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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955

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## ENROLLED

HOUSE BILL No. 22

(By Mr. Bowles and Mr. Underwood)

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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)

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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, 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



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of West Virginia

**MAR 2 1955**

D. PITT O'BRIEN  
SECRETARY OF STATE