WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955

ENROLLED

HOUSE BILL No. 22

(By Mr. Bowles and Mr. Underwood)

PASSED February 22, 1955

In Effect 90 days from Passage

Filed in the Office of the Secretary of State
MAR 2 1955
of West Virginia
D. PITT O'BRIEN
SECRETARY OF STATE
AN ACT to amend and reenact section fifteen, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the appointment of commissioners and clerks for primary elections.

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 fifth Tuesday preceding the day on 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 commis-
sioners 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 com-
missioners 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 commis-
sioners and two poll clerks, one of which boards shall be
designated the “receiving board” and the other the “count-
ing 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 provisions 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 understanding that he is to receive appointment as deputy by any candidate to be voted for at such primary election, or has any agreement, understanding or arrangement that he shall receive any sum of money or any portion of the salary, fees or emoluments of any office, for which any candidate is to be voted for at such primary election,
should such candidate be nominated at such primary

election and elected to such office at the ensuing general
election, or who is a candidate to be voted for at such
primary election.

The county court shall by mail notify all commissioners
and poll clerks of their appointment, and include with
such notice an appropriate form for each person so ap-
pointed to return indicating whether or not he will serve
as such commissioner or poll clerk. It shall be the duty
of all persons so appointed to immediately return said
form to the county court. In the event any of the persons
so appointed refuse to serve as such commissioners or
poll clerks, the county court shall immediately notify the
chairman of the county executive committee of the politi-
cal party from which such commissioners and poll clerks
are to be selected. If the chairman of the political com-
mittee so notified promptly recommends persons to be
appointed to replace those declining to serve, it shall be
the duty of the county court to appoint the persons so
recommended. When no such recommendations are made
the county court shall proceed to fill the vacancies.
If any of the commissioners of election and poll clerks of the receiving board so selected shall fail to appear at the hour appointed for the opening of the polls, the remainder of the commissioners of such board may select a commissioner and poll clerk, if necessary, who shall be of the same political party as the absent commissioner or poll clerk; but if the qualified voters of the party of such absent commissioner or poll clerk, present at the opening of the polls, shall nominate a voter, having the qualifications to act under the provisions of this section, for commissioner 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.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect...90 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...

day of...March..., 1955.

Governor

Filed in the Office of the Secretary of State

of West Virginia

D. Pitt O'Brien

Secretary of State