WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1978

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ENROLLED
Committee Substitute for
HOUSE BILL No. 936

(By Mr. Shepherd and Mr. Mathis)

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PASSED March 10, 1978

In Effect ninety days from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 936

(By MR. SHEPHERD and MR. MATHIS)

[Passed March 10, 1978; In effect ninety days from passage.]

AN ACT to amend and reenact sections nine, twenty-one, 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, ten, eleven, twelve, thirteen, twenty-one, twenty-two, twenty-seven, twenty-eight and thirty, article two of said chapter; to amend article three of said chapter by adding thereto a new section, designated section five-a; to amend and reenact section eleven, article four-a of said chapter; to amend and reenact sections one, six, seven, nine and ten, article five of said chapter; to further amend said article five by adding thereto a new section, designated section one-a; to amend and reenact section five, article six of said chapter; to amend and reenact sections five, five-a, eight and twelve, article eight of said chapter; to amend and reenact sections thirteen, fourteen and twenty-four, article nine of said chapter, all relating to elections; political party committees; how composed; providing for executive committee districts; organization; printing of ballots; use of candidates titles; opening and closing of polls, procedure; permitting voting after closing of the polls in certain cases by use of voter permits; preservation of spoiled ballots; use of ballpoint
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pens; assistance to voters; providing certain requirements before assistance to voter may be given; requiring certain affidavits; requiring lists of persons given assistance; defining disability; prohibiting candidates from running for more than one office except under limited circumstances; changing time for registration of voters; cancellation and reinstatement; requiring county commission to remain open for registration; 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; changing times for registration transfers; procedure on change of registered voter's name; changing times thereof; time for registration prior to election changed; requiring the office of the clerk of the county commission to remain open during certain times for the purpose of registration; 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, except in the year one thousand nine hundred seventy-eight; hours polls open; election of county board of education members at primary elections; candidate for county board of education to be identified by magisterial district except in the year one thousand nine hundred seventy-eight; 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 preference; 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; restricting the use of certain corporate property to influence elections; corporate contributions; limitations on contributions to candidates; requiring that corpora-
tions permit employees to use corporations real property for establishing, administering and soliciting contributions; exceptions; limitations; defining contributions; exceptions; prohibitions applicable to public utilities and railroad companies; the powers and duties of the state election commission with respect thereto; conferring certain investigative powers to said commission; duties of the attorney general; buying or selling votes unlawful; limitations on prosecutions extended to five years; and prohibiting certain activities and providing penalties for such offenses.

Be it enacted by the Legislature of West Virginia:

That sections nine, twenty-one, 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, ten, eleven, twelve, thirteen, twenty-one, twenty-two, twenty-seven, twenty-eight and thirty, article two of said chapter be amended and reenacted; that article three of said chapter be amended by adding thereto a new section, designated section five-a; that section eleven, article four-a of said chapter be amended and reenacted; that sections one, six, seven, nine and ten, article five of said chapter be amended and reenacted; that said article five be further amended by adding thereto a new section, designated section one-a; that section five, article six of said chapter be amended and reenacted; that sections five, five-a, eight, and twelve, article eight of said chapter be amended and reenacted; that sections thirteen, fourteen and twenty-four, article nine of said chapter be amended and reenacted, all to read as follows:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-9. Political party committees; how composed; organization.

1 At the June primary election in the year one thousand nine hundred eighty and at the June primary election in the year one thousand nine hundred eighty-two, and in every fourth year thereafter, the voters of each political party in each senatorial district shall elect two male and two female members of the state executive committee of the party. In senatorial districts containing two or more counties, not more than two such elected committee members shall be residents of the
The committee, when convened and organized as herein provided, shall appoint three additional members of the committee from the state at large.

At such primary election, the voters of each political party in each county shall elect one male and one female member of the party's executive committee of the congressional district, of the senatorial district in which such county is situated and of the delegate district in which such county is situated if such county be situated in a delegate district. At the same time such voters in each magisterial district or executive committee district, as the case may be, of the county shall elect one male and one female member of the party's county executive committee.

For the purpose of complying with the provision of this section the county commission shall create such executive committee districts as they shall determine, which such districts shall not be fewer than the number of magisterial districts in such counties nor shall they exceed in number the following: Fifty for counties having a population of one hundred thousand persons or more; forty for counties having a population of fifty thousand to one hundred thousand; ten for counties having a population of thirty thousand to fifty thousand; and such districts in counties having a population of less than thirty thousand persons shall be coextensive with the magisterial districts.

The executive committee districts shall not cross magisterial district lines, shall be as nearly equal in population as practicable, and shall each be composed of compact, contiguous territory. The county commissions shall constitute the executive committee district to be effective for the term of office of executive committee members elected at the one thousand nine hundred seventy-eight primary election and thereafter. The county commissions shall change the territorial boundaries of such districts as necessary, only if there is an increase or decrease in the population of such district as determined by a decennial census and such changes must be made within two years following such census.

All members of executive committees, selected for each political division as herein provided, shall reside within the
counties or districts from which chosen. The term of office of all
members of executive committees elected at the June primary
the year one thousand nine hundred eighty, shall begin on the
first day of July, following said June primary, and shall con-
tinue for two years thereafter and until their successors are
elected and qualified. Vacancies in the state executive com-
mittee shall be filled by the members of the committee for
the unexpired term. Vacancies in the party's executive com-
mittee of a congressional district, senatorial district, delegate
district or county shall be filled by the party's executive com-
mittee of the county in which such vacancy exists, and shall be
for the unexpired term.

As soon as possible after the first day of July, following
the election of the new executive committees, as herein pro-
vided, they shall convene within their respective political
divisions, on the call of the chairman of the corresponding out-
going executive committees, or by any member of the new
executive committee in the event there is no corresponding
outgoing executive committee, and proceed to select a chair-
man, a treasurer, and a secretary, and such other officers as
they may desire, each of which officers shall for their respec-
tive committees perform the duties that usually appertain to
such offices.

