WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1961

ENROLLED

SENATE BILL NO. 115
(By Mr. ............................................)

PASSED March 15th, 1961

In Effect ninety ... Passage

Filed in Office of the Secretary of State
of West Virginia MAR 17 1961
JOSEPH M. BOURDON
SECRETARY OF STATE
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 of Ballots to Election Commissioners.*—At least twenty-five days before the holding of any primary election, the ballot commissioners of each county shall prepare from the lists and certificates of announcements, as provided in this article, a sample official primary ballot for each party, placing thereon the names of all the candidates of the respective political party, and, as the case may be, the nonpartisan candidates to be voted for at such primary election. They shall publish the same in two issues of a newspaper of general circulation published in such county and representing such party, if one there be; if not, then in some other newspaper published in such county in two issues of such newspaper.

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

Sec. 13. Procuring Ballots and Other Primary Supplies.

—It shall be the duty of the board of ballot commissioners
to appoint one or more of the commissioners of election
at each precinct of the county to attend at the offices of
the clerks of the circuit and county courts, as the case
may be, at least three days before each primary election
to receive the ballots, ballot boxes, poll books, registration
records and forms and all other supplies and materials
for conducting the election at the respective precincts.
The commissioner or commissioners shall be given ballots
for each party to the number of one and one-twentieth
times the number of registered voters of such party in
the election precinct, and shall be given ballot boxes,
election booths, and other supplies required to be fur-
nished for conducting the election at such precinct. The
respective clerk shall take from the election commissioner
or commissioners receipts for supplies and materials re-
ceived, which receipts shall be filed in the office of the
clerk of the county court or circuit court, as the case may
be. It shall be the duty of such commissioner or com-
missioners to attend at such clerk's office and to receive
such ballots and all other election supplies to be used in
conducting the election at the respective precinct and to
deliver the same, with the seal of all sealed packages
unbroken, at his election precinct in time to open the
election. Such commissioner or commissioners, if they
perform such services, shall receive the per diem and
mileage rate prescribed by law for this service. At the
same time there shall be delivered to an election commis-
sioner designated by the ballot commissioners the proper
poll books bearing on each page the following headings:
"Names of Persons Voting for Candidates at Precinct
No. ........ in the district of ................. in the county
of ................. on this the ........ day of ..........., 19....; of the ................. party." Such poll books shall
have columns headed respectively: "Number of Voters",
"Signature of Voters" and "Challenge of Voter", and shall
have under the heading "Number of Voters" numbers, in
consecutive order, to the bottom of each page. Forms for
oaths of commissioners of election and poll clerks shall
be written or printed on the poll books, and one copy of
such poll books shall be supplied at each voting precinct
for each political party appearing on the primary ballot.

In case any commissioner of election so appointed shall
fail to appear at the offices of the clerks of such county
and circuit courts, by the close of the second day prior
to any election, as required by this section, the board of
ballot commissioners, or the chairman thereof, shall forth-
with dispatch a special messenger to the commissioners
of election of each respective precinct with the ballots,
registration records, ballot boxes, poll books and other
supplies for such precinct. Such messenger shall be
allowed two dollars for his time, and five cents a mile for
the distance necessary to be traveled by him, and shall
promptly report to the clerks of the circuit and county
courts, respectively, and file with such clerks the receipts
of the person to whom he delivered such ballots and other
supplies, and his affidavit, stating when and to whom he
delivered them.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

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 17th day of March, 1961.

Governor

Filed in Office of the Secretary of State of West Virginia

JOE F. BURDETT
SECRETARY OF STATE