APPROVED AND SIGNED BY THE GOVERNOR

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1980

ENROLLED

HOUSE BILL No. 1613

(By Mr. Albright)

Passed February 25, 1980

In Effect From Passage
AN ACT to amend and reenact section two, article six, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the conduct and administration of elections generally, the preparation and form of the official ballot; providing for the words “official ballot” and space for the signature of poll clerks on the back of the official ballot.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 6. CONDUCT AND ADMINISTRATION OF ELECTIONS.

§3-6-2. Preparation and form of general election ballots.

All ballots prepared under the provisions of this article shall be printed in black ink on number two white book paper sufficiently thick so that the printing cannot be distinguished from the back, and shall contain the names of every candidate whose nomination for any office to be voted for at the election has been certified and filed according to law, and no others, except that if it shall appear to the satisfaction of the ballot commissioners that a person has been legally nominated as a candidate for an office and is lawfully entitled to have his name upon the ballot and no certificate of the nomination has been received by the clerk of the circuit court, they shall print the name of such candidate upon the ballot in its proper place.

The tickets, except the heading, which shall be in display type, shall be printed in eight point type; the name or designation of the office and the residence of the candidate
in lower case letters, and the name of the candidate in capital letters. The name and residence of the candidate may be printed in the same line. The name of each candidate shall be printed in a space defined by ruled lines, and with a black square on its left enclosed by heavy dark lines. If, upon any ticket, there be no candidate or candidates for a designated office, a blank space equal to the space that would be occupied by such name or names, if they were printed thereon, with the blank space herein provided for, shall be left. The heading of each party ticket including the name of the party and the device or emblem above and the large circle between the device or emblem and such name, shall be separated from the rest of the ticket by heavy lines and the circle above the name of the party in which the voter is to place the cross mark, if he desires to vote the straight ticket, shall be defined by heavier lines than the lines defining the blank spaces before the names of candidates, and such circle shall be surrounded by the following words printed in heavy face six point type: “For a straight ticket mark within this circle.” Each party ticket shall be separated from other party tickets and bordered on either side by a heavy border, or a broad solid line, at least one sixteenth of an inch wide, and the edges of the ballot on either side trimmed off to within one-half inch of the border or solid line described.

Then names of the candidates shall be arranged on the ballot in tickets or lists, in separate columns under the respective party or political or other designation certified, each column or ticket containing the names of candidates nominated by the same political party and no others. In elections for presidential electors, the names of candidates for electors of any political party or group of petitioners, shall not be placed on the ballot, but shall, after nomination, be filed with the secretary of state. In place of their names, there shall be printed first on the ballots the names of the candidates for president and vice-president, respectively, of each such party or group of petitioners, and they shall be arranged under the title of the office. Before the names of such candidates for president and vice-president of each party, or group, a single square shall be printed, in front of a brace in which the voter shall place the cross mark for the candidate of his choice for such offices. A
vote for any of such candidates shall be a vote for the electors of the party by which such candidates were named, and whose names have been filed with the secretary of state.

The names of the candidates on each ticket shall be arranged in groups, with a heading over each group printed in heavy faced eight point type to indicate the political divisions in which such group is to be voted for. The arrangement of the ballot shall conform as nearly as practicable to the plan here given:

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<th>Republican Ticket</th>
<th>Democratic Ticket</th>
<th>Prohibition Ticket</th>
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The tickets of the several political parties shall be printed on the ballot in parallel columns, each ticket in a separate column headed by the chosen device, and the tickets in such order on the ballot and the names of the office in such order on the ticket as the secretary of state shall direct, preference, however, being given to the political party which cast the highest number of votes for the head of the ticket at the last preceding presidential election, and so on. No ticket or list of candidates shall be printed under the name of any party containing more candidates for any office than are to be elected.

The ballot shall be so printed as to give each voter a clear opportunity to designate by a cross mark in a large, blank, circular space, three quarters of an inch in diameter, below the device and above the name of the party at the head of the ticket or list of candidates, his choice of a party ticket and desire to vote for each and every candidate thereon; and by a cross mark, in a blank, enclosed space on the left side and before the name of each candidate, his choice of particular candidates.

For any office or offices for which there is to be more than one candidate elected, that section of the ballot relating to said office shall be printed in such a manner so as to provide for the rotation of names in order to assure that each candidate from each party for said office is opposite the name of each candidate for said office from the other party or parties on the ballot an equal number of times. If any party fails to nominate or to fill a ballot vacancy for as many candidates as there are persons to be elected to said office, then the ballot shall be printed in such a manner so as to provide that the space created by the vacancy shall be opposite the names of each of the candidates for said office from the other party or parties an equal number of times.

On the back of the ballot shall be printed or stamped in black ink the words "Official Ballot," with the date of the election and underneath shall be two blank lines, followed by the words "Poll Clerks."
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. David  
Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect from passage.

J. C. Williams  
Clerk of the Senate

Clerk of the House of Delegates

W. G. Bodkin  
President of the Senate

Speaker House of Delegates

The within is approved this the 3 day of March, 1980.

Governor
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OFFICE OF THE GOVERNOR