WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1945

ENROLLED

SENATE BILL No. 67

(By Mr. Bowling, By Request)

PASSED March 10, 1945

In Effect 90 days from Passage
ENROLLED
Senate Bill No. 67
(By Mr. Bowling, By Request)

[Passed March 10, 1945; in effect ninety days from passage.]

AN ACT to amend and reenact section nine, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the appointment of election boards for general and special elections.

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

Section


Be it enacted by the Legislature of West Virginia:

That section nine, article five, 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 9. Appointment of commissioners and clerks.—

The county court of each county shall hold a regular or special session at the court house of the county on the first Tuesday of the month next preceding the date on which any election is to be held and appoint three commissioners and two clerks to hold the election in each precinct in the county, to be selected from the two political parties which at the last preceding election cast the highest and second highest number of votes in this state:

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 before or during the session of the
county court, the county executive committee of either
or both of the political parties, from which commissioners
and clerks of election are to be selected, shall file with or
present to the county court a writing signed by them, or
by the chairman or secretary of such committee on their
behalf, requesting the appointment of a member and of
one clerk of each board of the political party for which
such committee, chairman or secretary is acting, and des-
ignating persons who are qualified under this article for
such appointment for each election precinct in the county,
the county court shall appoint the persons so designated.
If any person appointed receiving commissioner or clerk
of election shall fail to appear at the voting place at the
hour for opening the polls, the remaining commissioner
or commissioners of election of the political party to
which the absentee belongs shall select another commis-
sioner or clerk, as the case may be, of such political party.
But if the qualified voters of his party present at the polls
shall nominate a voter of his party qualified to act under
the provisions of this section, such nominee shall be ap-
pointed. If none of the receiving commissioners of the
election or poll clerks shall appear at the voting place at the hour appointed for opening the polls, the qualified voters present, being at least ten in number, of the political party which cast the highest number of votes in the county at the last preceding election, shall select two commissioners and one clerk and those of the political party which cast the next highest number of votes in the county at such election shall select one commissioner and one clerk of the receiving board of such precinct, and the persons so selected shall constitute the receiving board for the precinct. 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. Any commissioner of election acting at any election precinct is hereby empowered and authorized to administer oaths and to take and certify affidavits in relation to any matter or thing required or permitted to be done by any of the provisions of this article in conducting and holding the election.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Charles C. Morris
Chairman Senate Committee

J. A. Delcour Jr.
Chairman House Committee

Originated in the Senate

Takes effect 90 days from passage

J. T. Homans
Clerk of the Senate

Ralph
Clerk of the House of Delegates

Arnold W. Vickery
President of the Senate

John E. Amos
Speaker House of Delegates

The within Approved this the 16

day of March, 1945.

Clarence Moore
Governor.

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

H.M. S. O'Brien,
Secretary of State