## **WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1984** 

# ENROLLED

HOUSE BILL No. 1122

(By # Del. Cosey & Del. Watcher)

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 recnact 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 PROCE-DURES.

### §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 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 congressional district of the state as delegates to the national 12 convention of the party, for the election or selection of 13 persons in each congressional district of the state as alternate 14 delegates to the national convention of the party and for 15 the selection of all remaining delegates and alternate delegates 16 allocated to the party in their national convention. Not less 17 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 district to the number to which the district is entitled, the per40 sons receiving the next highest votes in each congressional district and having qualified, as may be provided in the plan adopted by the party, shall be elected as alternate dele43 gates to the number of alternate delegates to which the dis44 trict is entitled.
- 45 (3) In the event the number of persons elected in the

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

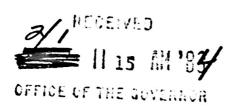
- (4) The number of persons which each of the congressional districts in the state are entitled to elect as delegates to the national convention of the political party shall be apportioned among the congressional districts in the same proportion to the total number of delegates to the party's national convention elected in all congressional districts in the state as the population of the congressional district bears to the total population of the state based upon the census of population taken by the bureau of the census of the United States department of commerce in the year one thousand nine hundred eighty and in every tenth year thereafter.
- (d) The official primary ballot at the primary election to be held in the year one thousand nine hundred eighty-four and in every fourth year thereafter, shall, following the names of all candidates for delegates to the national convention of the party, contain the words "For election in accordance with the plan adopted by the party and filed with the secretary of state."
- (e) Unless and until a political party of the state has adopted and certified a plan for the election of delegates to the national convention of the party and filed the plan with the secretary of state, there shall be elected by the voters of the political party of the state at the primary election to be held in the year one thousand nine hundred eighty-four, and in each fourth year thereafter, the number of persons to which the party is entitled as delegates-at-large, and by the voters of each political party in each congressional district in the state the number of delegates to which the district is entitled, in the national convention of the party to be next held after the date of such primary. The persons receiving the 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.

nairman Senate Committee Yas Chairman House Committee Originating in the House. Takes effect from passage. Clerk of the Senate Clerk of the House of President of the Senate Speaker House of Delegates this the 2 The within ... ...., 1984. day of Governor

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SECY. OF STATE