

SB0216

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

SENATE BILL NO. 216

(By Senator SCOTT)



PASSED MARCH 6, 1995

In Effect 90 DAYS FROM Passage

ENROLLED
Senate Bill No. 216

(BY SENATOR SCOTT)

[Passed March 6, 1995; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article seven, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to elections; contested elections; and providing that when a contested election involves a member of a county commission that member may not participate in judging the election, qualifications and returns.

Be it enacted by the Legislature of West Virginia:

That section six, article seven, 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 7. CONTESTED ELECTIONS.

§3-7-6. County and district contests; notices; time.

1 In all cases of contested elections, the county com-
2 mission shall be the judge of the election, qualifications
3 and returns of their own members and of all county and
4 district officers: *Provided*, That a member of the county
5 commission whose election is being contested may not
6 participate in judging the election, qualifications and
7 returns.

8 A person intending to contest the election of another to
9 any county or district office, including judge of any
10 criminal, intermediate, common pleas or other inferior
11 court, or any office that shall hereafter be created to be
12 filled by the voters of the county or of any magisterial or
13 other district therein, shall, within ten days after the
14 result of the election is declared, give the contestee
15 notice in writing of such intention, and a list of the votes
16 he will dispute, with the objections to each, and of the
17 votes rejected for which he will contend. If the contes-
18 tant objects to the legality of the election, or the qualifi-
19 cation of the person returned as elected, the notice shall
20 set forth the facts on which such objection is founded.
21 The person whose election is so contested shall, within
22 ten days after receiving such notice, deliver to the
23 contestant a like list of the votes he will dispute, with the
24 objections to each, and of the rejected votes for which he
25 will contend; and, if he has any objection to the qualifi-
26 cation of the contestant, he shall specify in writing the
27 facts on which the objection is founded. Each party shall
28 append to his notice an affidavit that he verily believes
29 the matters and things set forth to be true. If new facts
30 be discovered by either party after he has given notice as
31 aforesaid, he may, within ten days after such discovery,
32 give an additional notice to his adversary, with the
33 specifications and affidavit prescribed in this section.

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

Randy Schorover

Chairman Senate Committee

Ernest C. Moore

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Carroll E. Holmes

Clerk of the Senate

Donald L. Klapp

Clerk of the House of Delegates

Carl R. Tompkins

President of the Senate

William L. Clift

Speaker House of Delegates

The within *is approved* this the *16th* day of *March*, 1995.

Gaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/10/95

Time 12:06 pm