

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1977

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ENROLLED

Committee Substitute for

HOUSE BILL No. 1162

(By Mr. Shepherd & Mr. Mathis)

— ● —

PASSED April 9, 1977

In Effect ninety days from Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1162

(By MR. SHEPHERD and MR. MATHIS)

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AN ACT to amend and reenact sections thirty-two and thirty-four, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said article one by adding thereto a new section, designated section forty-seven; to amend and reenact sections three, eleven, twelve, thirteen, twenty-one, twenty-two, twenty-seven, twenty-eight and thirty of article two; to amend article three by adding thereto a new section, designated section five-a; to amend and reenact section eleven of article four-a; to amend and reenact sections one, six, seven, nine and ten of article five; to amend and reenact section five of article six; to amend and reenact sections five, five-a, five-c and eight of article eight; to amend and reenact sections thirteen and twenty-four of article nine of said chapter three, all relating to elections; opening and closing polls; procedure; permitting voting by use of voter permits; assistance to voters; providing certain requirements before assistance to voter may be given; requiring certain affidavits; requiring lists of persons given assistance; prohibiting candidates from running for more than one office except under limited circumstances; registration of voters; cancellation and reinstatement; appointment of registrars; qualifications and duties; compensation of registrars; checking notices; eliminating quadrennial checkup of county voter registration; retaining

biennial checkup option; registration; creating temporary field offices for voter registration; advertising such offices; registration transfers; procedure on change of registered voter's name; time for registration prior to election changed; providing for hand delivery to clerk of circuit court of absent voter's ballot by person other than voter; ballot labels, instructions and other supplies; vacancy changes; procedure and requirements; time and place of holding primary elections; primary elections changed to June and filing deadline changed to March; hours polls open; election of county board of education members at primary elections; candidate to be identified by magisterial district; filing announcements of candidacies; requirements; filing procedure for candidate for delegates to national conventions of political parties and certification and publication of ballots pertaining to candidates for delegate to national convention of any political party; statement of presidential choice; certification and posting of candidacies; publication and printing of ballots; number; rules and procedures in elections other than primaries; detailed accounts and verified financial statements required; financial reports required by write-in candidates; use of stamps, stickers and tapes to indicate write-in preference in accordance with rules and regulations by secretary of state; information required in financial statements; disclosure of corporate affiliation; corporate contributions forbidden; exceptions; defining contribution; exceptions; buying or selling votes unlawful; limitations on prosecutions extended to five years; and providing penalties for offenses.

Be it enacted by the Legislature of West Virginia:

That sections thirty-two and thirty-four, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that said article one be further amended by adding thereto a new section designated section forty-seven; that sections three, eleven, twelve, thirteen, twenty-one, twenty-two, twenty-seven, twenty-eight and thirty of article two be amended and reenacted; that article three be further amended by adding thereto a new section designated section five-a; that section eleven of article four-a be amended and reenacted; that sections one, six, seven, nine and ten of article five be amended and reenacted; that section five of article six be amended and reenacted;

that sections five, five-a, five-c and eight of article eight be amended and reenacted; that sections thirteen and twenty-four of article nine be amended and reenacted all of said chapter three, all to read as follows:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-32. Opening and closing polls; procedure.

1 At the time of opening the polls in all precincts wherein
2 voting machines are not to be used, the election commissioners
3 shall examine the ballot box and ascertain that there are no
4 ballots in the same, and they shall thereupon securely lock
5 the box and give one key to one of the commissioners and one
6 to a commissioner of the opposite political party, who shall
7 hold the same, and, such boxes shall not be again opened
8 until the time to begin counting the votes arrives and for that
9 purpose. At or before opening the polls, the commissioners
10 of election shall open the package containing the ballots in
11 such manner as to preserve the seals intact and thereupon
12 deliver all of the ballots to the poll clerk. Before any voter is
13 permitted to vote, the commissioners of election shall proclaim
14 that such election is opened. When the polls are closed, pro-
15 clamation must be made of the fact by one of the commis-
16 sioners of election to the people outside, in a loud and audible
17 tone of voice, and a minute of such proclamation and of the
18 time when it was made must be entered on the poll books by
19 the clerks. The election commissioners shall permit those
20 electors to vote who are present at the polling place prior to
21 the hour specified for the closing of the polls: *Provided*, That
22 at that time they are in a line awaiting their turn to vote
23 within the voting room itself or, if the line extends out-
24 side of the voting room itself, within that line. In that event
25 an election commissioner from each party shall immediately
26 after the closing proclamation begin with the last voter in
27 line and together supply the voters within the line with waiting-
28 voter permits which shall be prescribed by the secretary of
29 state. Each voter shall sign his permit in the presence of
30 both commissioners who shall then likewise affix their signa-
31 tures to the permit in the presence of the voter and each other.
32 After each such voter in line has received and signed his permit
33 and the election commissioners have affixed their signatures

34 thereto, voting shall be resumed. Each voter shall present
35 his permit to one of the poll clerks so that the signature thereon
36 may be compared to the voter's signature when he signs the poll
37 book. Each permit so presented shall be attached to the page
38 in the poll book on which the voter affixed his signature.
39 In no case shall any person who arrives at the polling place
40 after the closing hour be given a waiting-voter permit or be
41 allowed to vote. After the final voter presents his waiting-
42 voter permit and casts his ballot no more ballots shall be cast
43 or received.

§3-1-34. Voting procedures generally; assistance to voters; voting records; penalties.

1 Any person offering to vote in an election shall, upon enter-
2 ing the election room, clearly state his name and residence to
3 one of the poll clerks who shall thereupon announce the same
4 in a clear and distinct tone of voice. If such person is found to
5 be duly registered as a voter at that precinct, he shall be re-
6 quired to sign his name in the space marked "signature of
7 voter" on the poll book prescribed and provided for the pre-
8 cinct. If such person be physically or otherwise unable to sign
9 his name, his mark shall be affixed by one of the poll clerks
10 in the presence of the other and the name of the poll clerk
11 affixing the voter's mark shall be indicated immediately under
12 such affixation. No ballot shall be given to such person until
13 he so signs his name on the poll book or his signature is so
14 affixed thereon.

15 When the voter's signature is properly on the poll book, the
16 two poll clerks shall sign their names in the places indicated
17 on the back of the official ballot and shall deliver the ballot to
18 the voter to be voted by him then without leaving the election
19 room. If he returns the ballot spoiled to the clerks, they shall
20 immediately destroy the spoiled ballot and deliver to the voter
21 another official ballot, signed by the clerks on the reverse side
22 as before done. The voter shall thereupon retire alone to the
23 booth or compartment prepared within the election room for
24 voting purposes and there prepare his ballot, using a black lead
25 pencil or other means for the purpose. In voting for candidates
26 in general and special elections, the voter shall comply with the

27 rules and procedures prescribed in section five of article six of
28 this chapter.

