

E

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
of West Virginia MAR 2 1955

D. PITT O'BRIEN
SECRETARY OF STATE

ENROLLED

House Bill No. 22

(By MR. BOWLES and MR. UNDERWOOD)

[Passed February 22, 1955; in effect ninety days from passage.]

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
3 special session at the courthouse of the county on the
4 fifth Tuesday preceding the day on which any primary
5 election is to be held, and shall appoint for each precinct
6 in the county three commissioners of election and two

7 poll clerks, who shall be legal voters in the magisterial
8 district in which such precinct is located. Such commis-
9 sioners and poll clerks shall be persons of good standing
10 and character and not addicted to drunkenness. They
11 shall be selected from the two political parties which, at
12 the last preceding general election, cast the highest and
13 next highest number of votes in the county in which the
14 election is to be held, and not more than two of such com-
15 missioners or one clerk shall belong to the same political
16 party: *Provided, however,* That for every precinct in
17 which there are three hundred but not more than four
18 hundred registered voters, there may be two boards of
19 election officers, and for all precincts in which there are
20 more than four hundred registered voters, there shall be
21 two boards of election officers, and where two boards are
22 used, each board shall consist of three election commis-
23 sioners and two poll clerks, one of which boards shall be
24 designated the "receiving board" and the other the "count-
25 ing board," and not more than two commissioners and
26 one poll clerk of each board shall be appointed from the
27 same political party. If, at any time prior to or during

28 such session, the county executive committee of either
29 political party from which such commissioners of election
30 and poll clerks are to be selected or appointed, as herein
31 provided, shall present to such court a writing signed by
32 them, or by the chairman or secretary of such committee
33 on their behalf, requesting the appointment of a qualified
34 voter of their political party, for commissioner and/or poll
35 clerk, who is otherwise qualified to act as such under the
36 provisions of this chapter, it shall be the duty of the
37 county court to appoint the person so named in such writ-
38 ing as such commissioner and/or poll clerk. No person
39 shall be eligible to appointment as commissioner or poll
40 clerk, or in any way to act as such, who has anything of
41 value bet or wagered on the result of such primary elec-
42 tion, or has received a promise, agreement or understand-
43 ing that he is to receive appointment as deputy by any
44 candidate to be voted for at such primary election, or has
45 any agreement, understanding or arrangement that he
46 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
50 election and elected to such office at the ensuing general
51 election, or who is a candidate to be voted for at such
52 primary election.

53 The county court shall by mail notify all commissioners
54 and poll clerks of their appointment, and include with
55 such notice an appropriate form for each person so ap-
56 pointed to return indicating whether or not he will serve
57 as such commissioner or poll clerk. It shall be the duty
58 of all persons so appointed to immediately return said
59 form to the county court. In the event any of the persons
60 so appointed refuse to serve as such commissioners or
61 poll clerks, the county court shall immediately notify the
62 chairman of the county executive committee of the politi-
63 cal party from which such commissioners and poll clerks
64 are to be selected. If the chairman of the political com-
65 mittee so notified promptly recommends persons to be
66 appointed to replace those declining to serve, it shall be
67 the duty of the county court to appoint the persons so
68 recommended. When no such recommendations are made
69 the county court shall proceed to fill the vacancies.

70 If any of the commissioners of election and poll clerks
71 of the receiving board so selected shall fail to appear at
72 the hour appointed for the opening of the polls, the re-
73 mainder of the commissioners of such board may select
74 a commissioner and poll clerk, if necessary, who shall be
75 of the same political party as the absent commissioner or
76 poll clerk; but if the qualified voters of the party of such
77 absent commissioner or poll clerk, present at the opening
78 of the polls, shall nominate a voter, having the qualifica-
79 tions to act under the provisions of this section, for com-
80 missioner or poll clerk, or both if necessary, such nominee
81 or nominees shall be appointed. If none of the commis-
82 sioners of election or poll clerks of such board appear
83 at the hour appointed for opening the polls, the qualified
84 voters present, being at least ten in number, shall elect
85 three commissioners of election and two poll clerks for
86 such board to act in their stead, by a viva voce vote; not
87 more than two of such commissioners and one poll clerk
88 for such board shall belong to or be elected by the voters
89 of the same political party. A vacancy or vacancies on
90 the counting board shall be filled in the manner herein

91 provided for filling a vacancy or vacancies on the receiv-
92 ing board, except that such vacancy or vacancies shall be
93 determined and filled as of the hour appointed in this
94 chapter for the counting board to attend at the polls. A
95 list of all commissioners and poll clerks appointed by the
96 county court, as herein provided, shall be published in
97 two newspapers of general circulation in the county, of
98 opposite politics, if such there be, for at least two weeks
99 prior to such primary election.

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

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 1
day of March, 1955.

[Signature]
Governor



Filed In the Office of the Secretary of State
of West Virginia **MAR 2 1955**
D. PITT O'BRIEN
SECRETARY OF STATE