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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1975



ENROLLED

*Committee Substitute
For*

SENATE BILL NO. 97

(By Mr. *Williams and Mr. Finkle* original sponsors)



PASSED March 8, 1975

In Effect twenty 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
2 cause to be printed in large, clear type, on cards, instruc-
3 tions for the guidance of voters in preparing their ballots.
4 They shall furnish twelve of such cards to the commis-
5 sioners of election at the same time they deliver to him
6 the ballots for the precinct. The commissioners of election
7 shall cause to be posted one of such cards in each place
8 or compartment provided for the preparation of ballots,

9 and the others in and about the polling place, and one
10 or more of the cards outside of the sixty-foot limit pro-
11 vided for in this article, on the day of election. Such
12 cards shall contain full instructions to the voters as to
13 what shall be done:

14 (a) To obtain ballots for voting;

15 (b) To prepare the ballots for deposit in the ballot
16 boxes;

17 (c) To obtain a new ballot in place of one accidentally
18 spoiled.

19 Such cards shall contain a copy of the second paragraph
20 of section two and a copy of all of sections five, six, eight,
21 and nine of article nine of this chapter.

22 The ballot commissioners shall also cause to be printed,
23 on a different color paper than the official ballot, ten or
24 more copies of the ballots provided for each voting place,
25 at each election therein, which shall be designated sample
26 ballots, and shall be furnished and posted with the cards
27 of instruction at each voting place.

**ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PRO-
CEDURES.**

§3-5-12. Official and sample ballots; color.

1 There shall be a separate ballot printed on different
2 colored paper, for each political party participating in
3 the primary election, and the ballot of no two parties
4 shall be of the same color or tint. The secretary of state
5 shall select and determine the color of the paper of the
6 ballot of each of the parties, and shall notify the clerk of
7 the circuit court of each county thereof, at the time he
8 certifies the names of the candidates of the various parties
9 to said clerk, as herein provided.

10 A different color of paper shall be selected and desig-
11 nated by the secretary of state for each party and the
12 sample ballots of each party shall be of a different color
13 than the official ballot and of a different color from one
14 another and there shall be printed across the face of such
15 sample ballot in large letters the words "sample ballot,"
16 and no sample ballot shall be voted or counted in any
17 election.

§3-5-13. Form and contents of ballots.

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

5 On such primary ballot, the names of candidates for
6 president of the United States, for United States senator
7 and for representative in Congress, shall be placed in the
8 first column of candidates; the names of candidates for all
9 state offices, including the names of candidates for the
10 state Senate and including the names of candidates for the
11 House of Delegates, which shall immediately follow the
12 names of candidates for the state Senate, and all other
13 offices to be filled by the voters of a political division
14 greater than a county, including the state executive com-
15 mittee, shall be placed in the second column; the names
16 of all candidates for county offices, congressional, sena-
17 torial and delegate district executive committees, shall be
18 placed in the third column; the names of all candidates
19 for office in the magisterial districts shall be placed in
20 the fourth column; and the names of all candidates for
21 delegates to the national convention of the party shall be
22 placed in the fifth column and in counties using voting
23 machines the names of all candidates for delegates to the
24 national convention of the party shall be placed after the
25 names of all other candidates for all of the other above
26 specified offices.

27 The face of every primary election ballot shall conform
28 as nearly as practicable to that used at the general elec-
29 tion.

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

35 A separate ballot, in connection with a primary elec-
36 tion, for election of members of county board of education,
37 shall be printed in bold type, under the caption, "Non-
38 partisan Ballot for Election of Members of the.....
39 County Board of Education." The names of the candi-
40 dates for election to the county board of education, and

41 the number of candidates for which each voter is entitled
42 to vote shall be printed beneath the caption, without
43 reference to political party affiliation, and without desig-
44 nation as to a particular term of office.

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

60 All ballots used in primary elections shall be printed
61 on paper conforming as nearly as practicable in weight
62 and texture, to the samples furnished by the secretary of
63 state, but shall not be printed on the same color paper,
64 and the paper shall be sufficiently thick so that the print-
65 ing cannot be discernible from the back. On the back of
66 the ballot shall be printed in black ink, and in plain
67 legible, black face pica type, the name of the political
68 party as contained in the heading or "Nonpartisan Board
69 of Education," as the case may be, followed by the word
70 "ballot." Under this designation shall be printed two
71 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 C. Christian, Jr.
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

J. C. O'Connell, Jr.
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

H. J. B. [Signature]
President of the Senate

Lewis F. M. [Signature]
Speaker House of Delegates

The within approved this the 24th
March
day of _____, 1975.

Anna Shaw, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/18/75

Time 4:55 p.m.