29 It shall be the duty of a poll clerk, in the presence of the
30 other poll clerk, to indicate by a check mark inserted in the
31 appropriate place on the registration record of each voter the
32 fact that such voter voted in the election. In primary elections
33 the clerk shall also insert thereon a distinguishing initial or
34 initials of the political party for whose candidates the voter
35 voted. If a person is challenged at the polls, such fact shall be
36 indicated by the poll clerks on the registration record together
37 with the name of the challenger. The subsequent removal of
38 the challenge shall be recorded on the registration record by
39 the clerk of the county commission.

40 No voter shall receive any assistance in voting unless (1) (a)
41 his registration record indicates that because of illiteracy, he
42 is unable to read the names on the ballot, or that he has a
43 physical disability which renders him unable to see or mark the
44 ballot, or to operate the voting machine, the exact nature of
45 the physical disability being recorded on the registration record,
46 or (b) he shall make an affidavit, the form of which shall be
47 prescribed by the secretary of state, that because of a physical
48 disability which renders him unable to see or mark the ballot,
49 or to operate the voting machine, the exact nature of the phy-
50 sical disability being stated therein; and (2) a poll clerk of each
51 political party determines that he is illiterate or suffers from
52 the physical disability stated on his registration record or in
53 his affidavit and that such physical disability renders him
54 then unable to see or mark the ballot, or to operate the vot-
55 ing machine.

56 Any voter so determined to be qualified to receive assistance
57 in voting under the provisions of this section may declare his
58 choice of candidates to an election commissioner of each politi-
59 cal party who, in the presence of the voter and in the presence
60 of each other, shall prepare the ballot for voting in the manner
61 hereinbefore provided, and, on request, shall read over to such
62 voter the names of candidates on the ballot as so prepared;
63 or such voter may require the election commissioners to indi-
64 cate to him the relative position of the names of the candi-
65 dates on the ballot, whereupon the voter shall retire to one

66 of the booths or compartments to prepare his ballot in
67 the manner hereinbefore provided, or may request the
68 election commissioners, in the presence of the voter and in
69 the presence of each other, to mark the ballot as he di-
70 rects.

71 If the voter is unable to mark his ballot because of blindness
72 and the voters' registration records so indicate such blindness,
73 and if he shall so elect, said poll clerks shall both withdraw, and
74 permit the voter to be assisted by any person designated by
75 such voter.

76 Any voter who requests assistance in voting but who is
77 determined not to be qualified for such assistance under the
78 provisions of this section shall nevertheless be permitted
79 to vote a challenged ballot with the assistance of any person
80 herein authorized to render assistance.

81 Any one or more of the election commissioners or poll
82 clerks in the precinct may challenge such ballot on the
83 ground that the voter thereof received assistance in voting
84 it when in his or their opinion (1) either the registration
85 record or affidavit of the person who received the assistance
86 in voting the ballot does not indicate a legally sufficient
87 reason for such assistance or (2) the person who received
88 assistance in voting is not so illiterate as to have been
89 unable to read the names on the ballot or (3) that he did not
90 have such a physical disability as to have been unable to
91 see or mark the ballot or to operate the voting machine. The
92 election commissioner or poll clerk or commissioners or poll
93 clerks making such challenge shall enter the challenge and rea-
94 son therefor on the form and in the manner prescribed or
95 authorized by article three of this chapter.

96 Election commissioners providing assistance to voters under
97 the provisions of this section shall not in any manner request,
98 or seek to persuade, or induce the voter to vote any particular
99 ticket or for any particular candidate or for or against any
100 public question, and shall not keep or make any memorandum
101 or entry of anything occurring within the voting booth or com-
102 partment, and shall not, directly or indirectly, reveal to any
103 person the name of any candidate voted for by the voter, or
104 which ticket he had voted, or how he had voted on any public

105 question, or anything occurring within the voting booth or
106 compartment or voting machine booth, except when required
107 pursuant to law to give testimony as to such matter in a judi-
108 cial proceeding.

109 In accordance with instructions issued by the secretary of
110 state, the clerk of the county commission shall provide a
111 form entitled "List of Assisted Voters," the form of which
112 list shall likewise be prescribed by the secretary of state.
113 The commissioners shall enter the name of each voter re-
114 ceiving assistance in voting the ballot, together with the poll
115 slip number of that voter and the signature of the commissioner
116 from each party who assisted the voter certifying to the fact
117 that they had determined that the voter who received assis-
118 tance in voting the ballot was qualified to receive such assist-
119 ance under the provisions of this section. If no voter shall have
120 been assisted in voting the ballot as herein provided, the com-
121 missioners shall likewise make and subscribe to an oath of
122 that fact on such list.

123 After preparing the ballot the voter shall fold the same
124 so that the face shall not be exposed and so that the names of
125 the poll clerks thereon shall be seen. The voter shall then an-
126 nounce his name and present his ballot to one of the com-
127 missioners who shall hand the same to another commissioner,
128 of a different political party, who shall deposit it in the ballot
129 box, if such ballot is the official one and properly signed. The
130 commissioners of election may inspect every ballot before it
131 is deposited in the ballot box, to ascertain whether it is single,
132 but without unfolding or unrolling it, so as to disclose its
133 content. When the voter has voted, he shall retire immediately
134 from the election room, and beyond the sixty-foot limit there-
135 of, and shall not return, except by permission of the com-
136 missioners.

137 Following the election, the affidavits required by this sec-
138 tion from assisted voters together with the "List of Assisted
139 Voters," shall be returned by the election commissioners to
140 the clerk of the county commission along with the election
141 supplies, records and returns, who shall make such oaths and
142 list available for public inspection and who shall preserve the
143 same for a period of five years or untill disposition is autho-

144 rized or directed by the secretary of state, or court of record.

145 Any person making an affidavit required under the pro-
146 visions of this section who shall therein knowingly swear
147 falsely, or any person who shall counsel, or advise, aid or
148 abet another in the commission of false swearing under this
149 section, shall be guilty of a misdemeanor, and, upon conviction
150 thereof, shall be fined not more than one thousand dollars,
151 or imprisoned in the county jail for a period of no more than
152 one year, or both.

