

Date 3-3-80

Time 9:30 A.M.

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1980



# ENROLLED

HOUSE BILL No. 1613

(By Mr. Allright)



Passed February 25, 1980

In Effect From Passage



**ENROLLED**

**H. B. 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.**

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

14 The tickets, except the heading, which shall be in display  
15 type, shall be printed in eight point type; the name or  
16 designation of the office and the residence of the candidate

17 in lower case letters, and the name of the candidate in capital  
18 letters. The name and residence of the candidate may be  
19 printed in the same line. The name of each candidate shall  
20 be printed in a space defined by ruled lines, and with a black  
21 square on its left enclosed by heavy dark lines. If, upon any  
22 ticket, there be no candidate or candidates for a designated  
23 office, a blank space equal to the space that would be occu-  
24 pied by such name or names, if they were printed thereon,  
25 with the blank space herein provided for, shall be left. The  
26 heading of each party ticket including the name of the party  
27 and the device or emblem above and the large circle between  
28 the device or emblem and such name, shall be separated from  
29 the rest of the ticket by heavy lines and the circle above the  
30 name of the party in which the voter is to place the cross  
31 mark, if he desires to vote the straight ticket, shall be defined  
32 by heavier lines than the lines defining the blank spaces before  
33 the names of candidates, and such circle shall be surrounded  
34 by the following words printed in heavy face six point type:  
35 "For a straight ticket mark within this circle." Each party  
36 ticket shall be separated from other party tickets and bordered  
37 on either side by a heavy border, or a broad solid line, at least  
38 one sixteenth of an inch wide, and the edges of the ballot on  
39 either side trimmed off to within one-half inch of the border  
40 or solid line described.

41 Then names of the candidates shall be arranged on the bal-  
42 lot in tickets or lists, in separate columns under the respective  
43 party or political or other designation certified, each column or  
44 ticket containing the names of candidates nominated by the  
45 same political party and no others. In elections for presidential  
46 electors, the names of candidates for electors of any political  
47 party or group of petitioners, shall not be placed on the ballot,  
48 but shall, after nomination, be filed with the secretary of state.  
49 In place of their names, there shall be printed first on the  
50 ballots the names of the candidates for president and vice-  
51 president, respectively, of each such party or group of peti-  
52 tioners, and they shall be arranged under the title of the office.  
53 Before the names of such candidates for president and vice-  
54 president of each party, or group, a single square shall be  
55 printed, in front of a brace in which the voter shall place the  
56 cross mark for the candidate of his choice for such offices. A

57 vote for any of such candidates shall be a vote for the electors  
 58 of the party by which such candidates were named, and whose  
 59 names have been filed with the secretary of state.

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

Device	Device	Device
		
Republican Ticket	Democratic Ticket	Prohibition Ticket
For Governor	For Governor	For Governor
Name	Name	Name
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

66 The tickets of the several political parties shall be printed  
67 on the ballot in parallel columns, each ticket in a separate  
68 column headed by the chosen device, and the tickets in such  
69 order on the ballot and the names of the office in such  
70 order on the ticket as the secretary of state shall direct, pre-  
71 ference, however, being given to the political party which cast  
72 the highest number of votes for the head of the ticket at the  
73 last preceding presidential election, and so on. No ticket or  
74 list of candidates shall be printed under the name of any party  
75 containing more candidates for any office than are to be  
76 elected.

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

86 For any office or offices for which there is to be more  
87 than one candidate elected, that section of the ballot relating  
88 to said office shall be printed in such a manner so as to pro-  
89 vide for the rotation of names in order to assure that each  
90 candidate from each party for said office is opposite the name  
91 of each candidate for said office from the other party or par-  
92 ties on the ballot an equal number of times. If any party fails  
93 to nominate or to fill a ballot vacancy for as many candidates  
94 as there are persons to be elected to said office, then the  
95 ballot shall be printed in such a manner so as to provide that  
96 the space created by the vacancy shall be opposite the names  
97 of each of the candidates for said office from the other party  
98 or parties an equal number of times.

99 On the back of the ballot shall be printed or stamped in  
100 black ink the words "Official Ballot," with the date of the  
101 election and underneath shall be two blank lines, followed by  
102 the words "Poll Clerks."

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

*James L. Davis*  
Chairman Senate Committee

*Lawrence C. Chastain*  
Chairman House Committee

Originated in the House.

Takes effect from passage.

*Jedd C. Mullis*  
Clerk of the Senate

*W. Blankenship*  
Clerk of the House of Delegates

*H. A. Baskin*  
President of the Senate

*Clayton M. Lee, Jr.*  
Speaker House of Delegates

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

*Paul R. Roper*  
Governor

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