ENROLLED

HOUSE BILL No. 207

(By Mr. Thomas)

PASSED March 6, 1941

In Effect ninety days from Passage
AN ACT to repeal section two, to amend and reenact section thirteen, to add section thirteen-a, to amend and reenact section seventeen, to add sections seventeen-a, seventeen-b, seventeen-c, eighteen-a and twenty-a, to article four; to amend and reenact sections twelve and thirteen; to add section thirteen-a, to amend and reenact section sixteen, to repeal and reenact section nineteen, to add section nineteen-a, to repeal and reenact section twenty-one, to amend and reenact section twenty-five, to add section twenty-five-a, to amend and reenact section twenty-nine, to add section thirty-one-a, to repeal and reenact section thirty-nine, article five; to amend and reenact section ten of article six; to add sections twelve-a and twelve-b, to repeal sections thirteen and twenty-three of article seven, chapter three; to repeal section seven; to repeal and reenact section fourteen of article three, chapter eight; to
amend and reenact section seven of article three, chapter
eight-a, as enacted by chapter fifty-six, acts of the legisla-
ture, regular session, one thousand nine hundred thirty-
seven, of the code of West Virginia, one thousand nine
hundred thirty-one, for the purpose of integrating the ma-
chinery of primary and general elections throughout the
state and its subdivisions with the system of permanent
registration.

Be it enacted by the Legislature of West Virginia:

That section two be repealed, that section thirteen be amended
and reenacted, that section thirteen-a be added, that section
seventeen be amended and reenacted, that sections seventeen-a,
seventeen-b, seventeen-c, eighteen-a and twenty-a be added to
article four; that sections twelve and thirteen be amended and
reenacted, that section thirteen-a be added, that section sixteen
be amended and reenacted, that section nineteen be repealed
and reenacted, that section nineteen-a be added, that section
twenty-one be repealed and reenacted, that section twenty-five
be amended and reenacted, that section twenty-five-a be added,
that section twenty-nine be amended and reenacted, that sec-
tion thirty-one-a be added, that section thirty-nine of article
five be repealed and reenacted; that section ten, article six be
amended and reenacted; that sections twelve-a and twelve-b
be added, that sections thirteen and twenty-three of article
seven, chapter three be repealed; that section seven be re­
pealed; that section fourteen, article three, chapter eight, be
repealed and reenacted; and that section seven of article three,
chapter eight-a, as enacted by chapter fifty-six, acts of the
legislature, regular session, one thousand nine hundred thirty­
seven, of the code of West Virginia, one thousand nine hundred
thirty-one be amended and reenacted so as to read as follows:


Section 2. This section is hereby repealed.

Sec. 13. Procuring Ballots and Other Primary Sup­
plies.—It shall be the duty of the board of ballot commis­
sioners to appoint one or more of the commissioners of
election at each precinct of the county to attend at the
offices of the clerks of the circuit and county courits as
the case may be, at least three days before each primary
election to receive the ballots, ballot boxes, poll books,
registration records and forms and all other supplies and
materials for conducting the election at the respective
precincts. The commissioner or commissioners shall be
given ballots for each party to the number of one and
one-fifth times the number of registered voters of such
party in the election precinct, and shall be given ballot
boxes, election booths, and other supplies required to
be furnished for conducting the election at such precinct.
The respective clerk shall take from the election com-
missioner or commissioners receipts for supplies and ma-
terials received, which receipts shall be filed in the office
of the clerk of the county court or circuit court, as the
case may be. It shall be the duty of such commissioner
or commissioners to attend at such clerk's office and to
receive such ballots and all other election supplies to be
used in conducting the election at the respective precinct
and to deliver the same, with the seal of all sealed pack-
ages unbroken, at his election precinct in time to open
the election. Such commissioner or commissioners, if they
perform such services, shall receive the per diem and
mileage rate prescribed by law for this service. At the
same time there shall be delivered to an election com-
missioner designated by the ballot commissioners the
proper poll books bearing on each page the following headings: "Names of Persons Voting for Candidates at Precinct No. in the district of in the county of on this the day of 19; of the party." Such poll books shall have columns headed respectively: "Number of Voters", "Signature of Voters" and "Challenge of Voter", and shall have under the heading "Number of Voters" numbers, in consecutive order, to the bottom of each page. Forms for oaths of commissioners of election and poll clerks shall be written or printed on the poll books, and one copy of such poll books shall be supplied at each voting precinct for each political party appearing on the primary ballot.