153 Any election commissioner or poll clerk who authorizes or
154 provides unchallenged assistance to a voter when such voter
155 is known to such election commissioner or poll clerk not to be
156 or have been authorized by the provisions of this section to
157 receive or to have received assistance in voting shall be guilty
158 of a felony, and, upon conviction thereof, shall be fined not
159 more than five thousand dollars, or imprisoned in the peni-
160 tentiary for a period of not less than one year nor more than
161 five years, or both fined and imprisoned.

162 The term "assistance in voting" as used in this section
163 means assistance in physically marking the official ballot for a
164 voter, or reading or directing the voter's attention to any part
165 of the official ballot, or physically operating the voting ma-
166 chine.

167 The term "physical disability," as used in this section, means
168 only blindness or such degree of blindness as will prevent the
169 voter from seeing the names on the ballot, or amputation of
170 both hands, or such disability of both hands that neither can
171 be used to make cross marks on the ballot, or operate the
172 voting machine.

§3-1-47. Candidate not to run for more than one office; exceptions.

1 No person shall be a candidate for more than one office at
2 any election: *Provided*, That such candidate for an office may
3 also be a candidate for president and vice president of the
4 United States, for membership on a political party executive
5 committee or for delegate to a political party national con-
6 vention. Any candidate who violates this section shall be
7 disqualified from serving in any office to which he was elected
8 while in violation of this section.

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-3. Registration, cancellation and reinstatement.

1 A permanent registration system shall hereby be established
2 which shall be uniform throughout the state and all of its
3 subdivisions. No voter so registered shall be required to register
4 again for any election while he continues to reside at the
5 same address, or, having moved from such address, is properly
6 transferred according to the provisions of section twenty-
7 seven of this article, unless his registration is cancelled as
8 provided in this article.

9 Within one hundred and twenty days following any election,
10 the clerk of the county commission shall, as evidenced by the
11 presence or absence of signatures on the poll books for such
12 election, correct any errors or omissions on the voter regis-
13 tration records appertaining to such election resulting from the
14 poll clerks erroneously checking or failing to check the
15 registration records as required by the provisions of section
16 thirty-four, article one of this chapter; and, within the same
17 time period following each statewide primary and general
18 election and at the same time that such checkup is made as
19 is by this paragraph required the clerk shall cancel the
20 registration of each person who failed to vote at least once
21 during a period covering two statewide primary and general
22 elections as indicated by his registration record. Any person
23 who has had his registration for that reason cancelled shall,
24 by letter, be given proper notice thereof by the clerk of the
25 county commission, to the effect that in order to vote he
26 must register again or execute and file, not later than fifteen
27 days before the next primary or general election, with the
28 clerk, an affidavit, the form of which shall be prescribed by
29 the secretary of state, stating that he desires to be reinstated
30 as a qualified voter at the same address and the clerk shall
31 replace the registration card of the voter in the registration
32 records. A blank form of such affidavit shall be included
33 with and accompany the aforesaid notice to the voter.

§3-2-11. Appointment of registrars; qualifications and duties.

1 The county commission of each county may, not less than
2 eighteen nor more than twenty weeks prior to the date of a

3 state-wide primary election, appoint two competent persons, for
4 one or more but not to exceed ten voting precincts in the
5 county, to act as registrars for the purpose of making a
6 biennial checkup allowed by this article. No person shall be
7 eligible to appointment as a registrar, or in any way act as
8 such, if he has been convicted of a felony or if he holds any
9 elective or appointive office, or is a public employee, under the
10 laws of this state or of the United States; or cannot read or
11 write the English language; or is a candidate to be voted for at
12 such election. If any such registrar shall fail or refuse to serve
13 or is properly dismissed, the vacancy shall be filled either by
14 the county commission or by the clerk thereof in vacation,
15 in the manner provided for the appointment of registrars.
16 Each registrar, before entering upon the discharge of his duties,
17 shall take an oath that he will perform the duties of the office
18 to the best of his ability, which oath shall be filed in the office
19 of the clerk of the county commission.

20 An equal number of such registrars shall be selected from
21 the two political parties which at the last preceding election,
22 cast the highest number and next highest number of votes in the
23 county in which the election is to be held. The county com-
24 mission shall, at least four weeks prior to making such ap-
25 pointment, request the county executive committee of each
26 of the said two political parties to submit a list of names,
27 equal to one half of the total number to be appointed, of
28 persons qualified to act as registrars; and the county com-
29 mission shall, if such lists are submitted, appoint the respec-
30 tive registrars therefrom, and shall notify each registrar of his
31 appointment. Every such list so presented shall be filed and
32 preserved for one year by the clerk of such commission in his
33 office. Any and every act performed by any registrar under
34 the provisions of this article shall be void unless performed
35 in conjunction with a registrar of the opposite political party
36 at the same time and place.

37 Before acting, all such registrars shall attend a session,
38 or sessions, of instruction by the clerk of the county commis-
39 sion, or some person designated by him, concerning the per-
40 formance of their duties.

41 Immediately following such instruction the clerk of the

42 county commission shall deliver to the registrar a copy of the
43 laws and regulations relating to registration of voters and all
44 necessary forms and other supplies, including a certified list of
45 all registered voters within the precinct or precincts for which
46 such registrars were appointed, upon such form as may be
47 prescribed by the secretary of state. Such registrars shall
48 thereupon proceed together to make a house-to-house canvass
49 in their precincts for the purpose of making the biennial check-
50 up allowed by section twenty-one of this article. Each biennial
51 checkup subsequent to the year one thousand nine hundred
52 seventy-eight shall be completed at least sixty days before
53 the statewide primary election following the appointment of
54 the registrars. In making such checkup the registrars shall not
55 again register any person who is already registered in such
56 precinct, but shall determine whether or not such person is
57 duly registered and qualified to vote therein.

§3-2-12. Additional duties of registrars and clerks; checking notices.

1 Upon the completion of the biennial checkup, the registrars
2 shall return the records and lists to the clerk of the county
3 commission, together with an affidavit that the returns,
4 records and lists returned to the clerk are true and correct
5 to the best of their knowledge and belief. The clerk of the
6 county commission shall make the necessary changes in
7 his other registration records. The list checked by the registrars
8 in each precinct shall be compared with the register of
9 deaths kept by the clerk of the county commission in his office.
10 Each person named in the list who is not shown to have
11 been found and so checked by the registrars and whose death
12 is not shown on such register shall be given proper notice by
13 the clerk of the county commission that his registration has
14 been cancelled and that in order to vote he must register
15 again. The notice shall be mailed to such person's last
16 address appearing on the registration record.

