WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED
SENATE BILL NO. 198

(By Mr. Hubbard and Mr. Rutledge)

PASSED March 11, 1967

In Effect Ninety days from Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-21-67
ENROLLED

Senate Bill No. 198

(By MR. HUBBARD and MR. BROTHERTON)

[Passed March 11, 1967; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-eight, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the appointment and notification of election officers, certain powers and duties of election officers, and double boards of election officers, and providing that for any special election where there are only public questions to be voted upon there shall be but one board of election officers in each precinct.

Be it enacted by the Legislature of West Virginia:

That section twenty-eight, article one, chapter three of the
code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-28. Election commissioners and clerks—Appointment and notification; vacancies; authority to administer oaths, etc.

The county court of each county shall hold a regular or special session at the courthouse of the county on the first Tuesday of the month next preceding the date on which any election is to be held and appoint three commissioners and two clerks to hold the election in each precinct in the county. In primary and general elections and in any special election in which political party candidates are to be nominated or elected, the election commissioners and clerks shall be selected from the two political parties which at the last preceding general election cast the highest and the second highest number of votes in this state. For every precinct in which there are three hundred, but not more than four hundred, registered voters, there may be two boards of election officers, and for all precincts in which there are more than four hun-
dred registered voters, there shall be two boards of election officers, and where two boards are used, each board shall consist of three election commissioners and two poll clerks, one of which boards shall be designated the "receiving board" and the other the "counting board" and not more than two commissioners and one poll clerk of each board shall be appointed from the same political party: Provided, That for any special election for the purpose of taking the sense of the voters on the question of calling a constitutional convention, and for any special election to elect members of a constitutional convention, and for any special election to ratify or reject the proposals, acts and ordinances of a constitutional convention, and for any special election where there are only public questions to be voted upon, there shall be but one board of election officials in each precinct, consisting of three commissioners and two poll clerks. If, at any time before or during the session of the county court, the county executive committee of either or both of the political parties, from which commissioners and clerks of election are to be selected, shall file with or present to the county court
a writing signed by them, or by the chairman or secretary of such committee on their behalf, requesting the appointment of a member and of one clerk of each board of the political party for which such committee, chairman or secretary is acting, and designating persons who are qualified under this article for such appointment for each election precinct in the county, the county court shall appoint the persons so designated.

The county court shall by mail notify all commissioners and poll clerks of their appointment, and include with such notice an appropriate form for each person so appointed to return indicating whether or not he will serve as such commissioner or poll clerk. It shall be the duty of all persons so appointed to immediately return said form to the county court. In the event any of the persons so appointed refuse to serve as such commissioners or poll clerks, the county court shall immediately notify the chairman of the county executive committee of the political party from which such commissioners and poll clerks are to be selected. The chairman of the political committee so notified shall recommend the person or per-
sons to be appointed to replace those declining to serve
and it shall be the duty of the county court to appoint the
person or persons so recommended.

If any person appointed receiving commissioner or clerk of election shall fail to appear at the voting place at the hour for opening the polls, the remaining commissioner or commissioners of election of the political party to which the absentee belongs shall select another commissioner or clerk, as the case may be, of such political party. But if the qualified voters of his party present at the polls shall nominate a voter of his party qualified to act under the provisions of this section, such nominee shall be appointed. If none of the receiving commissioners of the election or poll clerks shall appear at the voting place at the hour appointed for opening the polls, the qualified voters present, being at least ten in number, of the political party which cast the highest number of votes in the county at the last preceding election, shall select two commissioners and one clerk and those of the political party which cast the next highest number of votes in the county at such election shall select one commis-
Enr. S. B. No. 198]

... sioner and one clerk of the receiving board of such pre-
... cinct, and the persons so selected shall constitute the re-
... ceiving board for the precinct. A vacancy or vacancies
... on the counting board shall be filled in the manner herein
... provided for filling a vacancy or vacancies on the re-
... ceiving board, except that such vacancy or vacancies shall
... be determined and filled as of the hour appointed in this
... chapter for the counting board to attend at the polls. Any
... commissioner of election acting at any election precinct
... is hereby empowered and authorized to administer oaths
... and to take and certify affidavits in relation to any mat-
... ter or thing required or permitted to be done by any of
... the provisions of this article in conducting and holding
... the election.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William J.ampes
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

J. Howard Mapes
Clerk of the Senate

W. K. Lane
Clerk of the House of Delegates

Howard D. Craig
President of the Senate

H. L. McRae White
Speaker House of Delegates

The within approved this the 17th

day of March, 1967.

Martha C. Smith
Governor
PRESENTED TO THE GOVERNOR

Date 31/11/67
Time 3:45 PM.