§3-1-21. Printing of ballots; number and requirements; packaging
and sealing.

It shall be the duty of the board of ballot commissioners for
each county to provide printed ballots for every election for
county or district from which chosen. The term of office of all
members of executive committees elected at the June primary
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thereon, in plainly worded language, the number of candidates
to be voted for in each district or other governmental sub-
division. The printing of the ballots, and all other printing
caused to be done by the board of ballot commissioners, shall
be contracted for with the lowest responsible bidder. Ballots
other than those caused to be printed by the respective boards
of ballot commissioners, according to the provisions of this
chapter, shall not be cast, received, or counted in any election.

For each such election to be held in their county and at
least thirty days before the date of such election, the board
of ballot commissioners shall cause to be printed official bal-
lets to not more than one and one-fifth times the number of
registered voters in the county. Provisions of article five of
this chapter shall govern the printing of ballots for primary
elections. The ballots so printed shall be wrapped and tied
in packages, one for each precinct in their county, containing
ballots to the number of one and one-twentieth times the num-
ber of registered voters in such precinct. Each package of
ballots shall be sealed with wax, and plainly marked with the
number of ballots therein, the name of the magisterial district,
and the number of the voting place therein, to which it is in-
tended to be sent. The names of the ballot commissioners shall
also be endorsed thereon.

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

At the time of opening the polls in all precincts wherein
voting machines are not to be used, the election commissioners
shall examine the ballot box and ascertain that there are no
ballots in the same, and they shall thereupon securely lock
the box and give one key to one of the commissioners and
one to a commissioner of the opposite political party, who
shall hold the same, and such boxes shall not be again
opened until the time to begin counting the votes arrives
and for that purpose. At or before opening the polls, the
commissioners of election shall open the package contain-
ing the ballots in such manner as to preserve the seals intact
and thereupon deliver all of the ballots to the poll clerk.
Before any voter is permitted to vote, the commissioners of
election shall proclaim that such election is opened. When the
polls are closed, proclamation must be made of the fact by
one of the commissioners of election to the people outside, in
a loud and audible tone of voice, and a minute of such
proclamation and of the time when it was made must be
entered on the pollbooks by the clerks. The election com-
missioner shall permit those electors to vote who are present
at the polling place prior to the hour specified for the closing
of the polls: *Provided,* That at that time they are in a line
waiting their turn to vote within the voting room itself or, if
the line extends outside of the voting room itself, within
that line. In that event an election commissioner from each
party shall immediately after the closing proclamation begin
with the last voter in line and together supply the voters
within the line with waiting-voter permits which shall be
prescribed by the secretary of state. Each voter shall sign
his permit in the presence of both commissioners who shall
then likewise affix their signatures to the permit in the
presence of the voter and each other. After each such voter
in line has received and signed his permit and the election
commissioners have affixed their signatures thereto, voting
shall be resumed. Each voter shall present his permit to one
of the poll clerks so that the signature thereon may be com-
pared to the voter's signature when he signs the pollbook.
Each permit so presented shall be attached to the page in
the pollbook on which the voter affixed his signature. In no
case shall any person who arrives at the polling place after
the closing hour be given a waiting-voter permit or be allowed
to vote. After the final voter presents his waiting-voter permit
and casts his ballot no more ballots shall be cast or received.

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

Any person offering to vote in an election shall, upon enter-
ing the election room, clearly state his name and residence
to one of the poll clerks who shall thereupon announce the
same in a clear and distinct tone of voice. If such person is
found to be duly registered as a voter at that precinct, he shall
be required to sign his name in the space marked "signature
of voter" on the pollbook described and provided for the
precinct. If such person be physically or otherwise unable to
sign his name, his mark shall be affixed by one of the poll
clerks in the presence of the other and the name of the poll
clerk affixing the voter's mark shall be indicated immediately
under such affixation. No ballot shall be given to such person
until he so signs his name on the pollbook or his signature is
so affixed thereon.

When the voter's signature is properly on the pollbook, the
two poll clerks shall sign their names in the places indicated on
the back of the official ballot and shall deliver the ballot to
the voter to be voted by him then without leaving the election
room. If he returns the ballot spoiled to the clerks, they shall
immediately mark such ballot "spoiled" and the same shall be
preserved and placed in a spoiled ballot envelope together with
other spoiled ballots to be delivered to the board of canvassers
and deliver to the voter another official ballot, signed by the
clers on the reverse side as before done. The voter shall there-
upon retire alone to the booth or compartment prepared within
the election room for voting purposes and there prepare his
ballot, using a ballpoint pen of not less than five inches in length
or other indelible marking device of not less than five inches in
length. In voting for candidates in general and special elections,
the voter shall comply with the rules and procedures prescribed
in section five of article six of this chapter.

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

No voter shall receive any assistance in voting unless (1) (a)
his registration record indicates that because of illiteracy, he is
unable to read the names on the ballot, or that he has a physical
disability which renders him unable to see or mark the ballot, or
to operate the voting machine, the exact nature of the physical
disability being recorded on the registration record, or (b) he
shall make an affidavit, the form of which shall be prescribed
by the secretary of state, that because of a physical disability
which renders him unable to see or mark the ballot, or to oper-
ate the voting machine, the exact nature of the physical disabil-
ity being stated therein; and (2) a poll clerk of each political
party determines that he is illiterate or suffers from the physical
disability stated on his registration record or in his affidavit and
that such physical disability renders him then unable to see or
mark the ballot, or to operate the voting machine.

Any voter so determined to be qualified to receive assistance
in voting under the provisions of this section may declare his
choice of candidates to an election commissioner of each politi-
cal party who, in the presence of the voter and in the presence
of each other, shall prepare the ballot for voting in the manner
hereinbefore provided, and, on request, shall read over to such
voter the names of candidates on the ballot as so prepared; or
such voter may require the election commissioners to indicate
to him the relative position of the names of the candidates on
the ballot, whereupon the voter shall retire to one of the booths
or compartments to prepare his ballot in the manner hereinbe-
fore provided, or may request the election commissioners, in the
presence of the voter and in the presence of each other, to mark
the ballot as he directs.