17 The clerk of the county commission is authorized to pub-
18 lish such notices as may be proper in his opinion to advise
19 the electorate of the respective dates after which transfers
20 and registration, and changes of registration, may not be made
21 with respect to any general or primary election.

§3-2-13. Compensation of registrars.

1 As compensation for his services, each registrar shall be paid
2 at a rate to be fixed by the county commission, and, in addition,
3 shall be reimbursed for his travel expenses.

§3-2-21. Biennial checkup.

1 Beginning with the year one thousand nine hundred seventy-
2 eight and every two years subsequent thereto, there may be
3 a biennial checkup of voter registration in each precinct of
4 each county in this state if in the discretion of a county
5 commission such checkup is deemed necessary and advisable
6 for its county. The registrars, according to directions prescribed
7 by the secretary of state and as provided in sections
8 eleven and twelve of this article, shall proceed to register
9 the names of all persons not registered but who are qualified
10 to register, and shall also check and, if necessary, alter,
11 amend, correct or cancel the registration records of the voters
12 of the respective precincts, so as to provide a complete and
13 accurate record of all persons qualified to vote.

14 During the biennial checkup period the county clerk or
15 his agents or deputies shall, for the purposes of registration of
16 voters, visit every public or private institution, excluding hospitals,
17 in which resides aged, infirm, disabled, or chronically ill persons
18 and every high school with students eligible by age for registration.
19

20 Any applicant not otherwise included under provisions of
21 previous sections who is physically unable to appear before
22 the clerk of the county commission or at the magisterial office,
23 may request the clerk of the county commission or his deputy
24 to deliver or cause to be delivered in person or by mail the
25 necessary forms to register to vote.

§3-2-22. Registration in clerk's office; cancellation of registrations of deceased persons; temporary registration offices.

1 The clerk of the county commission may register any qualified
2 person as a voter by having him fill in and complete the
3 prescribed voter registration form and having him sign same
4 under oath or affirmation. The clerk, upon proper proof, may
5 alter, amend, correct or cancel the registration record of any

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6 voter. Such registration or alteration, amendment, correction
7 or cancellation of registration records shall be carried on
8 throughout the year.

9 Beginning with the year one thousand nine hundred seventy-
10 eight and every two years subsequent thereto, the clerk or
11 one of his deputies shall establish at least one temporary regis-
12 tration office per magisterial or tax district, whichever is more
13 numerous, for the purpose of registering the names of persons
14 not so registered but who are qualified to register, or to alter,
15 amend, correct or cancel such registration records. Such regis-
16 tration offices shall be open at least three days, including one
17 Saturday and one evening within the forty-five day period
18 prior to each primary and each general election but prior to the
19 fifteenth day before any such election at such hours as shall
20 be posted and advertised as a class III-O legal advertisement
21 with the publication area being the magisterial district. The
22 clerk of the county commission shall also solicit public service
23 advertising of such registration offices and times on radio, tele-
24 vision and newspapers serving that county.

25 Any applicant not otherwise included under provisions of
26 previous sections who is physically unable to appear before the
27 clerk, or at the temporary office, may request the clerk of the
28 county commission or one of his deputies to visit him to register
29 to vote.

30 Within fifteen days following receipt by the clerk from the
31 state registrar of vital statistics or from the local registrar of
32 vital statistics of a certificate of death which has occurred in
33 his county or of a person who last resided prior to death in his
34 county, the clerk of the county court shall cancel the voter
35 registration, if any, of the person shown to be deceased by
36 such certificate.

37 For purposes of making certain that the voter registration
38 records of the various counties do not contain voter registra-
39 tion of persons who are deceased, the clerks of the county
40 commissions shall sixty days prior to a general election review
41 each certificate of death received by him from the state regis-
42 trar of vital statistics or from the local registrar of vital statistics
43 and shall cancel the voter registration, if any, of each person

44 shown to be deceased by any such certificate and whose voter
45 registration has not previously been cancelled. By the forty-
46 fifth day prior to a general election each clerk of a county com-
47 mission shall certify to the secretary of state, as the chief
48 registration official of the state, that he has performed the
49 duty required by this paragraph.

50 If found necessary, the county commission may order and
51 direct the clerk of the county commission to maintain addi-
52 tional office hours in the evening or at other proper times and
53 places for accommodation of voter registration.

§3-2-27. Registration transfers.

1 Whenever a voter removes his residence from one place to
2 another within the same county he shall request that the change
3 be made on his registration record. Such request shall be made
4 by filling in, and, if he is able, signing under oath or af-
5 firmation the necessary form, which may be procured in person
6 or by mail from the office of the clerk of the county commis-
7 sion, or from the registrars during the biennial checkup. The
8 form of such notice shall be prescribed by the secretary of
9 state.

10 Upon receipt of such notice the clerk of the county commis-
11 sion shall cause the signature thereon to be compared with the
12 signature of the applicant upon his registration card and, if
13 such signatures correspond, shall make entry of such change
14 of residence upon all the registration records and the neces-
15 sary transfers in the files. If the clerk of the county com-
16 mission is not satisfied as to the genuineness of the signature
17 on the notice of change of residence, and if the right of such
18 applicant to register is challenged according to the procedure
19 herein prescribed, such transfers shall not be made.

20 Transfers of the registration record may be made throughout
21 the year except during the fifteen days immediately preceding
22 any election, and if any voter shall move from one precinct to
23 another within the county within the fifteen-day period, he
24 shall, for that election only, vote in the precinct from which he
25 moved. If any voter shall move from one place to another
26 within the precinct in which he is registered, whether within
27 or more than fifteen days preceding any election, he shall be

28 permitted to vote in that precinct, and the election commis-
 29 sioners upon request of the registrant shall make entry of such
 30 change of residence upon the voter's registration record in
 31 accordance with procedures prescribed by the secretary of
 32 state.

§3-2-28. Procedure on change of registered voter's name.

1 Whenever a voter, previously registered, shall change his
 2 name, such person shall be required to register again. For this
 3 purpose such person may register by mail in the same manner
 4 as absentee registrant, according to the procedure prescribed in
 5 section twenty-three of this article. Upon such registration,
 6 the clerk of the county commission shall cancel the registration
 7 record bearing the voter's former name. When such change of
 8 name is made during the fifteen days immediately preceding
 9 any election, such voter, if duly registered, may vote at the
 10 election under his former name.

§3-2-30. Time of registration prior to election; changes.