In case any commissioner of election so appointed shall fail to appear at the offices of the clerks of such county and circuit courts, by the close of the second day prior to any election, as required by this section, the board of ballot commissioners, or the chairman thereof, shall forthwith dispatch a special messenger to the commissioners of election of each respective precinct with the ballots, regi-
52 tration records, ballot boxes, poll books and other supplies
53 for such precinct. Such messenger shall be allowed two
54 dollars for his time, and five cents a mile for the distance
55 necessary to be traveled by him, and shall promptly re-
56 port to the clerks of the circuit and county court respec-
57 tively and file with such clerks the receipts of the person
58 to whom he delivered such ballots and other supplies, and
59 his affidavit, stating when and to whom he delivered them.

      Sec. 13-a. Municipal Precinct Registration Records.—At
2 least three days prior to each municipal primary election,
3 it shall be the duty of the appropriate officer designated
4 by the municipality to procure from the office of the clerk
5 of the county court, the municipal registration records
6 necessary for the conduct of elections. Such records shall,
7 within ten days after the date of the municipal election,
8 be returned to the office of the clerk of the county court
9 by the appropriate officer or officers designated by the
10 municipality.

11 In case of a contested municipal election, the registra-
12 tion records of any challenged voter shall be made avail-
13 able by the clerk of the county court to the officer or
tribunal empowered to determine the contest. Such records shall be returned to the office of the clerk of the county court within a reasonable time after the contest shall have been finally decided.

The clerk of the county court shall acknowledge the release and return of the registration records under this section by the issuance of appropriate receipts.

In the event any municipal registration record is lost, destroyed, defaced, or worn in any way as to warrant replacement, it shall be the duty of the clerk of the county court to prepare a duplicate of such record and it shall be the duty of the municipality to pay for such replacement.

Sec. 17. Conducting Primary; Voting.—Any person offering to vote in a primary election shall be given a ballot by the poll clerks. Such person shall sign his name in the space marked "signature of voter" on the poll book prescribed in section thirteen of this article. If such person is physically or otherwise unable to sign his name, his mark shall be affixed by one of the poll clerks in the presence of the other. The name of the poll clerk affixing the mark of such person shall be indicated beneath
such affixation.

The clerks shall write their names at the place designated on the back of the official ballot called for and deliver it to the voter, who shall have but one ballot unless he shall return the same spoiled; if he shall return the same spoiled, the clerks shall immediately destroy the ballot so spoiled, and deliver to him another ballot in the same manner as they delivered the first one. The voter shall then forthwith, and without leaving the room, return alone to the booth or compartment prepared for the purpose, and there prepare his ballot. Any voter, because of illiteracy or disability as shown by the registration record, may receive the assistance as provided for in section twenty-one, of article five, chapter three, of the code of West Virginia. After preparing the ballot, the voter shall fold the same so that the face shall not be exposed, but so as to show plainly the name of the political party and the names of the poll clerks signed thereon. The voter shall then announce his name and present his ballot to the commissioner of his party, if there be one, who shall hand the
same to another election officer, who shall deposit it in
the ballot box, if such ballot is the official one and prop-
erly signed. When the voter has voted, he shall retire
immediately from the election room, and beyond the sixty
foot limit thereof, and shall not return, except by per-
mission of the commissioners.

Sec. 17-a. Challenges at the Polls.—It shall be the duty
of the members of the receiving board, jointly or severally,
to challenge the right of any person requesting a ballot
to vote in a primary election, if such person's registration
record is not available at the time of the election, or if
the signature written by the person in the poll book does
not correspond with the signature purported to be his on
the registration record, or if the registration record of
such person indicates any other legal disqualification.

Sec. 17-b. Voting by Challenged Voters.—Any person
challenged in accordance with section 17-a of this article,
shall nevertheless be permitted to vote in the primary
election. Such person shall however, be given a ballot
not endorsed by the poll clerks. In lieu of such endorse-
ments, the poll clerks shall fill and sign an appropriate
form indicating the challenge and the reason thereof, and
the name or names of the challengers. Such form shall
be securely attached to the voter's ballot and deposited
together with the ballot in a separate box or envelope
marked "challenged ballots."

