WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975

ENROLLED
Committee Substitute for
SENATE BILL NO. 97

(By Mr. Williams and Mr. Hinkle, original sponsors)

PASSED March 8, 1975
In Effect ninety days from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 97
(By Mr. WILLIAMS and Mr. HINKLE, original sponsors)

[Passed March 8, 1975; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections twelve and thirteen, article five of said chapter, all relating to elections; color of sample ballots; and providing place on ballot for election of senators and delegates.

Be it enacted by the Legislature of West Virginia:

That section twenty, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that sections twelve and thirteen, article five of said chapter be amended and reenacted, all to read as follows:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-20. Cards of instructions to voters; sample ballots; posting.

1 The board of ballot commissioners of each county shall cause to be printed in large, clear type, on cards, instructions for the guidance of voters in preparing their ballots. They shall furnish twelve of such cards to the commissioners of election at the same time they deliver to him the ballots for the precinct. The commissioners of election shall cause to be posted one of such cards in each place or compartment provided for the preparation of ballots,
and the others in and about the polling place, and one
or more of the cards outside of the sixty-foot limit pro-
vided for in this article, on the day of election. Such
cards shall contain full instructions to the voters as to
what shall be done:
(a) To obtain ballots for voting;
(b) To prepare the ballots for deposit in the ballot
boxes;
(c) To obtain a new ballot in place of one accidentally
spoiled.
Such cards shall contain a copy of the second paragraph
of section two and a copy of all of sections five, six, eight,
and nine of article nine of this chapter.
The ballot commissioners shall also cause to be printed,
on a different color paper than the official ballot, ten or
more copies of the ballots provided for each voting place,
at each election therein, which shall be designated sample
ballots, and shall be furnished and posted with the cards
of instruction at each voting place.

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PRO-
CEDURES.
§3-5-12. Official and sample ballots; color.
There shall be a separate ballot printed on different
colored paper, for each political party participating in
the primary election, and the ballot of no two parties
shall be of the same color or tint. The secretary of state
shall select and determine the color of the paper of the
ballot of each of the parties, and shall notify the clerk of
the circuit court of each county thereof, at the time he
notifies the names of the candidates of the various parties
to said clerk, as herein provided.
A different color of paper shall be selected and design-
nated by the secretary of state for each party and the
sample ballots of each party shall be of a different color
than the official ballot and of a different color from one
another and there shall be printed across the face of such
sample ballot in large letters the words “sample ballot,”
and no sample ballot shall be voted or counted in any
election.
§3-5-13. Form and contents of ballots.

1. The official primary ballot shall contain at the left of each column of names of candidates, a perpendicular column, and shall be so printed as to leave a square at the left of each name on the ballot.

2. On such primary ballot, the names of candidates for president of the United States, for United States senator and for representative in Congress, shall be placed in the first column of candidates; the names of candidates for all state offices, including the names of candidates for the state Senate and including the names of candidates for the House of Delegates, which shall immediately follow the names of candidates for the state Senate, and all other offices to be filled by the voters of a political division greater than a county, including the state executive committee, shall be placed in the second column; the names of all candidates for county offices, congressional, senatorial and delegate district executive committees, shall be placed in the third column; the names of all candidates for office in the magisterial districts shall be placed in the fourth column; and the names of all candidates for delegates to the national convention of the party shall be placed in the fifth column and in counties using voting machines the names of all candidates for delegates to the national convention of the party shall be placed after the names of all other candidates for all of the other above specified offices.

3. The face of every primary election ballot shall conform as nearly as practicable to that used at the general election.

4. The secretary of state, or the circuit court clerk, as the case may be, shall arrange the names of the candidates to be printed on the ballot in alphabetical order, according to the surname, under the title of the respective offices upon the ballot.

5. A separate ballot, in connection with a primary election, for election of members of county board of education, shall be printed in bold type, under the caption, "Non-partisan Ballot for Election of Members of the County Board of Education." The names of the candidates for election to the county board of education, and
the number of candidates for which each voter is entitled
to vote shall be printed beneath the caption, without
reference to political party affiliation, and without desig-
nation as to a particular term of office.

In printing each set of ballots the position of the names
of the candidates shall be changed in each office division
as many times as there are candidates in that office
division. As nearly as possible an equal number of ballots
shall be printed after each change. In making the change
of position, the printer shall take the line of type con-
taining the first name in the office division concerned
and place it at the bottom of the list of names in that
division and move up the column so that the name that
before was second shall be first after the change. After
the ballots are printed they shall be kept in separate piles,
one pile for each change in position, and shall then be
gathered by taking one from each pile. Sample ballots
shall be in the same form as the official ballots, but the
order of the names thereon need not be alternated.

All ballots used in primary elections shall be printed
on paper conforming as nearly as practicable in weight
and texture, to the samples furnished by the secretary of
state, but shall not be printed on the same color paper,
and the paper shall be sufficiently thick so that the print-
ing cannot be discernible from the back. On the back of
the ballot shall be printed in black ink, and in plain
legible, black face pica type, the name of the political
party as contained in the heading or “Nonpartisan Board
of Education,” as the case may be, followed by the word
“ballot.” Under this designation shall be printed two
blank lines followed by the words “poll clerks.”
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence L. Christmas
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

The within ______________________ this the ______________________ day of ______________________, 1975.

[Signature]

Governor
PRESENTED TO THE GOVERNOR

Date 3/18/75
Time 4:55 p.m.