1 No person may vote in an election when he has registered
 2 or his voter registration has been altered, amended or corrected
 3 within a period of fifteen days next preceding such election, but
 4 this inhibition shall not prevent, during such period of fifteen
 5 days, additional registrations and changes in voter registrations
 6 with reference to future elections. If, during such period of
 7 fifteen days preceding an election, a voter is registered or his
 8 voter registration is altered, amended or corrected, he shall not
 9 be permitted or qualified to vote at such election.

ARTICLE 3. VOTING BY ABSENTEES.

§3-3-5a. Hand delivery of absent voter's ballot; penalties.

1 A person who completes the absent voter's ballot provided
 2 for by section five of this article may have someone personally
 3 deliver the sealed envelope during regular business hours at
 4 the office of the clerk of the circuit court of the county in
 5 which he is registered to vote not more than fifteen days
 6 before the election and on any day thereafter up to and
 7 including the Saturday next preceding the date of the primary
 8 or general election or, in the case of special elections, up to
 9 and including the third day next preceding the day of any

10 such special election (in computing such third day, the day
11 of conducting the special election shall be excluded): *Provided*,
12 That no person shall be permitted to personally deliver more
13 than one absentee ballot preceding any election.

14 The person who personally delivers the sealed envelope shall
15 be required to certify that he or she has not altered the ballot.
16 Any person who makes a false certification shall be in violation
17 of the penalty provision of article nine of this chapter and
18 subject to those provisions.

ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.

§3-4A-11. Ballot labels, instructions and other supplies; vacancy changes; procedure and requirements.

1 The ballot commissioners of any county in which an elec-
2 tronic voting system is to be used in any election shall
3 cause to be printed for use in such election the ballots or
4 ballot labels, as appropriate, for the electronic voting system.
5 The ballot labels so printed shall total in number one and
6 one-half times the total number of vote recording devices
7 to be used in the several precincts of the county in such elec-
8 tion. All such labels shall be delivered to the clerk of the
9 county commission at least thirty days prior to the day of
10 the election in which such labels are to be used. The labels
11 shall contain the name of each candidate and each question
12 to be voted upon and shall be clearly printed or typed in
13 black ink on clear white material of such size as will fit the
14 vote recording devices. Arrows may be printed on the ballot
15 labels to indicate the place to punch the ballot card, which
16 may be to the right or left of the name or proposition.

17 The titles of offices may be arranged on the ballot labels
18 in vertical columns or in a series of separate pages, and
19 shall be printed above or at the side of the names of candidates
20 so as to indicate clearly the candidates for each office and
21 the number to be elected. In case there are more candidates
22 for an office than can be printed in one column or on one
23 ballot label page, the ballot label shall be clearly marked that
24 the list of candidates is continued on the following column
25 or page, and so far as possible, the same number of names
26 shall be printed on each column or page. The names of

27 candidates for each office shall be printed in vertical columns
28 or on separate pages, grouped by the offices which they seek.

29 In elections in which voters are authorized to vote for
30 persons whose names do not appear on the ballot card, a
31 separate write-in ballot, which may be in the form of a paper
32 ballot or card, shall be provided if required to permit voters
33 to write in the title of the office and the names of persons
34 whose names are not on the ballot, for whom he wishes to
35 vote. The manner of voting for write-in candidates upon
36 electronic voting devices shall be as prescribed by rules and
37 regulations of the secretary of state.

38 One set of ballot labels shall be inserted in the vote record-
39 ing device prior to the delivery of such device to the polling
40 place. The remainder of such ballot labels for each device
41 shall be retained by the clerk of the county commission
42 for use in the event the set so inserted in such device becomes
43 lost, mutilated or damaged.

44 In addition to all other equipment and supplies required
45 by the provisions of this article, the ballot commissioners
46 shall cause to be printed a supply of instruction cards, sample
47 ballots, facsimile diagrams of the vote recording device ballot
48 and official printed ballots or ballot cards adequate for the
49 orderly conduct of the election in each precinct in their county.
50 In addition they shall provide all other materials and equip-
51 ment necessary to the conduct of the election, including voting
52 booths, appropriate facilities for the reception and safekeeping
53 of ballot cards, the ballots of absent voters and of challenged
54 voters and of such "independent" voters who shall, in primary
55 elections, cast their votes on nonpartisan candidates and
56 public questions submitted to the voters.

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCE- DURES.

§3-5-1. Time and place of holding primary elections; hours polls open.

1 Primary elections shall be held at the voting place in each
2 of the voting precincts in the state, for the purposes set forth
3 in this article, on the first Tuesday after the second Monday

4 in June in the year one thousand nine hundred seventy-eight
5 and in each second year thereafter.

6 At such election the polls shall be opened and closed at the
7 hours provided for opening and closing the polls in a general
8 election.

§3-5-6. Election of county board of education members at primary elections.

1 An election for the purpose of electing members of the
2 county board of education shall be held on the same date as
3 the primary elections as now provided by law, but upon a non-
4 partisan ballot printed for the purpose. Each candidate seek-
5 ing the office shall be identified as to the magisterial district
6 from which he is a resident. In such nonpartisan election the
7 person receiving the highest number of votes shall be elected
8 for a long term, and if more than one is to be elected for a
9 long term, the one receiving the next highest shall be elected;
10 and if more than two are to be elected the candidate or candi-
11 dates receiving the next highest votes shall be declared elected
12 for any short term or terms, as the case may be, to fill va-
13 cancies; but no more than two such members shall be elected
14 from the same magisterial district, and then only when such
15 magisterial district does not have a holdover member of said
16 board, and if such magisterial district has one holdover mem-
17 ber on said board only one member shall be elected as afore-
18 said; and if more persons from a magisterial district receive
19 the highest number of votes in said election, then of such per-
20 sons only the person or persons having the highest vote who
21 do not make the aggregate number of elected members and
22 holdover members more than two from such magisterial dis-
23 trict shall be declared elected, and the remaining members shall
24 be declared from the highest from other magisterial districts;
25 and in no event shall any member be declared elected from
26 the same magisterial district wherein reside two already elected
27 or otherwise qualified members of such board who will con-
28 tinue to hold office after the beginning of the term for which
29 such election was held.

30 It is declared to be the intent of this statute that any person
31 declared to be elected under the preceding provisions of the

32 section shall take office as a duly elected member or members,
33 even though he, she or they may not have received a majority
34 or plurality of all votes cast at such election.

35 In case of tie votes for county board of education member
36 candidates in any primary election, the provisions of section
37 twelve, article six of this chapter shall be invoked and shall
38 control in determination of the election.