Sec. 17-c. Voting Record.—In any primary election, it
shall be the duty of a poll clerk, with the approval of the
other poll clerk, to indicate the fact that a person voted
in such primary, by inserting on the registration record,
if available, a distinguishing initial or initials of the po-
litical party for whose candidates he voted. If a person is
challenged at the polls, such facts shall be indicated by
the poll clerks on the registration record. The subsequent
removal of the challenge shall be recorded on the regis-
tration record by the clerk of the county court.

Sec. 18-a. Ballots of Challenged Voters.—The ballot of
any voter challenged according to sections seventeen-a
and seventeen-b of this article shall not be counted by the
election officials. The county court shall on its own mo-
tion, at the time of the canvassing of the election returns,
sit in session to determine the validity of such challenges.
If the county court shall determine that the challenges are unfounded, the ballot of the challenged voter, if otherwise valid, shall be counted and tallied together with the regular ballots cast in the election. In such determinations the county court shall disregard technical errors, omissions, or oversights if it can reasonably be ascertained that the challenged voter was entitled to vote.

Sec. 20-a. Recount Procedure.—The provisions of article five of this chapter, relating to the recount of votes in final elections, shall, to the extent that they are applicable, be operative in primary elections.

Article 5. Conducting Elections; Ascertaining and Certifying the Results.

Section 12. Supplies for Holding Election.—The clerk of the county court of each county shall provide poll books, tally sheets, ballot boxes, voting booths, registration records and forms, strong and durable envelopes upon which to make returns, blank forms for certifying returns and whatever further supplies are needed for holding the election and making the return thereof. The poll books shall bear upon each page the following heading: "Names of
persons voting at precinct No._________ in the District of_________ in the county of_________
on this the_________ day of__________ in the year___________.” Such poll books shall have columns headed respectively: “Number of Voters,” “Signature of Voter,” and “Challenge of Voter,” and shall have under the heading “Number of Voters”, numbers in consecutive order to the bottom of each page. Forms for oaths of commissioners of election and poll clerks shall be written or printed on the poll books. Each ballot box shall be provided with two locks with different keys so that the key for one lock will not open the other, and shall be so constructed as to be safely and securely closed and locked, with an opening in the lid of the box sufficient only for the passage of a single ballot.

Sec. 13. Delivery of Ballots and Supplies to Election Commissioners.—It shall be the duty of the board of ballot commissioners to appoint one or more of the commissioners of election at each precinct of the county to attend at the offices of the clerks of the circuit and county courts at least three days before the election, to receive the
ballots, ballot boxes, poll books, registration records and forms and other supplies and materials for conducting the election at the respective precinct. Such commissioner or commissioners shall receive the per diem and mileage rate prescribed by law for this service. It shall be the duty of such commissioners to receive such supplies and materials from the respective clerks and to deliver the same, with the seal of all sealed packages unbroken, at the election precinct in time to open the election. The ballots shall be delivered in sealed packages; and there shall be two ballot boxes for each precinct for which a receiving and counting board of election commissioners have been appointed. The clerks shall take a receipt for the respective materials delivered to the above commissioner or commissioners of election, and shall file such receipt in their respective offices.

Sec. 13-a. Municipal Precinct Registration Records.—At least three days prior to every municipal election other than primary elections, it shall be the duty of the appropriate officer designated by the municipality to procure from the municipal precinct file in the office of the clerk
of the county court the registration records necessary for the conduct of such election.

Such records shall, within ten days after the date of the municipal election, be returned to the office of the clerk of the county court by the appropriate officer or officers designated by the municipality.

In case of a contested municipal election, the registration record of any challenged voter shall be made available by the clerk of the county court to the officer or tribunal empowered to determine the contest. Such records shall be returned to the office of the clerk of the county court within a reasonable time after the contest shall have been finally decided.

The clerk of the county court shall acknowledge the release and return of the registration records under this section by the issuance of appropriate receipts.

In the event any municipal registration record is lost, destroyed, defaced, or worn in any way as to warrant replacement, it shall be the duty of the clerk of the county court to prepare a duplicate of such record and it shall
be the duty of the municipality to pay for such replace-
ment.

