

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



67

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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

9. Appointment of commissioners and clerks.

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.*—

2 The county court of each county shall hold a regular or
3 special session at the court house of the county on the
4 first Tuesday of the month next preceding the date on
5 which any election is to be held and appoint three com-
6 missioners and two clerks to hold the election in each
7 precinct in the county, to be selected from the two politi-
8 cal parties which at the last preceding election cast the
9 highest and second highest number of votes in this state:
10 *Provided, however,* That for every precinct in which
11 there are three hundred, but not more than four hundred,
12 registered voters, there may be two boards of election of-
13 ficers, and for all precincts in which there are more than
14 four hundred registered voters, there shall be two boards
15 of election officers, and where two boards are used, each
16 board shall consist of three election commissioners and
17 two poll clerks, one of which boards shall be designated
18 the "receiving board" and the other the "counting board,"
19 and not more than two commissioners and one poll clerk
20 of each board shall be appointed from the same political
21 party. If, at any time before or during the session of the

22 county court, the county executive committee of either
23 or both of the political parties, from which commissioners
24 and clerks of election are to be selected, shall file with or
25 present to the county court a writing signed by them, or
26 by the chairman or secretary of such committee on their
27 behalf, requesting the appointment of a member and of
28 one clerk of each board of the political party for which
29 such committee, chairman or secretary is acting, and des-
30 ignating persons who are qualified under this article for
31 such appointment for each election precinct in the county,
32 the county court shall appoint the persons so designated.

33 If any person appointed receiving commissioner or clerk
34 of election shall fail to appear at the voting place at the
35 hour for opening the polls, the remaining commissioner
36 or commissioners of election of the political party to
37 which the absentee belongs shall select another commis-
38 sioner or clerk, as the case may be, of such political party.
39 But if the qualified voters of his party present at the polls
40 shall nominate a voter of his party qualified to act under
41 the provisions of this section, such nominee shall be ap-
42 pointed. If none of the receiving commissioners of the

43 election or poll clerks shall appear at the voting place at
44 the hour appointed for opening the polls, the qualified
45 voters present, being at least ten in number, of the politi-
46 cal party which cast the highest number of votes in the
47 county at the last preceding election, shall select two com-
48 missioners and one clerk and those of the political party
49 which cast the next highest number of votes in the county
50 at such election shall select one commissioner and one
51 clerk of the receiving board of such precinct, and the per-
52 sons so selected shall constitute the receiving board for
53 the precinct. A vacancy or vacancies on the counting
54 board shall be filled in the manner herein provided for
55 filling a vacancy or vacancies on the receiving board, ex-
56 cept that such vacancy or vacancies shall be determined
57 and filled as of the hour appointed in this chapter for the
58 counting board to attend at the polls. Any commissioner
59 of election acting at any election precinct is hereby em-
60 powered and authorized to administer oaths and to take
61 and certify affidavits in relation to any matter or thing
62 required or permitted to be done by any of the provisions
63 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. DeGruyter Jr.
Chairman House Committee

Originated in the Senate

Takes effect 90-days from passage

Thomas H. Hoge
Clerk of the Senate

Ed. K. Kipp
Clerk of the House of Delegates

Orval M. Tickers
President of the Senate

John E. Amos
Speaker House of Delegates

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

Clarence Meadows
Governor.

Filed in the office of the Secretary of State
of West Virginia MAR 16 1945
Wm. S. O'BRIEN,
Secretary of State

