ENROLLED

HOUSE BILL No. 171

(By Mr. Paul and Winter)

PASSED February 5, 1935

In Effect from Passage

Filed in the office of the Secretary of State of West Virginia FEB 11 1935
Wm. S. O'Brien, Secretary of State
AN ACT to amend and reenact section four, chapter one hundred twenty-four, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-three, relating to the charter of the city of Logan; providing for the nomination by primary election of candidates for mayor and councilmen to be voted upon at municipal elections as provided by the charter of said city, and providing for the election of municipal executive committeemen by the several political parties.

Be it enacted by the Legislature of West Virginia:

That section four, chapter one hundred twenty-four, acts of the Legislature of West Virginia, regular session one thousand nine hundred thirty-three, be and same hereby is amended and re-enacted as follows:

Section 4. Candidates to be voted for at all general municipal
2 elections at which a mayor and councilmen are to be elected under
3 the provisions of this charter shall be nominated at a primary
4 election, and no other names shall be printed on the ballots used
5 at the general election except those selected in the manner pre-
6 scribed by this amendment to the charter.
7 The first primary election for mayor and councilmen under
8 this amendment to the charter shall be held on the second Tues-
9 day in March, one thousand nine hundred thirty-five, and every
10 primary election for mayor and councilmen shall be held bi-
11 ennially thereafter on the second Tuesday in March.
12 At a meeting of the city council to be held on the last Tues-
13 day in February preceding every primary and general election
14 for the offices of mayor and councilmen there shall be ap-
15 pointed three judges and two poll clerks for said primary and
16 general election for each voting precinct in the city in the man-
17 ner herein provided.
18 One judge and one poll clerk shall be appointed from each of
19 the two political parties which at the last preceding state and
20 county election cast the highest number of votes in Logan
21 county, and if at any time during said meeting of council the
22 city executive committee of either political party from which
said judges and poll clerks are to be selected or appointed shall present to said council a writing signed by them, or by the chairman of said committee in their behalf, requesting the appointment of qualified voters of their political party who are otherwise qualified to act as such officers under the laws of West Virginia, it shall be the duty of said council to appoint the persons named in such writing as such election officers.

The remaining judge for each election precinct in the city may be of either of the above named political parties, and shall be appointed by the council.

The said city executive committees, or the chairman thereof, may appoint a challenger for each election precinct in the city, subject to the same provisions governing the appointment, qualifications and duties of challengers as set forth in the election laws of the state of West Virginia.

The city executive committees now existing shall continue in office and to function until their successors are elected under this act.

Such judges, poll clerks and challengers shall receive for their services the same compensation that is provided by state law for compensation for such similar officers and said election
officers shall have the same duties and responsibilities, and shall take and subscribe to the same oaths, and shall conduct the elections in conformity with and be subject to the same regulations and penalties as are provided by the state law governing elections and offenses against the same in so far as the same may be applicable.

Any person who is eligible to hold the office of mayor or councilman may file in the mayor's office a certificate declaring himself a candidate for the nomination of such, which certificate shall be in the form and effect as follows:

I, ................................., hereby certify that I am a candidate for the nomination for the office of mayor (or councilman), to represent the ....................... party, and desire my name printed on the official ballot of said party to be voted at the primary election to be held on the second Tuesday in March, 19........; that I am a qualified voter of the City of Logan, County of Logan, and State of West Virginia; that my residence is in the City of Logan; that I am eligible to hold the said office; that I am a member of and affiliated with said political party; that I am a candidate for said office in good faith.

..............................................................

(Signature of Candidate)
Subscribed to and acknowledged before me this ............. day
of ............., 19........

..............................................................

(Signature of officer taking affidavit)

Such certificate shall be filed in the mayor's office at least
ten days before the primary election day, and shall be signed
and acknowledged by the candidate before some officer quali-
ied to administer oaths, who shall certify the same.

Immediately upon the expiration of the time for filing the
above certificates the mayor shall cause to be published for one
week in two newspapers of opposite politics in said city the
names of the persons as they are to appear upon the respective
primary ballots of each political party, and the said mayor shall
thereupon have the primary ballots printed and authenticated
with a facsimile of his signature. There shall be a separate
primary ballot of candidates for each political party who have
filed their petition as required by this act on different color of
paper, and the primary ballot of no two political parties shall
be of the same color or tint. The same color shall be used for
sample primary ballots of each party, but there shall be printed
across the face of such sample ballot in large words ‘‘sample
87 ballot' but no sample ballot shall be voted or counted. Said 88 official primary ballots shall be printed in accordance with the 89 election laws of West Virginia governing the printing of ballots 90 for state and county elections, and shall be of the form and effect 91 as follows:

92 OFFICIAL BALLOT OF
93 The ................... Party
94 The City of Logan, Primary Election, March .........., 19........
95 (To vote for a candidate mark an 'X' in the square opposite 96 to the left of his name.)
97 FOR MAYOR.
98 (Vote for One)
99 □ A B
100 □ C D
101 □ E F
102 FOR COUNCILMEN
103 (Vote for Five)
104 □ A B
105 □ C D
106 □ E F
107 Etc.
Official ballot, attest:

Facsimile of the signature, .................................., Mayor.