If the voter is unable to mark his ballot because of blindness
and the voter's registration records so indicate such blindness,
and if he shall so elect, said poll clerks shall both withdraw, and
permit the voter to be assisted by any duly registered voter
designated by such voter.

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

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

Election commissioners providing assistance to voters under the provisions of this section shall not in any manner request, or seek to persuade, or induce the voter to vote any particular ticket or for any particular candidate or for or against any public question, and shall not keep or make any memorandum or entry of anything occurring within the voting booth or compartment, and shall not, directly or indirectly, reveal to any person the name of any candidate voted for by the voter, or which ticket he had voted, or how he had voted on any public question, or anything occurring within the voting booth or compartment or voting machine booth, except when required pursuant to law to give testimony as to such matter in a judicial proceeding.

In accordance with instructions issued by the secretary of state, the clerk of the county commission shall provide a form entitled “List of Assisted Voters,” the form of which list shall likewise be prescribed by the secretary of state. The commissioners shall enter the name of each voter receiving assistance in voting the ballot, together with the poll slip number of that voter and the signature of the commissioner from each party who assisted the voter certifying to the fact that they had determined that the voter who received assistance in voting the ballot was qualified to receive such assistance under the provisions of this section. If no voter shall have been assisted in voting the ballot as herein provided, the commissioners shall likewise make and subscribe to an oath of that fact on such list.

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

Following the election, the affidavits required by this section from assisted voters together with the “List of Assisted Voters,” shall be returned by the election commissioners to the clerk of the county commission along with the election supplies, records and returns, who shall make such oaths and list available for public inspection and who shall preserve the same for a period of five years or until disposition is authorized or directed by the secretary of state, or court of record.

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

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

The term “assistance in voting” as used in this section means assistance in physically marking the official ballot for a voter, or reading or directing the voter’s attention to any part of the official ballot, or physically operating the voting machine.
The term “physical disability”, as used in this section, means blindness or such degree of blindness as will prevent the voter from seeing the names on the ballot, or amputation of both hands, or such disability of both upper extremities that neither can be used to make cross marks on the ballot, or operate the voting machine, or confinement to wheelchair which prevents or restricts use of voting machine.

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

No person shall be a candidate for more than one office at any election: Provided, That such candidate for an office may also be a candidate for president or vice president of the United States, for membership on a political party executive committee or for delegate to a political party national convention. Any candidate who violates this section shall be disqualified from serving in any office to which he was elected while in violation of this section.

ARTICLE 2. REGISTRATION OF VOTERS.

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

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

Within one hundred and twenty days following any election, the clerk of the county commission shall, as evidenced by the presence or absence of signatures on the pollbooks for such election, correct any errors or omissions on the voter registration records appertaining to such election resulting from the poll clerks erroneously checking or failing to check the registration records as required by the provisions of section thirty-four, article one of this chapter; and, within the same time period following each statewide primary and general election and at the same time that such checkup is made as is by this paragraph required, the clerk shall cancel the registration of each person who has failed to vote at least once during a period
covering two statewide primary and general elections as in-
dicated by his registration record. Any person who has had
his registration for that reason canceled shall, by letter, be
given proper notice thereof by the clerk of the county
commission, to the effect that in order to vote he must register
again or execute and file, not later than thirty days before
the next primary or general election, with the clerk, an affi-
davit, the form of which shall be prescribed by the secretary
of state, stating that he desires to be reinstated as a qualified
voter at the same address and the clerk shall replace the
registration card of the voter in the registration records. A
blank form of such affidavit shall be included with and accom-
pany the aforesaid notice to the voter.

§3-2-10. County commission’s duties and powers; hours during
registration period.

Subject to the authority of the secretary of state, the county
commission shall be chief registration authority in each
respective county and all subdivisions therein, and shall superv-
ise the county clerk and registrars in the performance of
their respective duties.

The county commission shall have power on its own motion
to summon and to interrogate any person concerning the
registration of voters, to investigate any irregularities in
registration, to summon and examine witnesses, to require the
production of any relevant books and papers, and to conduct
hearings on any matters relating to registration of voters.

Notwithstanding any provision of any other section of this
code, the office of the clerk of the county commission shall
remain open from 9:00 a.m. until 9:00 p.m. for the Friday,
Saturday and Monday prior to the close of the registration
period.

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

The county commission of each county may, not less than
eighteen nor more than twenty weeks prior to the date of a
statewide primary election, appoint two competent persons,
for one or more but not to exceed ten voting precincts in
the county, to act as registrars for the purpose of making a
biennial checkup allowed by this article. No person shall be eligible to appointment as a registrar, or in any way act as such, if he has been convicted of a felony or if he holds any elective or appointive office, or is a public employee, under the laws of this state or of the United States; or cannot read or write the English language; or is a candidate to be voted for at such election. If any such registrar shall fail or refuse to serve or is properly dismissed, the vacancy shall be filled either by the county commission or by the clerk thereof in vacation, in the manner provided for the appointment of registrars. Each registrar, before entering upon the discharge of his duties, shall take an oath that he will perform the duties of the office to the best of his ability, which oath shall be filed in the office of the clerk of the county commission.

An equal number of such registrars shall be selected from the two political parties which at the last preceding election, cast the highest number and next highest number of votes in the county in which the election is to be held. The county commission shall, at least four weeks prior to making such appointment, request the county executive committee of each of the said two political parties to submit a list of names, equal to one half of the total number to be appointed, of persons qualified to act as registrars; and the county commission shall, if such lists are submitted, appoint the respective registrars therefrom, and shall notify each registrar of his appointment. Every such list so presented shall be filed and preserved for one year by the clerk of such commission in his office. Any and every act performed by any registrar under the provisions of this article shall be void unless performed in conjunction with a registrar of the opposite political party at the same time and place.