Sec. 16. *Opening and Closing the Polls.*—At every pri-
mary, general or special election the polls shall be opened
in each precinct on the day of such election at six-thirty
o'clock in the forenoon and be closed at seven-thirty in
the evening, eastern standard time. In all precincts
wherein two election boards shall have been appointed
the receiving board shall attend at the time and open
the polls.

At the time of opening the polls, the election commis-
sioners shall examine the ballot box and ascertain that
there are no ballots in the same, and they shall thereupon
securely lock the box and give one key to one of the
commissioners and one to a commissioner of the opposite
political party, who shall hold the same, and such boxes
shall not be again opened until the time to begin counting
the votes arrived and for that purpose.

At or before opening the polls, the commissioners of
election shall open the package containing the ballots in
such manner as to preserve the seals intact and thereupon
deliver all of the ballots to the poll clerk.

Before any voter is permitted to vote, the commissioners
of election shall proclaim that such election is opened.

When the polls are closed, proclamation must be made
of the fact by one of the commissioners of election to the
people outside, in a loud and audible tone of voice, and a
minute of such proclamation and of the time when it
was made, must be entered on the poll books by the clerks,
and, after such minute has been made and entered, no
ballot of any voter shall be cast or received.

Sec. 19. Conducting Elections Other Than Primaries;
Voting.—Any person offering to vote in an election shall
be given a ballot by the poll clerks. Such person shall
sign his name in the space marked "signature of voter"
on the poll book prescribed in section twelve of this
article. If such person is physically or otherwise unable
to sign his name, his mark shall be affixed by one of the
poll clerks in the presence of the other. The name of the
poll clerk affixing the mark of such person shall be in-
dicated beneath such affixation.
The clerks shall write their names at the place designated on the back of the official ballot called for and deliver it to the voter, who shall have but one ballot unless he shall return the same spoiled; if he shall return the same spoiled, the clerks shall immediately destroy the ballot so spoiled, and deliver to him another ballot in the same manner as they delivered the first one.

On receipt of the ballot the voter shall forthwith, and without leaving the election room, retire alone to one of the booths or compartments provided for the purpose and shall prepare the ballot, using a black lead pencil or other means for the purpose, and observing the following rules:

(a) If the voter desires to vote a straight ticket, or, in other words for each and every candidate for one party for whatever office nominated, he shall either:

(1) Make a cross mark in the circular space below the device and above the name of the party at the head of the ticket; or

(2) Make a cross mark on the left and opposite the name of each and every candidate of such party in the blank space provided therefor; or
(3) Mark out, by lines, all the tickets on the ballot, other than the ticket he desires to vote.

(b) If the voter desires to vote a mixed ticket, or, in other words, for candidates of different parties, he shall either:

(1) Omit making a cross in the circular space above the name of the party, and make a cross mark in the blank space before the name of each candidate for whom he desires to vote on whatever ticket the name may be; or

(2) Make a cross mark in the circular space above the name of the party for some of whose candidates he desires to vote, and then make a cross mark before the name of any candidate of any other party for whom he may desire to vote; in which case the cross mark in the circular space above the name of the party will cast his vote for every candidate on the ticket of such party except for offices for which candidates are marked on other party tickets, and the cross marks before the name of such candidates will cast his vote for them; or

(3) Write with black lead pencil or other means the name of any person for whom he desires to vote in the
space immediately below the name of the opposing candidate for the same office, on the ticket voted by him, and the name so written shall be counted.

If, in marking either a straight or mixed ticket as above defined, a cross mark is made in the circular space above the name of a party at the head of the ticket, and also one or more cross marks made before the name or names of candidates on the same ticket for offices for which candidates on other party tickets are not individually marked, such marks before the name of candidates on the ticket so marked shall be treated as surplusage and ignored.

If the voter desires to vote for any person whose name does not appear on the ticket, he may substitute the name by writing it with black pencil or other means in the proper place, and making a cross mark in the blank space at the left of the name so written.

If the voter marks more names than there are persons to be elected to an office, or if, for any reason, it is impossible to determine the voter's choice, for an office to be filled, the ballot shall not be counted for such office.
No ballot shall be rejected for any technical error which does not make it impossible to determine the voter's choice.