On the back of the ballot there shall be printed in black ink, plain and legible, the name of the political party as contained in the heading followed by the word "ballot." Under this designation shall be printed two blank lines, followed by the words "poll clerks."

At said primary election to be held on the second Tuesday in March, one thousand nine hundred thirty-five, and biennially on the second Tuesday in March thereafter, the said political parties of the city shall elect one committeeman from each voting precinct in the city to serve until the next primary election, or until their successors are elected and qualified.

Candidates for the office of committeeman shall file in the mayor's office a certificate declaring themselves as in the case of candidates for the nomination of mayor and councilman and their names shall be placed upon separate ballots for each voting precinct as in the primary ballot. Upon the result of the election of committeemen being declared, the successful candidates shall qualify by taking an oath to faithfully perform the duties of their office to the best of their skill and judgment.
Unless otherwise provided in this amendment to the charter all primary and general elections held in said city shall be conducted and the results thereof certified and returned, and officially determined in accordance with the provisions of the election laws of the state of West Virginia in force at the time of holding said elections, and the penalties therein prescribed for offenses relating to said elections shall be enforced against the defenders of said municipal election. On the day following a primary election the city council shall canvass the returns received from the polling precincts, and declare the results thereof. The candidate on each ticket receiving the highest number of votes for mayor and the five candidates on each ticket receiving the highest number of votes for councilman shall be the candidates whose names shall be placed upon the ballots at the next ensuing general election, and the committeeman from each voting precinct for each party receiving the highest number of votes shall be declared elected.

If two or more persons on the same ticket receive an equal number of votes for the nomination of the same office, or in case of committeemen for the same office, and more than the
other candidates, so that there is no choice at the primary, or
election of committeemen, the city council shall determine by
lot the name out of those voted on at the primary and tied as
aforesaid to be placed on the ballots for the next ensuing
general election, or as the case may be, the committeeman
elected.

The necessary and legitimate expenses of the holding of any
such primary, as well as of any regular or special municipal
election in said city, for ballots, stationary forms, ballot boxes,
booths, voting places, registrars, judges, clerks and challengers
and notices of the election shall be paid by the city. At every
such primary or general election the polls shall open at six-
thirty a. m. and close at six-thirty p. m.

In the event of a demand by any candidate for a recount of
the votes cast at any primary or general election held in said
city or in the event of the institution of a proceeding to con-
test said election, the council in office at the time of said elec-
tion shall pass on and decide such recount or contest of election
in like manner as provided for in contests for state, county
and district officers and the council by their proceedings in
such cases shall as nearly as practicable conform with like pro-
172 cedings of the county court in such cases. Candidates desiring a recount shall file their application with the council imme-
174 diately upon the completion of the canvassing of the votes and the said council shall continue in session from day to day until such recount is completed, and the result declared, using due diligence to the end that the result of the primary election be declared in due time for the printing and publication of the ballot for the general election as herein provided for.

180 Unless otherwise herein provided in this amendment to the charter, the secretary to the mayor shall be charged with all the duties and responsibilities which under the general election laws of West Virginia devolve upon the clerks of the county court and the circuit court, and the mayor and council shall be charged with all the duties and responsibilities which under the general election laws of West Virginia devolve upon the board of canvassers, and upon the county court, and they shall be subject to all the penalties therein prescribed for of-
189 fenses relating to elections.

190 The candidates thus nominated by each of said political parties for the office of mayor and councilman receiving the largest vote in the ensuing city election shall be declared elected.
193 On the Thursday next following any election hereunder the
council shall meet and canvass, ascertain, declare and record
the results of said election. The general election laws gov-
erning the ascertainment and declaration of the results of elec-
tion of county officers and relating to appeals and proceed-
ings for review or reversal of decisions of the board of can-
vassers concerning the same are hereby made applicable to all
elections of officers held under this act.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the

House of Delegates

Takes effect

upon passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 8th day of February 1935.

Governor.