Before acting, all such registrars shall attend a session, or sessions, of instruction by the clerk of the county commission, or some person designated by him, concerning the performance of their duties.

Immediately following such instruction the clerk of the county commission shall deliver to the registrar a copy of the laws and regulations relating to registration of voters and
all necessary forms and other supplies, including a certified
list of all registered voters within the precinct or precincts
for which such registrars were appointed, upon such
form as may be prescribed by the secretary of state. Such
registrars shall thereupon proceed together to make a house-
to-house canvass in their precincts for the purpose of making
the biennial checkup allowed by section twenty-one of this
article. Each biennial checkup subsequent to the year one
thousand nine hundred seventy-eight shall be completed at
least sixty days before the statewide primary election follow-
ing the appointment of the registrars. In making such checkup
the registrars shall not again register any person who is already
registered in such precinct, but shall determine whether or
not such person is 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
shall return the records and lists to the clerk of the county
commission, together with an affidavit that the returns, records
and lists returned to the clerk are true and correct to the
best of their knowledge and belief. The clerk of the county
commission shall make the necessary changes in his other
registration records. The list checked by the registrars in
each precinct shall be compared with the register of deaths
kept by the clerk of the county commission in his office.
Each person named in the list who is not shown to have been
found and so checked by the registrars and whose death is
not shown on such register shall be given proper notice
by the clerk of the county commission that his registration
has been canceled and that in order to vote he must register
again. The notice shall be mailed to such person's last
address appearing on the registration record.

17 The clerk of the county commission is authorized to pub-
lish such notices as may be proper in his opinion to advise
the electorate of the respective dates after which transfers
and registration, and changes of registration, may not be
made with respect to any general or primary election.
§3-2-13. Compensation of registrars.

As compensation for his services, each registrar shall be paid at a rate to be fixed by the county commission, but not more than twenty-five dollars per day, and, in addition, shall be reimbursed for his travel expenses.


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

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

The clerk of the county commission may register any qualified person as a voter by having him fill in and complete the prescribed voter registration form and having him sign same under oath or affirmation. The clerk, upon proper proof, may alter, amend, correct, or cancel the registration record of any voter. Such registration or alteration, amendment, correction or cancellation of registration records shall be carried on throughout the year.

Beginning with the year one thousand nine hundred seventy-eight and every two years subsequent thereto, the clerk or one of his deputies shall, during the biennial checkup period, for the purposes of registration of voters, visit every public or private institution, excluding hospitals, in which resides aged, infirm, disabled, or chronically ill persons and every high school with students eligible by age for registration, and shall establish at least one temporary registration office per
magisterial or tax district, whichever is more numerous, for
the purpose of registering the names of persons not so regist-
ered but who are qualified to register, or to alter, amend, cor-
rect or cancel such registration records. Such registration of-
fices shall be open at least three days, including one Saturday
and one evening within the sixty day period prior to each
primary and each general election but prior to the thirtieth
day before any such election at such hours as shall be posted
and advertised as a Class III-0 legal advertisement with the
publication area being the magisterial district. The clerk of the
county commission shall also solicit public service advertising
of such registration offices and times on radio, television and
newspapers serving that county.

Any applicant not otherwise included under provisions of
previous sections who is physically unable to appear before
the clerk of the county commission, or at the temporary office
may request the clerk of the county commission or one of his
deputies to, and, upon proper request they shall, deliver or
cause to be delivered in person or by mail the forms neces-
sary to register.

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

For purposes of making certain that the voter registration
records of the various counties do not contain voter registra-
tion of persons who are deceased, the clerks shall, sixty days
prior to a general election, review each certificate of death
received by him from the state registrar of vital statistics or
from the local registrar of vital statistics and shall cancel
the voter registration, if any, of each person shown to be
deceased by any such certificate and whose voter registration
has not previously been canceled. By the forty-fifth day prior
to a general election each clerk of a county commission shall
certify to the secretary of state, as the chief registration
official of the state, that he has performed the duty required

If found necessary, the county commission may order and direct the clerk of the county commission to maintain additional office hours in the evening or at other proper times and places for accommodation of voter registration.

§3-2-27. Registration transfers.

Whenever a voter removes his residence from one place to another within the same county he shall request that the change be made on his registration record. Such request shall be made by filling in, and, if he is able, signing under oath or affirmation the necessary form, which may be procured in person or by mail from the office of the clerk of the county commission, or from the registrars during the biennial checkup. The form of such notice shall be prescribed by the secretary of state.

Upon receipt of such notice the clerk of the county commission shall cause the signature thereon to be compared with the signature of the applicant upon his registration card and, if such signatures correspond, shall make entry of such change of residence upon all the registration records and the necessary transfers in the files. If the clerk of the county commission is not satisfied as to the genuineness of the signature on the notice of change of residence, and if the right of such applicant to register is challenged according to the procedure herein prescribed, such transfer shall not be made.

Transfers of the registration record may be made throughout the year except during the thirty days immediately preceding any election, and if any voter shall move from one precinct to another within the county within the thirty day period, he shall, for that election only, vote in the precinct from which he moved. If any voter shall move from one place to another within the precinct in which he is registered, whether within or more than thirty days preceding any election, he shall be permitted to vote in that precinct, and the election commissioners upon request of the registrant shall make entry of such change of residence upon the voter's
registration record in accordance with procedures prescribed by the secretary of state.

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

1. Whenever a voter, previously registered, shall change his name, such person shall be required to register again. For this purpose such person may register by mail in the same manner as an absentee registrant, according to the procedure prescribed in section twenty-three of this article. Upon such registration, the clerk of the county commission shall cancel the registration record bearing the voter’s former name. When such a change of name is made during the thirty days immediately preceding any election, such voter, if duly registered, may vote at the 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 or his voter registration has been altered, amended or corrected within a period of thirty days next preceding such election, but this inhibition shall not prevent, during such period of thirty days, additional registrations and changes in voter registrations with reference to future elections. If, during such period of thirty days preceding an election, a voter is registered or his voter registration is altered, amended or corrected, he shall not 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 for by section five of this article may have someone personally deliver the sealed envelope during regular business hours at the office of the clerk of the circuit court of the county in which he is registered to vote not more than fourteen days before the election and on any day thereafter up to and including the Saturday next preceding the date of the primary or general election or, in the case of special elections, up to and including the third day next preceding the day of any such special election (in computing such third day, the day of conducting the special election, shall be excluded): Provided, That
no person shall be permitted to personally deliver more than
two absentee ballots preceding any election.