§3-5-7. Filing announcements of candidacies; requirements.

1 Any person who is eligible to hold an office (including that
2 of member of any political party executive committee) shall file
3 with the secretary of state, if it be an office to be filled by the
4 voters of more than one county, or with the clerk of the circuit
5 court, if it be for an office to be filled by the voters of a county
6 or subdivision less than a county, a certificate declaring himself
7 a candidate for the nomination for such office; which certificate
8 shall be in form or effect as follows:

9 I, _____, hereby certify that I am a candidate for the
10 nomination for the office of _____ to represent the _____
11 party, and desire my name printed on the official ballot of said
12 party to be voted at the primary election to be held on the _____
13 day of _____, 19____; that I am a legally qualified voter
14 of the county of _____, State of West Virginia; that
15 my residence is number _____ of _____ street
16 in the city (or town) of _____ in _____
17 county in said State; that I am eligible to hold the said office;
18 that I am a member of and affiliated with said political party;
19 that I am a candidate for said office in good faith.

20 _____
21 _____
22 Signed and acknowledged before me this _____ day
23 of _____, 19____.

24 _____
25 _____
26 Signature and official title of
person before whom signed.

27 Any candidate for delegate to the national convention of
28 any political party shall provide, on a form prescribed by
29 the secretary of state, the information required in the certifi-
30 cate hereinbefore described and shall also provide the name

31 of the person he prefers as the presidential nominee of his
32 party upon the first convention ballot, or if he has no pref-
33 erence, a statement that he is uncommitted: *Provided*, That
34 any candidate for delegate may change his statement of
35 presidential preference by notifying the secretary of state by
36 registered letter forty-five days prior to the day fixed for the
37 primary election.

38 Such announcement shall be signed and acknowledged by
39 the candidate before some officer qualified to administer
40 oaths, who shall certify the same. Any person who knowingly
41 provides false information on said certificate shall be guilty
42 of an offense and shall be punished as set forth in section
43 twenty-three, article nine of this chapter.

44 Such certificate shall be filed with the secretary of state
45 or the clerk of the circuit court, as the case may be, not
46 earlier than the last Monday in February next preceding the
47 primary election day, and not later than the last Saturday of
48 March next preceding the primary election day, and must be
49 received before midnight, eastern standard time, of that day or,
50 if mailed, shall be postmarked before that hour.

§3-5-9. Certification and posting of candidacies.

1 During the week next following the last Saturday of March
2 next preceding the day fixed for the primary election, the
3 secretary of state shall arrange the names of all the candidates,
4 who have filed announcements with him, as provided in this
5 article, and who are entitled to have their names printed on any
6 political party ballot, in accordance with the provisions of this
7 chapter, and shall forthwith certify the same under his name
8 and the lesser seal of the state, and file the same in his office.

9 Such certificate of candidates shall show (1) the name and
10 residence of each candidate, (2) the office for which he is a
11 candidate, (3) the name of the political party of which he is a
12 candidate, (4) upon what ballot his name is to be printed,
13 and (5) in the case of a candidate for delegate to the national
14 convention of any political party, the name of the person the
15 candidate prefers as the presidential nominee of his party, or if
16 he has no preference, the word "uncommitted." The secretary
17 of state shall post a duplicate of such certificate in a conspic-

18 uous place in his office and keep same posted until after the
19 primary election.

20 Immediately upon completion of such certification, the secre-
21 tary of state shall ascertain therefrom the candidates whose
22 names are to appear on the primary election ballots in the
23 several counties of the state and shall certify to the clerk of
24 the circuit court in each county the certificate information
25 relating to each of the candidates whose names are to appear
26 on the ballot in such county. He shall transmit such certificate
27 to the several clerks by registered or certified mail, but, in
28 emergency cases, he may resort to other reliable and speedy
29 means of transmission which may be available so that such
30 certificates shall reach the several clerks by the thirtieth day
31 next preceding such primary election day.

§3-5-10. Publication and printing of ballots; number.

1 Between the thirtieth and the fifteenth days next prior to
2 the date of the primary election, the ballot commissioners of
3 each county shall prepare from the lists and certificates of
4 announcements, as provided in this article, a sample official
5 primary ballot for each party, placing thereon the names of all
6 the candidates of the political party, and, as the case may be,
7 the nonpartisan candidates to be voted for at such primary
8 election. In the case of a candidate for delegate to the national
9 convention of any political party, the ballot commissioners
10 shall, in addition, include on the ballot the name of the person
11 the candidate prefers upon the first convention ballot as the
12 presidential nominee of his party, or if he has no preference,
13 the word "uncommitted." During the two weeks next preceding
14 the primary election they shall publish such sample official
15 primary election ballot as a Class II-O legal advertisement in
16 compliance with the provisions of article three, chapter fifty-
17 nine of this code, and the publication area for such publica-
18 tion shall be the county. The second publication shall be on
19 the last day upon which each newspaper is published before
20 the election.

21 The ballot commissioners shall determine the total number
22 of official ballots required for conducting the primary election
23 in all of the election precincts of the county and shall cause

24 same to be printed at least fifteen days next preceding the
25 date of the election and made ready for delivery to the several
26 precincts along with other election supplies. The number of
27 official ballots of a political party prepared for delivery to a
28 precinct shall not exceed one and one-twentieth times the
29 number of registered voters of such party in that precinct.

ARTICLE 6. CONDUCT AND ADMINISTRATION OF ELECTIONS.

§3-6-5. Rules and procedures in elections other than primaries.

1 The provisions of article one of this chapter relating to
2 elections generally shall govern and control arrangements
3 and election officials for the conduct of elections under this
4 article. The following rules and procedures shall govern
5 the voter in his voting for candidates in general and special
6 elections:

7 (a) If the voter desires to vote a straight ticket, or, in other
8 words, for each and every candidate for one party for what-
9 ever office nominated, he shall either:

10 (1) Make a cross mark in the circular space below the
11 device and above the name of the party at the head of the
12 ticket; or

13 (2) Make a cross mark on the left and opposite the name
14 of each and every candidate of such party in the blank space
15 provided therefor; or

16 (3) Mark out, by lines, all the tickets on the ballot, other
17 than the ticket he desires to vote.