After preparing the ballot the voter shall fold the same so that the face shall not be exposed and so that the names of the poll clerks thereon shall be seen. The voter shall then announce his name and present his ballot to one of the commissioners who shall hand the same to another commissioner, of a different political party, who shall deposit it in the ballot box, if such ballot is the official one and properly signed. The commissioners of election may inspect every ballot before it is deposited in the ballot box, to ascertain whether it is single, but without unfolding or unrolling it, so as to disclose its content. When the voter has voted, he shall retire immediately from the election room, and beyond the sixty foot limit thereof, and shall not return, except by permission of the commissioners.

Sec. 19-a. Voting Record.—In any election under this article it shall be the duty of a poll clerk, in the presence of the other poll clerk, to indicate by a check mark in-
ssorted in the appropriate place on the registration record of each voter the fact that such voter voted in the respective election. If a person is challenged at the polls, such fact shall be indicated by the poll clerks on the registration record together with the name of the challenger. The subsequent removal of the challenge shall be recorded on the registration record by the clerk of the county court.

Sec. 21. Assistance to Voters Unable to Write.—Any person whose registration record indicates his inability to write may declare his choice of candidates to the poll clerks who, in the presence of the voter and in the presence of each other, shall prepare the ballot for voting in the manner hereinbefore provided, and, on request, shall read over to such voter the names of candidates on the ballot as so prepared; or such voter may require the poll clerks to indicate to him the relative position of the names of the candidates on the ballot, whereupon the voter shall retire to one of the booths or compartments to prepare his ballot in the manner hereinbefore provided, or may request the poll clerks to mark the ballot as he directs.

Sec. 25. Challenges at the Polls.—It shall be the duty of
the receiving board, jointly or severally, to challenge the
right of any person, requesting a ballot, to vote in the
election, if such person's registration record is not availa-
able at the time of the election, or if the signature written
by the person in the poll book does not correspond with
the signature purported to be his on the registration rec-
ord, or if the registration record of such person indicates
any other legal disqualification.

Sec. 25-a. Voting by Challenged Voters.—Any person
challenged in accordance with section twenty-five of this
article, shall nevertheless be permitted to vote in the elec-
tion. Such person shall, however, be given a ballot not
endorsed by the poll clerks. In lieu of such endorsements,
the poll clerks shall fill and sign an appropriate form in-
dicating the challenge and the reason thereof, and the
name or names of the challengers. Such form shall be se-
curely attached to the voter's ballot and deposited together
with the ballot in a separate box or envelope marked
“challenged ballots.”

Sec. 29. Counting and Destruction of Ballots Not Voted;
Recordation of Number of Voters.—Immediately on clos-
ing the polls, the commissioners of election shall ascer-
tain the number of ballots destroyed during the election
and count all of the ballots remaining not voted, and
record the number of each on tally sheets. All such re-
main ing ballots shall be destroyed immediately by fire
or otherwise. The commissioners of election shall as-
certain from the poll books the number of persons who
voted and shall report the same, over their signatures,
to the clerk of the county court.

Sec. 31-a. Ballots of Challenged Voters.—The ballot of
any voter challenged according to sections twenty-five
and twenty-five (a) of this article shall not be counted
by the election officials. The county court shall on its
own motion, at the time of the canvassing of the election
returns sit in session to determine the validity of such
challenges. If the county court shall determine that the
challenges are unfounded, the ballot of each challenged
voter, if otherwise valid, shall be counted and tallied to-
gether with the regular ballots cast in the election. In
such determinations the county court shall disregard tech-
nical errors, omissions or oversights, if it can reasonably
be ascertained that the challenged voter was entitled to vote.

Sec. 39. Destruction of Affidavits, Certificates, and Designation of Election Officers.—At the expiration of one year after any election, the affidavits taken and returned by any registrar or any election officer, applications for absent voters' ballots, rejected absent voters' ballots, and certificates of nominations of candidates shall be destroyed; at the expiration of two years from the date of any election the written designations of election officers and of ballot commissioners shall be destroyed. If the further preservation of any of the documents mentioned in this section shall be required by the order of the court, the same shall be destroyed at the expiration of the time fixed for the further preservation thereof by such order.

Article 6. Voting by Absentees.

