

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1961

115

ENROLLED

SENATE BILL NO. 115

(By Mr. Comp. Sub. for)

PASSED March 10th 1961

In Effect sixty days from Passage

Filed in Office of the Secretary of State
of West Virginia MAR 17 1961

JOE R. BONDITT
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 115

(Originating in the Committee on the Judiciary)

[Passed March 11, 1961; in effect ninety days from passage.]

AN ACT to amend and reenact sections nine and thirteen, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to publication, printing and delivery of ballots and delivery of election supplies to election commissioners.

Be it enacted by the Legislature of West Virginia:

That sections nine and thirteen, 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 9. *Publication and Printing of Ballots; Delivery*

2 of *Ballots to Election Commissioners*.—At least twenty-
3 five days before the holding of any primary election, the
4 ballot commissioners of each county shall prepare from
5 the lists and certificates of announcements, as provided in
6 this article, a sample official primary ballot for each party,
7 placing thereon the names of all the candidates of the
8 respective political party, and, as the case may be, the
9 nonpartisan candidates to be voted for at such primary
10 election. They shall publish the same in two issues of a
11 newspaper of general circulation published in such
12 county and representing such party, if one there be; if not,
13 then in some other newspaper published in such county
14 in two issues of such newspaper.

15 The ballot commissioners shall cause official ballots,
16 to not more than one and one-fifth times the number of
17 registered voters in each election precinct of each political
18 party, to be printed and delivered to them for holding
19 the primary election, and the ballot commissioners shall
20 deliver to the election commissioner ballots for each party

21 to the number of one and one-twentieth times the number
22 of registered voters of such party in the election precinct.

Sec. 13. Procuring Ballots and Other Primary Supplies.

2 —It shall be the duty of the board of ballot commissioners
3 to appoint one or more of the commissioners of election
4 at each precinct of the county to attend at the offices of
5 the clerks of the circuit and county courts, as the case
6 may be, at least three days before each primary election
7 to receive the ballots, ballot boxes, poll books, registration
8 records and forms and all other supplies and materials
9 for conducting the election at the respective precincts.
10 The commissioner or commissioners shall be given ballots
11 for each party to the number of one and one-twentieth
12 times the number of registered voters of such party in
13 the election precinct, and shall be given ballot boxes,
14 election booths, and other supplies required to be fur-
15 nished for conducting the election at such precinct. The
16 respective clerk shall take from the election commissioner
17 or commissioners receipts for supplies and materials re-
18 ceived, which receipts shall be filed in the office of the
19 clerk of the county court or circuit court, as the case may

20 be. It shall be the duty of such commissioner or com-
21 missioners to attend at such clerk's office and to receive
22 such ballots and all other election supplies to be used in
23 conducting the election at the respective precinct and to
24 deliver the same, with the seal of all sealed packages
25 unbroken, at his election precinct in time to open the
26 election. Such commissioner or commissioners, if they
27 perform such services, shall receive the per diem and
28 mileage rate prescribed by law for this service. At the
29 same time there shall be delivered to an election commis-
30 sioner designated by the ballot commissioners the proper
31 poll books bearing on each page the following headings:
32 "Names of Persons Voting for Candidates at Precinct
33 No. in the district of in the county
34 of on this the day of,
35 19...; of the party." Such poll books shall
36 have columns headed respectively: "Number of Voters",
37 "Signature of Voters" and "Challenge of Voter", and shall
38 have under the heading "Number of Voters" numbers, in
39 consecutive order, to the bottom of each page. Forms for
40 oaths of commissioners of election and poll clerks shall

41 be written or printed on the poll books, and one copy of
42 such poll books shall be supplied at each voting precinct
43 for each political party appearing on the primary ballot.

44 In case any commissioner of election so appointed shall
45 fail to appear at the offices of the clerks of such county
46 and circuit courts, by the close of the second day prior
47 to any election, as required by this section, the board of
48 ballot commissioners, or the chairman thereof, shall forth-
49 with dispatch a special messenger to the commissioners
50 of election of each respective precinct with the ballots,
51 registration records, ballot boxes, poll books and other
52 supplies for such precinct. Such messenger shall be
53 allowed two dollars for his time, and five cents a mile for
54 the distance necessary to be traveled by him, and shall
55 promptly report to the clerks of the circuit and county
56 courts, respectively, and file with such clerks the receipts
57 of the person to whom he delivered such ballots and other
58 supplies, and his affidavit, stating when and to whom he
59 delivered them.

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

James Davis, Jr.
Chairman Senate Committee

Mr. H. H. Withraw
Chairman House Committee

Originated in the Senate.

Takes effect *thirty days from* passage.

Howard Thayer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

Julius W. Singleton Sr.
Speaker House of Delegates

The within *approved* this the *17th*
day of *March*, 1961.

Joe M. Barron
Governor



Filed in Office of the Secretary of State
of West Virginia **MAR 17 1961**
JOE F. BURDETT
SECRETARY OF STATE