18 (b) If the voter desires to vote a mixed ticket, or, in other
19 words, for candidates of different parties, he shall either:

20 (1) Omit making a cross in the circular space above the
21 name of the party, and make a cross mark in the blank space
22 before the name of each candidate for whom he desires to
23 vote on whatever ticket the name may be; or

24 (2) Make a cross mark in the circular space above the name
25 of the party for some of whose candidates he desires to
26 vote, and then make a cross mark before the name of any
27 candidate of any other party for whom he may desire to vote;

28 in which case the cross mark in the circular space above the
 29 name of the party will cast his vote for every candidate
 30 on the ticket of such party except for offices for which
 31 candidates are marked on other party tickets, and the cross
 32 marks before the name of such candidates will cast his vote
 33 for them; or

34 (3) Write with black lead pencil or other means the name
 35 of any person for whom he desires to vote in the space
 36 immediately below the name of the opposing candidate for
 37 the same office, on the ticket voted by him, and the name
 38 so written shall be counted.

39 If, in marking either a straight or mixed ticket as above
 40 defined, a cross mark is made in the circular space above
 41 the name of a party at the head of the ticket, and also one
 42 or more cross marks made before the name or names of
 43 candidates on the same ticket for offices for which candidates
 44 on other party tickets are not individually marked, such
 45 marks before the name of candidates on the ticket so marked
 46 shall be treated as surplusage and ignored.

47 If the voter desires to vote for any person whose name
 48 does not appear on the ticket, he may substitute the name by
 49 writing it with black lead pencil or other means in the
 50 proper place, and making a cross mark in the blank space at
 51 the left of the name so written. The use of stamps, stickers,
 52 tapes, labels or any other means of writing in the name of a
 53 candidate on the ticket shall be permitted in accordance
 54 with rules and regulations prescribed by the secretary of
 55 state for such manner of voting. The secretary of state may
 56 proscribe such devices which would cause mechanical difficulty
 57 with voting machines or electronic devices but the secretary
 58 of state shall preserve the right to vote by a write-in vote.

59 If the voter marks more names than there are persons to
 60 be elected to an office, or if, for any reason, it is impossible
 61 to determine the voter's choice, for an office to be filled,
 62 the ballot shall not be counted for such office.

63 No ballot shall be rejected for any technical error which
 64 does not make it impossible to determine the voter's choice.

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-5. Detailed accounts and verified financial statements required.

1 Every candidate, financial agent, person and association of
2 persons, organization of any kind, including the treasurer or
3 equivalent officer of such association or organization, advocat-
4 ing or opposing the nomination, election or defeat of any candi-
5 date, or the passage or defeat of any issue, thing or item to be
6 voted upon, and the treasurer of every political party commit-
7 tee shall keep detailed accounts of every sum of money or
8 other thing of value received by him, and of all expenditures
9 and disbursements made, liabilities incurred, by such candi-
10 date, financial agent, person, association or organization or
11 committee, for political purposes, or by any of the officers
12 or members of such committee, or any person acting under its
13 authority or on its behalf.

14 Each person who files a certificate of candidacy for nomi-
15 nation or election in this state as provided for in article five
16 of this chapter and every financial agent, person, the treasurer
17 or equivalent officer of any association or organization of any
18 kind supporting or opposing the candidacy of any such candi-
19 date, or any person or organization advocating or opposing
20 the nomination, election, or defeat of any candidate, or the
21 passage or defeat of any issue, thing or item to be voted upon,
22 shall, within fifteen days following the first Saturday of Feb-
23 ruary next preceding the primary election day, file a detailed
24 itemized statement, subscribed and sworn to before an officer
25 authorized to administer oaths, setting forth all contributions
26 and expenditures concerning the candidacy of that person or
27 any person or organization advocating or opposing the nomi-
28 nation, election or defeat of any candidate, or the passage or
29 defeat of any issue, thing or item to be voted upon. Such
30 statement shall include all contributions received or expendi-
31 tures made which have taken place by the date of such report,
32 subsequent to any previous report filed within the previous
33 five years under this section or under the former provisions of
34 this section, or if no report was filed, all contributions received
35 or expenditures made within the preceding five years. The
36 specific information required to be included in such statement
37 is provided for in section five-a of this article.

38 Not less than five nor more than ten days before each pri-
39 mary or other election, and again within thirty days after each
40 primary or other election, every candidate for nomination or
41 election, and every financial agent, person, the treasurer or
42 equivalent officer of any association or organization of any
43 kind advocating or opposing the passage or defeat of any issue,
44 thing or item to be voted upon or pertaining to the holding
45 or conducting of any election, and the treasurer of every politi-
46 cal party committee shall file with the officers hereinafter
47 prescribed a detailed itemized financial statement subscribed
48 and sworn to before an officer authorized to administer oaths,
49 setting forth all financial transactions which have taken place
50 by the date of such report in connection with such primary
51 or other election as provided for in section five-a of this article.

52 Every person who shall announce as a write-in candidate
53 for any elective office, his financial agent or election organi-
54 zation of any kind, shall comply with all of the requirements of
55 this section after public announcement of such person's candi-
56 dacy has been made.

§3-8-5a. Information required in financial statement.

1 Each financial statement as required by this article shall
2 show the following information:

3 (a) The first name, middle initial, if any, and last name,
4 residence and mailing address and telephone number of each
5 candidate, financial agent, treasurer or person, and the full
6 name, address and telephone number of each association,
7 organization or committee filing a financial statement.

8 (b) The balance of cash and any other sum of money on
9 hand at the beginning and the end of the period covered by the
10 financial statement.

11 (c) The first name, middle initial, if any, and the last name
12 in the case of an individual, and the full name of each firm,
13 association or committee, and the amount of such contribution
14 of such individual, firm, association or committee, and, if the
15 aggregate of the sum or sums contributed by any one such
16 individual, firm, association or committee exceeds two hundred
17 fifty dollars there shall also be reported the residence and
18 mailing address and, in the case of an individual, the major

19 business affiliation and occupation. A contribution totaling
20 more than fifty dollars by any one contributor is prohibited
21 unless it is by money order or by check, and a violation of this
22 provision is subject to section five-d of this article. As used
23 herein, the term "check" shall have the meaning ascribed
24 to that term in section one hundred four, article three, chapter
25 forty-six of this code.

26 (d) The total amount of contributions received during the
27 period covered by the financial statement.

28 (e) The first name, middle initial, if any, and the last
29 name, residence and mailing address in the case of an in-
30 dividual, or the full name and mailing address of each firm,
31 association or committee to whom each expenditure was made
32 or liability incurred, together with the amount and purpose
33 of each expenditure or liability incurred and the date of each
34 transaction.

35 When any lump sum payment is made to any advertising
36 agency or other disbursing person who does not file a report
37 of detailed accounts and verified financial statements as re-
38 quired herein, such lump sum expenditures shall be accounted
39 for in the same manner as provided herein.