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

ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.

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

The ballot commissioners of any county in which an
electronic voting system is to be used in any election shall
cause to be printed for use in such election the ballots or
ballot labels, as appropriate, for the electronic voting system.
The ballot labels so printed shall total in number one and one-
half times the total number of vote recording devices to be used
in the several precincts of the county in such election. All
such labels shall be delivered to the clerk of the county com-
mission at least thirty days prior to the day of the election
in which such labels are to be used. The labels shall contain
the name of each candidate, but in no case shall the ballot con-
tain any title, position, rank, degree, or such, including but not
limited to “doctor”, “reverend”, “PhD.”, or the equivalent, and
each question to be voted upon and shall be clearly printed or
typed in black ink on clear white material of such size as will fit
the vote recording devices. Arrows may be printed on the bal-
lot labels to indicate the place to punch the ballot card, which
may be to the right or left of the name or proposition.

The titles of offices may be arranged on the ballot labels in
vertical columns or in a series of separate pages, and shall be
printed above or at the side of the names of candidates so as to
indicate clearly the candidates for each office and the number
to be elected. In case there are more candidates for an office
than can be printed in one column or on one ballot label page,
the ballot label shall be clearly marked that the list of candi-
dates is continued on the following column or page, and so far
as possible, the same number of names shall be printed on each
column or page. The names of candidates for each office shall
be printed in vertical columns or on separate pages, grouped by
the offices which they seek.

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

One set of ballot labels shall be inserted in the vote recording
device prior to the delivery of such device to the polling place.
The remainder of such ballot labels for each device shall be re-
tained by the clerk of the county commission for use in the
event the set so inserted in such device becomes lost, mutilated
or damaged.

In addition to all other equipment and supplies required by
the provisions of this article, the ballot commissioners shall
cause to be printed a supply of instruction cards, sample bal-
lots, facsimile diagrams of the vote recording device ballot and
official printed ballots or ballot cards adequate for the orderly
conduct of the election in each precinct in their county. In ad-
dition they shall provide all other materials and equipment
necessary to the conduct of the election, including voting
booths, appropriate facilities for the reception and safekeeping
of ballot cards, the ballots of absent voters and of challenged
voters and of such “independent” voters who shall, in primary
elections, cast their votes on nonpartisan candidates and public
questions submitted to the voters.

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURE.

§3-5-1. Time and place of holding primary elections in the year
one thousand nine hundred eighty and thereafter; hours
polls open.

Primary elections shall be held at the voting place in each
of the voting precincts in the state, for the purposes set
forth in this article, on the first Tuesday in June in the
eyear one thousand nine hundred eighty and in each second
year thereafter.

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

§3-5-1a. Time and place of holding primary elections held in the
year one thousand nine hundred seventy-eight; hours polls open.

The primary election held in the year one thousand nine
hundred seventy-eight shall be held at the voting place in
each of the voting precincts in the state, for the purposes set
forth in this article, on the second Tuesday in May in the
year one thousand nine hundred seventy-eight.

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

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

An election for the purpose of electing members of the
county board of education shall be held on the same date as
the primary elections as now provided by law, but upon a
nonpartisan ballot printed for the purpose. At the election
of members of the county board of education held in the year
one thousand nine hundred eighty and each such election held
thereafter, each candidate seeking the office shall be identi-
fied as to the magisterial district from which he is a resident. In
such nonpartisan election the person receiving the highest
number of votes shall be elected for a long term, and if more
than one is to be elected for a long term, the one receiving
the next highest shall be elected; and if more than two are to
be elected the candidate or candidates receiving the next highest
votes shall be declared elected for any short term or terms,
as the case may be, to fill vacancies; but no more than two
such members shall be elected from the same magisterial
district, and then only when such magisterial district does
not have a holdover member of said board, and if such
magisterial district has one holdover member on said board
only one member shall be elected as aforesaid; and if more
persons from a magisterial district receive the highest number
of votes in said election, then of such persons only the person
or persons having the highest vote who do not make the
aggregate number of elected members and holdover members
more than two from such magisterial district shall be de-
clared elected, and the remaining members shall be declared
from the highest from other magisterial districts; and in no
event shall any member be declared elected from the same
magisterial district wherein reside two already elected or other-
wise qualified members of such board who will continue to
hold office after the beginning of the term for which such
election was held.

It is declared to be the intent of this statute that any person
declared to be elected under the preceding provisions of the
section shall take office as a duly elected member or members,
even though he, she or they may not have received a majority
or plurality of all votes cast at such election.

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

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

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

I, __________________________, hereby certify that I am a
candidate for the nomination for the office of ____________
to represent the ______________ Party, and desire my name
printed on the official ballot of said party to be voted at

14 the primary election to be held on the ________________ day
15 of ________________, 19_____; that I am a legally qualified
16 voter of the County of ________________, State of West
17 Virginia; that my residence is number ___ of ____________
18 Street in the City (or Town) of ____________ in ____________
19 County in said State; that I am eligible to hold the said
20 office; that I am a member of and affiliated with said
21 political party; that I am a candidate for said office in good
22 faith.

