AN ACT to amend and reenact section fifteen, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, relating to the appointment of election boards for primary elections.


Section
15. Commissioners and clerks for primary.

Be it enacted by the Legislature of West Virginia:

That section fifteen, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
Section 15. **Commissioners and clerks for primary.**—

2 The county court of every county shall hold a regular or special session at the courthouse of the county on the second Tuesday of the month preceding that in which any primary election is to be held, and shall appoint for each precinct in the county three commissioners of election and two poll clerks, who shall be legal voters in the magisterial district in which such precinct is located. Such commissioners and poll clerks shall be persons of good standing and character and not addicted to drunkenness. They shall be selected from the two political parties which, at the last preceding general election, cast the highest and next highest number of votes in the county in which the election is to be held, and not more than two of such commissioners or one clerk shall belong to the same political party: *Provided, however, That for every precinct in which there are three hundred but not more than four hundred registered voters, there may be two boards of election officers, and for all precincts in which there are more than four hundred registered voters, there shall be two boards of election officers, and where two
boards are used, each board shall consist of three election commissioners and two poll clerks, one of which boards shall be designated the “receiving board” and the other the “counting board,” and not more than two commissioners and one poll clerk of each board shall be appointed from the same political party. If, at any time prior to or during such session, the county executive committee of either political party from which such commissioners of election and poll clerks are to be selected or appointed, as herein provided, shall present to such court a writing signed by them, or by the chairman or secretary of such committee on their behalf, requesting the appointment of a qualified voter of their political party, for commissioner and/or poll clerk, who is otherwise qualified to act as such under the provision of this chapter, it shall be the duty of the county court to appoint the person so named in such writing as such commissioner and/or poll clerk. No person shall be eligible to appointment as commissioner or poll clerk, or in any way to act as such, who has anything of value bet or wagered on the result of such primary election, or has received a promise, agreement or
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43 understanding that he is to receive appointment as deputy
44 by any candidate to be voted for at such primary election,
45 or has any agreement, understanding or arrangement that
46 he shall receive any sum of money or any portion of the
47 salary, fees or emoluments of any office, for which any
48 candidate is to be voted for at such primary election,
49 should such candidate be nominated at such primary elec-
50 tion and elected to such office at the ensuing general elec-
51 tion, or who is a candidate to be voted for at such primary
52 election.

53 If any of the commissioners of election and poll clerks
54 of the receiving board so selected shall fail to appear at
55 the hour appointed for the opening of the polls, the re-
56 mainder of the commissioners of such board may select
57 a commissioner and poll clerk, if necessary, who shall be
58 of the same political party as the absent commissioner or
59 poll clerk; but if the qualified voters of the party of such
60 absent commissioner or poll clerk, present at the opening
61 of the polls, shall nominate a voter, having the qualifica-
62 tions to act under the provisions of this section, for com-
63 missioner or poll clerk, or both if necessary, such nominee
or nominees shall be appointed. If none of the commissioners of election or poll clerks of such board appear at the hour appointed for opening the polls, the qualified voters present, being at least ten in number, shall elect three commissioners of election and two poll clerks for such board to act in their stead, by a viva voce vote; not more than two of such commissioners and one poll clerk for such board shall belong to or be elected by the voters of the same political party. A vacancy or vacancies on the counting board shall be filled in the manner herein provided for filling a vacancy or vacancies on the receiving board, except that such vacancy or vacancies shall be determined and filled as of the hour appointed in this chapter for the counting board to attend at the polls. A list of all commissioners and poll clerks appointed by the county court as herein provided, shall be published in two newspapers of general circulation in the county, of opposite politics, if such there be, for at least two weeks prior to such primary election.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Charles C. Norris
Chairman Senate Committee

J. B. Fellows, Jr.
Chairman House Committee

Originated in the Senate

Takes effect 90 days from passage

John F. Truxell
Clerk of the Senate

William G. Wills
Clerk of the House of Delegates

Donald W. Tucker
President of the Senate

John E. Amos
Speaker House of Delegates

The within approved this the 16th

day of March, 1945.

Governor.

Filed in the office of the Secretary of State of West Virginia
MAR 16 1945

Wm. S. O'Brien
Secretary of State