40 (f) The total expenditure for the nomination, election or
41 defeat of a candidate or any person or organization advocating
42 or opposing the nomination, election or defeat of any candidate,
43 or the passage or defeat of any issue, thing or item to be voted
44 upon, in whose behalf an expenditure was made or a contri-
45 bution was given for the primary or other election.

46 (g) The total amount of expenditures made during the
47 period covered by the financial statement.

48 (h) Any unexpended balance at the time of making the
49 financial statements herein provided for, shall be properly ac-
50 counted for in that financial statement and shall appear as a
51 balance in the next following financial statement.

52 (i) Each financial statement required by this section shall
53 contain a separate section setting forth the following informa-
54 tion for each fund raising event held during the period covered
55 by the financial statement:

56 (1) The type of event, date held, and address and name,
57 if any, of the place where the event was held.

58 (2) All of the information required by subdivision (c) of
59 this section.

60 (3) The total of all moneys received at the fund raising
61 event.

62 (4) The expenditures incident to the fund raising event.

63 (5) The net receipts of the fund raising event.

64 For the purpose of this section the term "fund raising event"
65 means an event such as a dinner, reception, testimonial, cock-
66 tail party, auction or similar affair through which contributions
67 are solicited or received by such means as purchase of a ticket,
68 payment of an attendance fee or through purchase of goods or
69 services.

70 (j) Any contribution or expenditure made by or on
71 behalf of a candidate for public office, to any other candidate,
72 or committee for a candidate for any public office in the same
73 election shall comply with the provisions of this article.

74 (k) No person, firm, association or committee shall make
75 any contribution except from his own funds, unless such person,
76 firm, association or committee discloses in writing to the person
77 required to report under this section the first name, middle
78 initial, if any, and the last name in the case of an individual, or
79 the full name in the case of a firm, association or committee;
80 residence and mailing address; the major business affiliation
81 and occupation of the person, firm, association or committee
82 which furnished the funds to such contributor. All such dis-
83 closures shall be included in the statement required by this
84 section.

85 (1) Any firm, association, committee or fund permitted by
86 section eight of this article to be a political committee shall
87 disclose on said financial statement its corporate or other
88 affiliation.

§3-8-8. Corporation contributions forbidden; exceptions; penalties.

1 (a) No officer of any corporation, or agent or person
2 on behalf of such corporation, whether incorporated under

3 the laws of this or any other state, or foreign country,
4 shall pay, give or lend, or authorize to be paid, given or
5 lent, any money or other thing of value belonging to such
6 corporation, to any candidate, financial agent or political
7 committee or other person, for the payment of any primary or
8 other election expenses whatever. No person shall solicit
9 or receive such payment, contribution or other thing from
10 any corporation, officer or agent thereof, or other person
11 acting on behalf of such corporation.

12 (b) (1) The provisions of this section shall not be deemed
13 to prohibit:

14 (A) Direct communications by a corporation to its stock-
15 holders and executive or administrative personnel and their
16 families on any subject;

17 (B) Nonpartisan registration and get-out-the-vote campaigns
18 by a corporation aimed at its stockholders and executives or
19 administrative personnel and their families; and

20 (C) The establishment, administration, and solicitation of
21 contributions to a separate segregated fund to be utilized
22 for political purposes by a corporation, membership organiza-
23 tion, cooperative, or corporation without capital stock. Any
24 such fund shall be deemed to be a political committee for
25 the purpose of this section.

26 (2) It shall be unlawful:

27 (A) For such a fund to make a contribution or ex-
28 penditure by utilizing money or anything of value secured
29 by physical force, job discrimination, financial reprisals or
30 the threat of force, job discrimination or financial reprisal,
31 or as a condition of employment, or by moneys obtained
32 in any commercial transaction;

33 (B) For any person soliciting an employee for a con-
34 tribution to such fund to fail to inform such employee of
35 the political purposes of such fund at the time of such solicita-
36 tion; and

37 (C) For any person soliciting an employee for a con-
38 tribution to such a fund to fail to inform such employee, at

39 the time of such solicitation, of his right to refuse to so
40 contribute without any reprisal.

41 (D) For a corporation, or a separate segregated fund
42 established by a corporation, to solicit contributions to such
43 a fund from any person other than its stockholders and their
44 families and its executive or administrative personnel and their
45 families.

46 (E) For a corporation to engage in job discrimination,
47 or to discriminate in job promotion or transfer because of an
48 employee's failure to make a contribution to such fund.

49 (3) For the purposes of this section, the term "executive
50 or administrative personnel" means individuals employed by a
51 corporation who are paid on a salary, rather than hourly, basis
52 and who have policy-making, managerial, professional or
53 supervisory responsibilities.

54 (c) Any person or corporation violating any provision
55 of this section shall be guilty of a misdemeanor, and, upon
58 conviction, shall be fined not more than five thousand dollars.

ARTICLE 9. OFFENSES AND PENALTIES.

§3-9-13. Buying or selling vote unlawful; penalties.

1 (a) It is unlawful for any person to offer or to pay money
2 or any other thing of value to any person as consideration for
3 the vote of the offeree or payee, as the case may be, to be
4 cast for or against any candidate or issue in any election held
5 in the state. Any person who violates the provisions of
6 subsection (a) shall be guilty of a felony and, upon conviction
7 thereof, shall be fined not less than five thousand dollars or
8 imprisoned for a period of not less than one year, nor more
9 than five years, or both.

10 (b) It is likewise unlawful for any person to accept or
11 agree to accept money or other thing of value as consideration
12 for the vote of the acceptee, to be cast for or against any
13 candidate or issue in any election held in the state. Any
14 person who violates the provisions of subsection (b) shall
15 be guilty of a misdemeanor and, upon conviction thereof,
16 shall be fined not less than one hundred dollars nor more than

17 one thousand dollars or imprisoned in the county jail not
18 more than one year, or both.

§3-9-24. Limitations on prosecutions.

1 No person shall be prosecuted for any crime or offense
2 under any provision of this chapter, unless upon an indictment
3 found and presentment made within five years after the date
4 of the commission of the crime or offense.

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

James L. Davis
Chairman Senate Committee

Clarence L. Chestnut Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. C. Dillon, Jr.
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

W. T. Brathwaite Jr.
President of the Senate

Donald L. Kopp
Speaker House of Delegates

The within *in duplicate* this the *27*
day of *April*, 1977.

John R. Rhyne Jr.
Governor



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SECY. OF STATE

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