23

24 Candidate

25 Signed and acknowledged before me this ________________ day of
26 ________________, 19______.

27

28 Signature and official title of
29 person before whom signed.

30 Any candidate for delegate to the national convention
31 of any political party shall provide, on a form prescribed
32 by the secretary of state, the information required in the
33 certificate hereinbefore described and shall also provide
34 the name of the person he prefers as the presidential nominee
35 of his party upon the first convention ballot, or if he has no
36 preference, a statement that he is uncommitted: Provided, That
37 any candidate for delegate may change his statement of presi-
38 dential preference by notifying the secretary of state by
39 registered letter, at least forty-five days prior to the day fixed
40 for the primary election.

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

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

The provisions of this section shall apply to the primary election held in the year one thousand nine hundred eighty and every primary election held thereafter.

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

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

Such certificate of candidates shall show (1) the name and residence of each candidate, (2) the office for which he is a candidate, (3) the name of the political party of which he is a candidate, (4) upon what ballot his name is to be printed and (5) in the case of a candidate for delegate to the national convention of any political party, the name of the person the candidate prefers as the presidential nominee of his party, or if he has no preference, the word "uncommitted."

The secretary of state shall post a duplicate of such certificate in a conspicuous place in his office and keep same posted until after the primary election.

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

The provisions of this section shall apply to the primary election held in the year one thousand nine hundred eighty and every primary election held thereafter.

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

Between the thirtieth and the fifteenth days next prior to the date of the 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 political party, but in no case shall the ballot contain any title, position, rank, degree, or such, including but not limited to "doctor", "reverend", "PhD.", or the equivalent, and, as the case may be, the nonpartisan candidates to be voted for at such primary election. In the case of a candidate for delegate to the national convention of any political party the ballot commissioners shall, in addition, include in the ballot the name of the person the candidate prefers on the first convention ballot as the presidential nominee of his party, or if he has no preference the word "uncommitted." During the two weeks next preceding the primary election they shall publish such sample official primary election ballot as a Class II-O legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the county. The second publication shall be on the last day upon which each newspaper is published before the election.

The ballot commissioners shall determine the total number of official ballots required for conducting the primary election in all of the election precincts of the county and shall cause same to be printed at least fifteen days next preceding the date of the election and made ready for delivery to the several precincts along with other election supplies. The number of official ballots of a political party prepared for delivery to a precinct shall not exceed one and one-twentieth times the 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.

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

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

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

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

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

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

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

(2) Make a cross mark in the circular space above the name of the party for some of whose candidates he desires to vote, and then make a cross mark before the name of any candidate of any other party for whom he may desire to vote, in which case the cross mark in the circular space above the name of the party will cast his vote for every candidate on the ticket of such party except for offices for which candidates are marked on other party tickets, and the cross marks before the name of such candidates will cast his vote for them; or
(3) Write with black lead pencil or other means the name of any person for whom he desires to vote in the space immediately below the name of the opposing candidate for the same office, on the ticket voted by him, and the name so written shall be counted.

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

If the voter desires to vote for any person whose name does not appear on the ticket, he may substitute the name by writing it with black lead pencil or other means in the proper place, and making a cross mark in the blank space at the left of the name so written. The use of stamps, stickers, tapes, labels or any other means of writing in the name of a candidate on the ticket shall be permitted in accordance with rules and regulations prescribed by the secretary of state for such manner of voting. The secretary of state may prescribe devices which would cause mechanical difficulty with voting machines or electronic devices or which would obliterate or deface a paper ballot or any portion thereof, but the secretary of state shall preserve the right to vote by a write-in vote.

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

No ballot shall be rejected for any technical error which 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.

Every candidate, financial agent, person and association
of persons, organization of any kind, including every corpora-
tion, directly or indirectly, supporting a political committee
established pursuant to subsection (b) (1) (C) of section eight
of this article or engaging in other activities permitted by
said section eight of this article and also including the treasurer
or equivalent officer of such association or organization, ad-
vocating or opposing the nomination, election or defeat of
any candidate, or the passage or defeat of any issue, thing or
item to be voted upon, and the treasurer of every political
party committee shall keep detailed accounts of every sum of
money or other thing of value received by him, and of all
expenditures and disbursements made, liabilities incurred, by
such candidate, financial agent, person, association or organi-
zation or committee, for political purposes, or by any of the
officers or members of such committee, or any person acting
under its authority or on its behalf.

Each person who files a certificate of candidacy for nomi-
nation or election in this state as provided for in article five
of this chapter and every financial agent, person, the treasurer
or equivalent officer of any association or organization of any
kind supporting or opposing the candidacy of any such candi-
date, or any person or organization advocating or opposing the
nomination, election, or defeat of any candidate, or the pas-
sage or defeat of any issue, thing or item to be voted upon,
shall, within fifteen days following the first Saturday of Feb-
ruary next preceding the primary election day, file a detailed
itemized statement, subscribed and sworn to before an officer
authorized to administer oaths, setting forth all contributions
and expenditures concerning the candidacy of that person or
any person or organization advocating or opposing the nomi-
nation, election or defeat of any candidate, or the passage or
defeat of any issue, thing or item to be voted upon. Such
statement shall include all contributions received or expendi-
tures made which have taken place by the date of such report,
subsequent to any previous report filed within the previous
five years under this section or under the former provisions of
this section, or if no report was filed, all contributions received
or expenditures made within the preceding five years. The
specific information required to be included in such statement
is provided for in section five-a of this article.
Not less than five nor more than ten days before each primary or other election, and again within thirty days after each primary or other election, every candidate for nomination or election, and every financial agent, person, the treasurer or equivalent officer of any association or organization of any kind advocating or opposing the passage or defeat of any issue, thing or item to be voted upon or pertaining to the holding or conducting of any election, and the treasurer of every political party committee shall file with the officers hereinafter prescribed a detailed itemized financial statement subscribed and sworn to before an officer authorized to administer oaths, setting forth all financial transactions which have taken place by the date of such report in connection with such primary or other election as provided for in section five-a of this article.

Every person who shall announce as a write-in candidate for any elective office and his financial agent or election organization of any kind, shall comply with all of the requirements of this section after public announcement of such person's candidacy has been made.

