Hatcher)

— ● —

Passed January 27, 1984

In Effect From Passage



ENROLLED

H. B. 1122

(By DELEGATE CASEY and DELEGATE HATCHER)

[Passed January 27, 1984; in effect from passage.]

AN ACT to amend and reenact section two, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the election of delegates to national conventions of political parties in accordance with a plan adopted by the party and filed with the secretary of state; certain provisions required in plan if permissible under rules of the national party; ballot notation; and providing for the election of delegates to the national convention of a political party when the party has not filed a plan for the election of such delegates with the secretary of state.

Be it enacted by the Legislature of West Virginia:

That section two, 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.

§3-5-2. Delegates to national conventions; alternate delegates.

1 (a) At the primary election to be held in the year one
2 thousand nine hundred eighty-four, and in every fourth year
3 thereafter, there shall be elected by the voters of each
4 political party of the state, in accordance with a plan
5 adopted by the state party, persons to be delegates to the
6 national convention of the party to be held next after the
7 date of such primary.

8 (b) The plan adopted by each political party of the state
9 shall state the method, subject to compliance with their
10 national party rules and not inconsistent with the provisions
11 of this section, for the election of persons in each con-
12 gressional district of the state as delegates to the national
13 convention of the party, for the election or selection of
14 persons in each congressional district of the state as alternate
15 delegates to the national convention of the party and for
16 the selection of all remaining delegates and alternate delegates
17 allocated to the party in their national convention. Not less
18 than ninety days before the primary election to be held in
19 the year one thousand nine hundred eighty-four, and in every
20 fourth year thereafter, the governing body of each political
21 party of the state shall certify the plan adopted by the party
22 under signature of the state party chairman and file the plan
23 with the secretary of state. Any questions regarding whether
24 such plan was rightfully adopted by the party shall be resolved
25 by the party based upon party rules.

26 (c) The plan adopted by each political party of the state
27 shall, to the extent permissible under their national party
28 rules, provide for the following:

29 (1) The voters of each political party shall elect in each
30 congressional district in the state at the primary election
31 next preceding the date on which the national convention of the
32 party is to be held, the number of persons as delegates to the
33 national convention of the party to which the district is en-
34 titled as delegates to the national convention. The persons
35 receiving the highest number of votes as delegates in any con-
36 gressional district, to the number to which the district is en-
37 titled, shall be elected delegates.

38 (2) After the election of delegates in each congressional
39 district to the number to which the district is entitled, the per-
40 sons receiving the next highest votes in each congressional
41 district and having qualified, as may be provided in the
42 plan adopted by the party, shall be elected as alternate dele-
43 gates to the number of alternate delegates to which the dis-
44 trict is entitled.

45 (3) In the event the number of persons elected in the

46 primary election in a congressional district is less than the
47 number to which the district is entitled as delegates and
48 alternate delegates to the national convention of the political
49 party, the governing body of the political party of the state
50 shall appoint persons from the congressional district to serve
51 as delegates or alternate delegates to the national convention
52 of the party unless the rules of the party otherwise provide.

53 (4) The number of persons which each of the con-
54 gressional districts in the state are entitled to elect as dele-
55 gates to the national convention of the political party shall
56 be apportioned among the congressional districts in the same
57 proportion to the total number of delegates to the party's
58 national convention elected in all congressional districts in
59 the state as the population of the congressional district bears
60 to the total population of the state based upon the census of
61 population taken by the bureau of the census of the United
62 States department of commerce in the year one thousand
63 nine hundred eighty and in every tenth year thereafter.

64 (d) The official primary ballot at the primary election to be
65 held in the year one thousand nine hundred eighty-four and in
66 every fourth year thereafter, shall, following the names of all
67 candidates for delegates to the national convention of the
68 party, contain the words "For election in accordance with the
69 plan adopted by the party and filed with the secretary of
70 state."

71 (e) Unless and until a political party of the state has
72 adopted and certified a plan for the election of delegates
73 to the national convention of the party and filed the plan
74 with the secretary of state, there shall be elected by the voters
75 of the political party of the state at the primary election to
76 be held in the year one thousand nine hundred eighty-four,
77 and in each fourth year thereafter, the number of persons
78 to which the party is entitled as delegates-at-large, and by
79 the voters of each political party in each congressional district
80 in the state the number of delegates to which the district is
81 entitled, in the national convention of the party to be next held
82 after the date of such primary. The persons receiving the
83 highest number of votes in the state as delegates-at-large, to the

84 number to which the state is entitled, shall be elected dele-
85 gates. The persons receiving the highest number of votes as
86 delegates in any congressional district, to the number to
87 which the district is entitled, shall be elected delegates. Each
88 delegate so elected shall then appoint an individual to serve
89 as alternate delegate, and shall by registered letter notify the
90 secretary of state of such appointment within forty days after
91 the primary election.

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

James L. Davis
Chairman Senate Committee

Robert L. Childers
Vice Chairman House Committee

Originating in the House.

Takes effect from passage.

David C. Wilho
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Warren H. McLean
President of the Senate

Will Lee
Speaker House of Delegates

The within *is approved* this the *2*
day of *February*, 1984.

John J. Delany
Governor

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OFFICE OF THE GOVERNOR

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SECY. OF STATE