

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945

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ENROLLED

SENATE BILL No. 66

(By Mr. Bowling, By Request)

PASSED March 10 1945

In Effect 90 - days from Passage



66

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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.

**Article 4. Nomination of Candidates.**

**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  
3 special session at the courthouse of the county on the  
4 second Tuesday of the month preceding that in which  
5 any primary election is to be held, and shall appoint for  
6 each precinct in the county three commissioners of elec-  
7 tion and two poll clerks, who shall be legal voters in the  
8 magisterial district in which such precinct is located.  
9 Such commissioners and poll clerks shall be persons of  
10 good standing and character and not addicted to drunken-  
11 ness. They shall be selected from the two political parties  
12 which, at the last preceding general election, cast the  
13 highest and next highest number of votes in the county  
14 in which the election is to be held, and not more than two  
15 of such commissioners or one clerk shall belong to the  
16 same political party: *Provided, however,* That for every  
17 precinct in which there are three hundred but not more  
18 than four hundred registered voters, there may be two  
19 boards of election officers, and for all precincts in which  
20 there are more than four hundred registered voters, there  
21 shall be two boards of election officers, and where two

22 boards are used, each board shall consist of three election  
23 commissioners and two poll clerks, one of which boards  
24 shall be designated the "receiving board" and the other  
25 the "counting board," and not more than two commis-  
26 sioners and one poll clerk of each board shall be appointed  
27 from the same political party. If, at any time prior to  
28 or during such session, the county executive committee of  
29 either political party from which such commissioners of  
30 election and poll clerks are to be selected or appointed, as  
31 herein provided, shall present to such court a writing  
32 signed by them, or by the chairman or secretary of such  
33 committee on their behalf, requesting the appointment  
34 of a qualified voter of their political party, for commis-  
35 sioner and/or poll clerk, who is otherwise qualified to act  
36 as such under the provision of this chapter, it shall be the  
37 duty of the county court to appoint the person so named  
38 in such writing as such commissioner and/or poll clerk.  
39 No person shall be eligible to appointment as commis-  
40 sioner or poll clerk, or in any way to act as such, who has  
41 anything of value bet or wagered on the result of such  
42 primary election, or has received a promise, agreement or

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

64 or nominees shall be appointed. If none of the commis-  
65 sioners of election or poll clerks of such board appear  
66 at the hour appointed for opening the polls, the qualified  
67 voters present, being at least ten in number, shall elect  
68 three commissioners of election and two poll clerks for  
69 such board to act in their stead, by a viva voce vote; not  
70 more than two of such commissioners and one poll clerk  
71 for such board shall belong to or be elected by the voters  
72 of the same political party. A vacancy or vacancies on  
73 the counting board shall be filled in the manner herein  
74 provided for filling a vacancy or vacancies on the receiv-  
75 ing board, except that such vacancy or vacancies shall be  
76 determined and filled as of the hour appointed in this  
77 chapter for the counting board to attend at the polls.  
78 A list of all commissioners and poll clerks appointed by  
79 the county court as herein provided, shall be published  
80 in two newspapers of general circulation in the county,  
81 of opposite politics, if such there be, for at least two weeks  
82 prior to such primary election.

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

Charles C Morris

Chairman Senate Committee

J. A. Beckwith Jr.  
Chairman House Committee

Originated in the Senate

Takes effect 90-days from passage

Thomas H. Hayes  
Clerk of the Senate

W. H. Clipp  
Clerk of the House of Delegates

Donald W. Tickers  
President of the Senate

John E. Amos  
Speaker House of Delegates

The within Approved this the 16  
day of March, 1945.

William M. Mauney  
Governor.

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

Wm. S. O'BRIEN,  
Secretary of State.

