

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955

ENROLLED

HOUSE BILL No. 46

(By Mr. Bowles and Mr. Underwood)

PASSED February 7, 1955

In Effect ninety days from Passage

Filed in the Office of the Secretary of State  
of West Virginia FEB 16 1955  
D. PITT O'BRIEN  
SECRETARY OF STATE

**ENROLLED**  
**House Bill No. 46**  
(By MR. BOWLES and MR. UNDERWOOD)

---

[Passed February 7, 1955; in effect ninety days from passage.]

---

AN ACT to amend and reenact section four, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the election of presidential electors.

*Be it enacted by the Legislature of West Virginia:*

That section four, 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 4. *Form and Arrangement of Ballots.*—All ballots prepared under the provisions of this article shall be printed in black ink on number two white book paper sufficiently thick so that the printing cannot be distinguished from the back, and shall contain the names of every candidate whose nomination for any office to be voted for at the election has been certified and filed ac-

8 cording to law, and no others, except that if it shall appear  
9 to the satisfaction of the ballot commissioners that a per-  
10 son has been legally nominated as a candidate for an  
11 office and is lawfully entitled to have his name upon the  
12 ballot and no certificate of the nomination has been re-  
13 ceived by the clerk of the circuit court, they shall print  
14 the name of such candidate upon the ballot in its proper  
15 place.

16 The tickets, except the heading, which shall be in dis-  
17 play type, shall be printed in eight point type; the name  
18 or designation of the office and the residence of the can-  
19 didate in lower case letters, and the name of the candidate  
20 in capital letters. The name and residence of the candi-  
21 date may be printed in the same line. The name of each  
22 candidate shall be printed in a space defined by ruled  
23 lines, and with a blank square on its left inclosed by  
24 heavy dark lines. If, upon any ticket, there be no candi-  
25 date or candidates for a designated office, a blank space  
26 equal to the space that would be occupied by such name  
27 or names, if they were printed thereon, with the blank  
28 space herein provided for, shall be left. The heading of

29 each party ticket, including the name of the party and  
30 the device or emblem above and the large circle between  
31 the device or emblem and such name, shall be separated  
32 from the rest of the ticket by heavy lines, and the circle  
33 above the name of the party in which the voter is to place  
34 the cross mark, if he desires to vote the straight ticket,  
35 shall be defined by heavier lines than the lines defining  
36 the blank spaces before the names of candidates, and such  
37 circle shall be surrounded by the following words printed  
38 in heavy face six point type; "For a straight ticket mark  
39 within this circle." Each party ticket shall be separated  
40 from other party tickets and bordered on either side by a  
41 heavy border, or a broad solid line, at least one sixteenth  
42 of an inch wide, and the edges of the ballot on either side  
43 trimmed off to within one-half inch of the border or solid  
44 line described.

45 The names of the candidates shall be arranged on the  
46 ballot in tickets or lists, in separate columns under the  
47 respective party or political or other designation certified,  
48 each column or ticket containing the names of candidates  
49 nominated by the same political party and no others. In

50 elections for presidential electors, the names of candidates  
51 for electors of any political party or group of petitioners,  
52 shall not be placed on the ballot, but shall, after nomina-  
53 tion, be filed with the secretary of state. In place of their  
54 names, there shall be printed first on the ballots the names  
55 of the candidates for president and vice-president, respec-  
56 tively, of each such party or group of petitioners, and  
57 they shall be arranged under the title of the office. Before  
58 the names of such candidates for president and vice-presi-  
59 dent of each party, or group, a single square shall be  
60 printed, in front of a brace, in which the voter shall place  
61 the cross mark for the candidate of his choice for such  
62 offices. A vote for any of such candidates shall be a vote  
63 for the electors of the party by which such candidates  
64 were named, and whose names have been filed with the  
65 secretary of state.

66 The names of the candidates on each ticket shall be ar-  
67 ranged in groups, with a heading over each group printed  
68 in heavy faced eight point type to indicate the political  
69 divisions in which such group is to be voted for. The ar-

70 rangement of the ballot shall conform as nearly as prac-  
71 ticable to the plan here given:

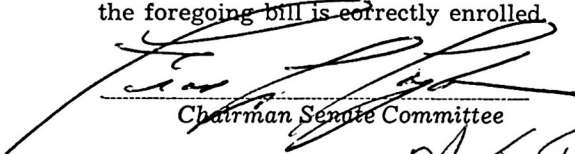
72 The tickets of the several political parties shall be  
73 printed on the ballot in parallel columns, each ticket in a  
74 separate column headed by the chosen device, and the  
75 tickets in such order on the ballot and the names of the  
76 office in such order on the ticket as the secretary of state  
77 shall direct, preference, however, being given to the polit-  
78 ical party which cast the highest number of votes for the  
79 head of the ticket at the last preceding presidential elec-  
80 tion, and so on. No ticket or list of candidates shall be  
81 printed under the name of any party containing more  
82 candidates for any office than are to be elected.


83 The ballot shall be so printed as to give each voter a  
84 clear opportunity to designate by a cross mark in a large,  
85 blank, circular space, three-quarters of an inch in diam-  
86 eter, below the device and above the name of the party  
87 at the head of the ticket or list of candidates, his choice  
88 of a party ticket and desire to vote for each and every  
89 candidate thereon; and by a cross mark, in a blank, in-

90 closed space on the left and before the name of each can-  
91 didate, his choice of particular candidates.

92 On the back of the ballot shall be printed or stamped  
93 in black ink the words "Official Ballot," with the date of  
94 the election, and underneath shall be two blank lines,  
95 followed by the words "Poll Clerks."

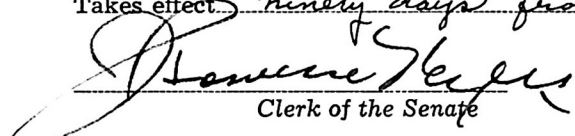
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

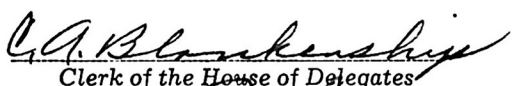
  
Chairman Senate Committee

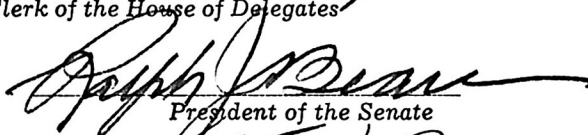
  
Chairman House Committee

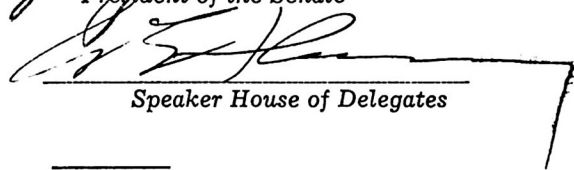
Originated in the House of Delegates

Takes effect ninety days from passage.

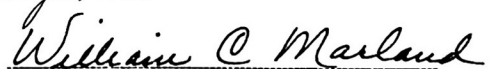
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

The within approved this the 15  
day of February, 1955.

  
Governor

Filed in the Office of the Secretary of State  
of West Virginia **FEB 16 1955**

D. PITT O'BRIEN  
SECRETARY OF STATE