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

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

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

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

(c) The first name, middle initial, if any, and the last name in the case of an individual, and the full name of each firm, association or committee, and the amount of such contribution of such individual, firm, association or committee, and, if the aggregate of the sum or sums contributed by any one such individual, firm, association or committee ex-
ceeds two hundred fifty dollars there shall also be reported
the residence and mailing address and, in the case of an
individual, the major business affiliation and occupation. A
contribution totaling more than fifty dollars by any one
contributor is prohibited unless it is by money order or by
check, and a violation of this provision is subject to section
five-d of this article. As used herein, the term "check" shall
have the meaning ascribed to that term in section one hundred
four, article three, chapter forty-six of this code.

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

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

When any lump sum payment is made to any advertising
agency or other disbursing person who does not file a report
of detailed accounts and verified financial statements as
required herein, such lump sum expenditures shall be ac-
counted for in the same manner as provided herein.

(f) The total expenditure for the nomination, election
or defeat of a candidate or any person or organization ad-
vocating or opposing the nomination, election or defeat of
any candidate, or the passage or defeat of any issue, thing
or item to be voted upon, in whose behalf an expenditure was
made or a contribution was given for the primary or other
election.

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

(h) Any unexpended balance at the time of making the
financial statements herein provided for, shall be properly
accounted for in that financial statement and shall appear
as a balance in the next following financial statement.

(i) Each financial statement required by this section shall
contain a separate section setting forth the following information for each fund raising event held during the period covered by the financial statement:

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

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

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

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

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

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

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

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

(l) Any firm, association, committee or fund permitted by section eight of this article to be a political committee shall disclose on the financial statement its corporate or other affiliation.
§3-8-8. Corporation contributions forbidden; exceptions; penalties.

(a) No officer of any corporation, or agent or person on behalf of such corporation, whether incorporated under the laws of this or any other state, or foreign country, shall pay, give or lend, or authorize to be paid, given or lent, any money or other thing of value belonging to such corporation, to any candidate, financial agent or political committee or other person, for the payment of any primary or other election expenses whatever. No person shall solicit or receive such payment, contribution or other thing from any corporation, officer or agent thereof, or other person acting on behalf of such corporation.

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

(A) Direct communications, other than by newspapers of general circulation, radio, television or billboard advertising likely to reach the general public, by a corporation to its stockholders and executive or administrative personnel and their families on any subject;

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

(C) The solicitation of contributions to a separate segregated fund to be utilized for political purposes by any corporate officer, agent or any person on behalf of a corporation. Any such fund shall be deemed to be a political committee for the purpose of this article and subject to all reporting requirements thereof.

(2) It shall be unlawful:

(A) For such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals or the threat of force, job discrimination or financial reprisal, or as a condition of employment, or by moneys obtained in any commercial transaction;

(B) For any person soliciting a stockholder, executive
or administrative personnel and members of their family
for a contribution to such fund to fail to inform such
person of the political purposes of such fund at the time
of such solicitation;

(C) For any person soliciting any other person for a con-
tribution to such a fund to fail to inform such other person
at the time of such solicitation of his right to refuse to so
contribute without any reprisal;

(D) For a corporation, or a separate segregated fund estab-
lished by a corporation to solicit contributions to such a
fund from any person other than its stockholders and their
families and its executive or administrative personnel and
their families or to contribute any corporate funds;

(E) For a corporation, or a separate segregated fund
established by a corporation to receive contributions to
such a fund from any person other than its stockholders and
their immediate families and its executive or administrative
personnel and their immediate families;

(F) For a corporation to engage in job discrimination or
to discriminate in job promotion or transfer because of an
employee's failure to make a contribution to such fund;

(G) For such a fund directly or indirectly to make
any contribution in excess of the value of one thousand
dollars in connection with any campaign for nomination
or election to or on behalf of any elective office in the
state or any of its subdivisions, or in connection with or
on behalf of any committee or other organization or person
engaged in furthering, advancing or advocating the nomination
or election of any candidate for any such office; and

(H) For a corporation to pay, give or lend, or authorize
to be paid, given or lent, any moneys or other things of
value belonging to such corporation to such fund for any
purpose. This provision shall not be deemed to prohibit
such a fund from using the property, real or personal, facili-
ties, and equipment of a corporation solely to establish, ad-
minister, and solicit contributions to the fund, subject to the
rules and regulations of the state election commission as pro-
vided in subsection (d) of this section: Provided, That such corporation shall also permit any group of employees thereof represented by a bona fide political action committee to use the real property of such corporation solely to establish, administer and solicit contributions to the fund of such political action committee, subject to the rules and regulations of the state elections commission as provided in subsection (d) of this section. No such property, real or personal, facilities, equipment, materials or services of a corporation shall be utilized for the purpose of influencing any voter or voters to vote for a particular candidate, or in any particular manner, or upon any particular side of any question to be decided at any election, or to influence the result of any such election.

(I) Public Utility companies and railroad companies may not form funds or political action committees in support of political candidates or parties, and may not use corporate property, real or personal, facilities, equipment, materials or services of said utility to establish, administer or solicit contributions to such fund or political action committee.

(3) For the purposes of this section, the term “executive or administrative personnel” means individuals employed by a corporation who are paid on a salary rather than hourly basis and who have policymaking, managerial, professional or supervisory responsibilities.

(c) Any person or corporation violating any provision of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than five thousand dollars. No corporation shall reimburse any person the amount of any such fine imposed pursuant to this section.

(d) The state election commission shall promulgate rules and regulations to implement the provisions of this section, which rules and regulations, insofar as practicable, shall be the same as the rules and regulations promulgated by the federal election commission to carry out those provisions of 2 USC § 441b which are similar or identical to those provisions contained in this section in order that the provisions of this section and the regulations promulgated thereunder and the similar provisions of 2 USC § 441b and the regulations pro-
mulgated thereunder may be uniformly administered and ap-
lplied to corporations subject to the cited section of the Federal
Election Campaign Act Amendments of 1976 and to this
section. The state election commission shall promulgate such
rules and regulations not later than sixty days after the effec-
tive date of this act and in doing so shall be governed by the
provisions of article three, chapter twenty-nine-a of this code.

