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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984



ENROLLED

SENATE BILL NO. 634

(By Mr. Harmon)



PASSED March 9 1984

In Effect from Passage



ENROLLED

Senate Bill No. 634

(BY MR. HARMAN)

[Passed March 9, 1984; in effect from passage.]

AN ACT to amend and reenact section twenty-one, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to primary elections and nominating procedures; party conventions to nominate presidential electors; candidates; organization; duties, and changing the state convention dates.

Be it enacted by the Legislature of West Virginia:

That section twenty-one, 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.

§3-5-21. Party conventions to nominate presidential electors; candidates; organization; duties.

1 Candidates for presidential electors shall be nominated
2 by the delegated representatives of the political party
3 assembled in a state convention to be held during the
4 months of June, July or August next preceding any
5 general election at which presidential electors are to be
6 elected. The state executive committee of the political
7 party, by resolution, shall designate the place and fix the
8 date of such convention, shall prescribe the number of

9 delegates thereto, and shall apportion the delegates
10 among the several counties of the state in proportion to
11 the vote cast in the state for the party's candidate for
12 governor at the last preceding general election at which
13 a governor was elected. The state executive committee
14 shall also ascertain and designate all offices for which
15 candidates are to be nominated at such convention.

16 At least sixty days prior to the date fixed for holding
17 any state convention, the chairman of the party's state
18 executive committee shall cause to be delivered to the
19 party's county executive committee in each county of the
20 state a copy of the resolutions fixing the time and place
21 for holding the state convention and prescribing the num-
22 ber of delegates from each county to the convention.
23 Within ten days after receipt of the copy of such resolu-
24 tions, the party executive committee of each county shall
25 meet and, by resolution, shall apportion the delegates to
26 the state convention among the several magisterial dis-
27 tricts of the county, on a basis of the vote received in the
28 county by the candidate of the party for governor at the
29 last preceding general election at which a governor was
30 elected, but in such apportionment of county delegates
31 each magisterial district shall be entitled to at least one
32 delegate to such state convention. The party's county
33 executive committee shall call a meeting of the members
34 of the political party in mass convention in the several
35 magisterial districts of the county, which district meeting
36 shall be held at least thirty days prior to the date fixed
37 for the state convention and at which meeting the mem-
38 bers of the political party in each magisterial district
39 shall elect the number of delegates to which such district
40 is entitled in the state convention.

41 The meeting place in the magisterial district shall be
42 as central and convenient as can reasonably be selected,
43 and all recognized members of the political party shall be
44 entitled to participate in any such mass convention and in
45 the selection of delegates. Notice of the time and place of
46 holding the several magisterial district mass conventions
47 and of the person who shall act as temporary chairman
48 thereof shall be given by publication as a Class II-O legal

49 advertisement in compliance with the provisions of article
50 three, chapter fifty-nine of this code, and the publication
51 area for such publication shall be the county. The first
52 publication shall be made not more than fifteen days
53 and the second publication shall be made not less than
54 five days prior to the date fixed for holding the conven-
55 tion. The notice published shall specify the number of
56 delegates which each magisterial district in the county is
57 entitled to elect to the state convention.

58 Upon assembling, the mass convention of each magis-
59 terial district shall choose a chairman and a secretary,
60 who, within five days after the holding of such con-
61 vention, shall certify to the chairman of the state execu-
62 tive committee of the political party and the chairman of
63 the county committee of the political party, the names
64 and addresses of the parties selected as delegates to the
65 state convention.

66 All contests over the selection of delegates to conven-
67 tions shall be heard and determined by the party execu-
68 tive committee of the county from which the delegates
69 are chosen, and such county executive committee shall,
70 upon written petition of any contest, meet for such hear-
71 ings and determinations within ten days after the holding
72 of such magisterial district mass convention. The circuit
73 court of the county and the supreme court of appeals of
74 the state shall have concurrent original jurisdiction to
75 review, by mandamus or other proper proceeding, the
76 decision of a county executive committee in any con-
77 test.

78 The delegates chosen and certified by and from the
79 several magisterial districts in the state, and, in the event
80 of any contest, those prevailing in the contest, shall make
81 up the state convention. The number present of those
82 entitled to participate in any convention shall cast the
83 entire vote to which the county is entitled in such con-
84 vention, and it shall require a majority vote to nominate
85 any candidate for office.

86 All nominations made at state conventions shall be
87 certified within fifteen days thereafter, by the chairman
88 and the secretary of the convention, to the secretary of

89 state, who shall certify them to the clerk of the circuit
90 court of each county concerned, and the names of the
91 persons so nominated shall be printed upon the regular
92 ballot to be voted at the ensuing general election, except
93 that the names of the presidential elector candidates shall
94 not be printed thereon.

95 The delegates to any state convention may formulate
96 and promulgate such party platform or declaration of
97 party principles as to them shall seem advisable.

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

James L. Davis

Chairman Senate Committee

Donald Anello

Chairman House Committee

Originated in the Senate.

In effect from passage.

Todd C. Hill

Clerk of the Senate

Donald L. Kopp

Clerk of the House of Delegates

Waverly P. McLean

President of the Senate

John M. See, Jr.

Speaker House of Delegates

The within is approved this the 30

day of March, 1984.

John P. McLean

Governor



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