Section 10. Canvass of Ballots.—At any time between the opening and closing of the polls on such election day, the commissioners of election of such precinct, in the presence of each other, shall open the outer or carrier
envelope only, announce the absent voter's name and
compare the signature upon the application with the sig-
nature upon the affidavit on the ballot envelope and upon
the voter's registration record. In case the election com-
missioners find the affidavit properly executed and at-
tested, that the signatures correspond, that the applicant
is a duly qualified elector of the precinct, that he is duly
registered, and that the applicant has not voted in person
at such election, or, in case of a primary election, if he has
not previously exercised the right of suffrage, if he shall
have executed the proper declaration relative to his age
and qualifications and the party with which he intends to
affiliate, the election commissioner shall open the envelope
containing the absent voter's ballot in such manner as
not to deface or destroy the affidavit therein and take out
the ballot or ballots inclosed therein, without unfolding
or permitting the same to be unfolded or examined. The
commissioners shall then deliver such ballot or ballots to
the poll clerks, who shall at once proceed to write their
names on the back of each of such ballots in the same
manner as other ballots are required to be endorsed. A
commissioner shall thereupon deposit the same in the ballot box, and the poll clerks shall indicate in the appropriate place on the registration record in the same manner as if he had appeared personally, the fact that such absent voter had voted, and shall enter the absent voter's name on the poll book. In the event that such affidavit is found to be insufficient, or that the signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct, or that he has voted in person at such election, or that he has not registered, or that the ballot is open, or has been opened and resealed, or that the ballot envelope contains more than one ballot of any one kind, or, in case of a primary election, if he shall have failed to execute the proper declarations relative to his age and qualifications and the party with which he intends to affiliate, the procedure to be followed shall be as prescribed in this chapter relating to challenges at the polls; Provided, That a notice of such a challenge shall be sent by the clerk of the county court to the respective absentee voter by registered mail, with return receipt requested.
Article 7. Offenses and Penalties.

Section 12-a. Fraudulent Conduct of Election Officers at the Polls.—Any election officer who refuses the vote of a duly registered and qualified voter, whom he knows is entitled to vote or who accepts the vote of a person whom he knows to be not lawfully registered, without challenging such persons, shall be guilty of a misdemeanor, and upon conviction fined not more than one thousand dollars or confined in the county jail for not more than one year, or both, at the discretion of the court.

Sec. 12-b. Malicious or Frivolous Challenges.—Any person who shall maliciously or frivolously, and without probable cause, challenge the right of any person to vote shall be guilty of a misdemeanor, and upon conviction be fined not more than one hundred dollars or confined in the county jail for not more than ninety days, or both, at the discretion of the court.

Sec. 13. Repealed.—Section thirteen is hereby repealed.

Sec. 23. Repealed.—Section twenty-three is hereby repealed.
Chapter 8. MUNICIPAL CORPORATIONS

Article 3. Election, Appointment, and Qualification of Officers.

Section 7. Repealed.—Section seven is hereby repealed.

Sec. 14. Integration of Municipal Elections with System of Permanent Registration.—It shall be the duty of each municipality by ordinance to make provision for integrating the conduct of all municipal elections with the system of Permanent Registration of Voters. Such ordinances, shall, to the extent that they are reasonably applicable, parallel those provisions of chapter three of the official code, which integrate county-state elections with the Permanent Registration System. The provisions of this Act shall supersede conflicting provisions in existing municipal charters and shall be deemed as amendments to such charters.

Chapter 8-a. MUNICIPAL HOME RULE

Article 3. Home Rule Charters; Ordinances.

Section 7. Elections.—Regular city elections under a home rule charter shall be held on the first Tuesday in June at which election city officers shall be chosen to take office upon the first day of July next ensuing for a
term of as many years, not to exceed four, as the charter may prescribe.

A home rule charter shall provide a method and time for nominating candidates, conducting elections, and determining and certifying results of elections. A charter may prescribe that the provisions of general law with respect to primary and general elections so far as applicable, shall apply to city elections: Provided, That the provisions of sections fourteen, article three, chapter eight of the official code, as herein amended shall be construed as mandatory.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Leon Rice

Chairman House Committee

Originated in the House of Delegates.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 14th day of March, 1941.

Governor.

Filed in the office of the Secretary of State of West Virginia.

Wm. S. O'Brien, Secretary of State