(e) In addition to its powers and duties as set forth in
article one-a of this chapter, the state election commission shall
have the following powers and duties:

1. To investigate, upon complaint or on its own initiative,
any alleged violations or irregularities of this article.

2. To administer oaths and affirmations, issue subpoenas
for the attendance of witnesses, issue subpoenas duces tecum
to compel the production of books, papers, records and all
other evidence necessary to any investigation.

3. To involve the aid of any circuit court in the execution
of its subpoena power.

4. To report any alleged violations of this article to the
appropriate prosecuting attorney having jurisdiction, which
prosecuting attorney shall present to the grand jury such
alleged violations, together with all evidence relating thereto,
no later than the next term of court after receiving the
report.

It shall be the duties of the attorney general to provide such
legal and investigative assistance to the state election com-
mission as it may request and require.

Any investigation either upon complaint or initiative, shall
be conducted in an executive session of the state election com-
mission and shall remain undisclosed except upon an indict-
ment by a grand jury.

Any person who shall disclose the fact of any complaint,
investigation or report or any part thereof, or any proceed-
ings thereon, shall be guilty of a misdemeanor, and, upon
conviction thereof, shall be fined not less than one thousand
dollars, nor more than five thousand dollars, and shall be
imprisoned in the county jail not less than six months nor
more than one year.

§3-8-12. Additional acts forbidden; circulation or written matter;
newspaper advertising; solicitation of contributions; inti-
midation and coercion of employees; promise of em-
ployment or other benefits; limitations on contributions;
public contractors; penalty.

(a) No person shall publish, issue or circulate, or cause to
be published, issued or circulated, any anonymous letter, cir-
cular, placard, or other publication tending to influence voting
at any election;

(b) No owner, publisher, editor, or employee of a news-
paper or other periodical shall insert, either in its advertising
or reading columns, any matter, paid for or to be paid for,
which tends to influence the voting at any election whatever,
unless directly designating it as a paid advertisement and
stating the name of the person authorizing its publication and
the candidate in whose behalf it is published;

(c) No person shall, in any room or building occupied for
the discharge of official duties by any officer or employee of
the state or a political subdivision thereof, solicit orally or by
written communication delivered therein, or in any other man-
er, any contribution or money or other thing of value for any
party or political purpose whatever, from any postmaster or
any other officer or employee of the federal government, or
officer or employee of the state, or a political subdivision
thereof. No officer, agent, clerk, or employee of the federal
government, or of this state, or any political subdivision
thereof, who may have charge or control of any building,
office or room, occupied for any official purpose, shall know-
ingly permit any person to enter the same for the purpose of
therein soliciting or receiving any political assessments from,
or delivering or giving written solicitations for, or any notice of,
any political assessments to, any officer or employee of the
state, or a political subdivision thereof;

(d) Except as provided in section eight of this article no
person entering into any contract with the state or its sub-
divisions, or any department or agency thereof, either for
rendition of personal services or furnishing any material, supplies or equipment or selling any land or building to the state, or its subdivisions, or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land or building is to be made in whole or in part from public funds shall, during the period of negotiation for or performance under such contract or furnishing of materials, supplies, equipment, land or buildings, directly or indirectly make any contribution to any political party, committee or candidate for public office or to any person for political purposes or use; nor shall any person or firm solicit any contributions for any such purpose during any such period;

(c) No person shall, directly or indirectly, promise any employment, position, work, compensation or other benefit provided for, or made possible, in whole or in part by act of the Legislature, to any person as consideration, favor, or reward for any political activity for the support of or opposition to any candidate, or any political party in any election;

(f) No person shall, directly or indirectly, make any contribution in excess of the value of one thousand dollars in connection with any campaign for nomination or election to or on behalf of any statewide or national elective office, or in excess of the value of one thousand dollars, in connection with any other campaign for nomination or election to or on behalf of any other elective office in the state or any of its subdivisions, or in connection with or on behalf of any committee or other organization or person engaged in furthering, advancing or advocating the nomination or election of any candidate for any such office; and

(g) No person shall solicit any contribution from any non-elective salaried employee of the state government or of any of its subdivisions or coerce or intimidate any such employee into making such contribution. No person shall coerce or intimidate any nonsalaried employee of the state government or any of its subdivisions into engaging in any form of political activity. The provisions hereof shall not be construed to prevent any such employee from making such a contribution or
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from engaging in political activity voluntarily, without coer-
cion, intimidation or solicitation.

Any person violating any provision of this section shall be
guilty of a misdemeanor, and, upon conviction thereof, shall be
fined not more than one thousand dollars, or confined in jail
for not more than one year, or, in the discretion of the court,
be subject to both such fine and imprisonment.

ARTICLE 9. OFFENSES AND PENALTIES.

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

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

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

§3-9-14. Unlawful acts by corporations; penalties.

Except as provided in section eight, article eight of this
chapter, any corporation which shall, by its officers, agents or
otherwise, offer, give or use, or caused to be offered, given
or used, or place or cause to be placed, in the possession,
under the control or at the disposal of another, to be offered,
given or used, directly or indirectly, money or other thing
of value, for the purpose of influencing any voter or voters
to vote for a particular candidate, or in any particular manner,
or upon any particular side of any question to be decided
at any such election, or to influence the result of any such
election, it shall be guilty of a misdemeanor, and, upon con-
viction thereof, shall be fined not less than five thousand nor
more than twenty thousand dollars for every such offense, at
the discretion of the jury.

§3-9-24. Limitations on prosecutions.

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

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Miller, Jr.
Clerk of the Senate

J. A. Blankenship
Clerk of the House of Delegates

W. T. Brent, Jr.
President of the Senate

Donald L. Zopp
Speaker House of Delegates

The within ___________ this the ___________ day of ___________, 1978.

John J. Rhoades
Governor