

Date 2-21-80

Time 9:00 A.M.

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1980



ENROLLED

HOUSE BILL No. 960

(By Mr. Shepherd.....)



Passed February 14,..... 1980

In Effect - from -..... Passage



700: 960

ENROLLED

H. B. 960

(By MR. SHEPHERD)

(Originating in the House Committee on the Judiciary)

[Passed February 14, 1980; in effect from passage.]

AN ACT to repeal section ten, article eight, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections nine, ten and forty-four, article one; section ten, article four; sections five, nine and twenty-one, article five; section two, article six; and sections five and nine, article eight, all of said chapter three, all relating to elections generally; moving the time for election of party executive committee members to the primary election in the year one thousand nine hundred eighty-two; creation of executive committee districts; changing the numerical limits on such districts; allowing such districts to cross magisterial district lines; extending executive committees as presently composed until the primary election in the year one thousand nine hundred eighty-two; increasing compensation and expense allowance for election commissioners and poll clerks; lowering to thirty days prior to the election the time in which ballot labels for use in voting machine counties are to be delivered to the clerk of the county commission; setting specifications for such ballot labels; requiring the printing of instruction cards, sample ballots and facsimile diagrams of the voting machine ballot; requiring election commissioners to provide all other necessary equipment for the conduct of the election; changing the time for filing for county boards of education by extending such filing time to not later than the last Saturday in March preceding the election in the year one thousand nine hundred eighty

and each two years thereafter; extending to forty days prior to the election day the time in which the secretary of state shall transmit to the clerk of the circuit courts certificates of information; requiring party conventions for nomination of presidential electors be held anytime during the month of August preceding any general election; providing for specifications of general election ballots; providing for rotation of names of candidates for certain offices on said ballots and the manner of such rotation; requiring filing of detailed financial statements of election expenses; specifying the general contents of such financial statements; changing the time of filing such financial statements to the last Saturday in March or within fifteen days thereafter next preceding the primary election day; stipulating that any earlier filing will not be considered compliance; requiring filing of an additional financial statement within thirty days after the primary or other election; specifying lawful election expenses; authorizing secretarial and other reasonable office expenses for candidates who do not maintain a political headquarters; allowing expenses for rent, maintenance, and furnishing of offices to be used as political headquarters; authorizing expenses for conducting public opinion poll or polls; defining public opinion polls and limiting their use; the use of advertising agency services for election purposes and limiting such services to those specifically delineated; prohibiting such agencies from conveying or engaging others to convey voters to and from polls; requiring liabilities incurred to be reasonable, proper and fairly commensurate with services rendered; requiring filing of election expenses by candidates, financial agents, committees and advertising agencies; and allowing a candidate to designate a financial agent.

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Be it enacted by the Legislature of West Virginia:

That section ten, article eight, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that sections nine, ten and forty-four, article one; section ten, article four; sections five, nine and twenty-one, article five; section two, article six; and sections five and nine, article eight, all of said chapter three, 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
 2 hundred eighty-two, and in every fourth year thereafter, the
 3 voters of each political party in each senatorial district shall
 4 elect two male and two female members of the state executive
 5 committee of the party. In senatorial districts containing two
 6 or more counties, not more than two such elected committee
 7 members shall be residents of the same county. The com-
 8 mittee, when convened and organized as herein provided, shall
 9 appoint three additional members of the committee from the
 10 state at large.

11 At such primary election, the voters of each political party in
 12 each county shall elect one male and one female member
 13 of the party's executive committee of the congressional district,
 14 of the senatorial district in which such county is situated
 15 and of the delegate district in which such county is situated
 16 if such county be situated in a delegate district. At the same
 17 time such voters in each magisterial district or executive
 18 committee district, as the case may be, of the county shall elect
 19 one male and one female member of the party's county execu-
 20 tive committee.

21 For the purpose of complying with the provisions of this
 22 section the county commission shall create such executive
 23 committee districts as they shall determine, which such dis-
 24 tricts shall not be fewer than the number of magisterial districts
 25 in such counties nor shall they exceed in number the following:
 26 Forty for counties having a population of one hundred thou-
 27 sand persons or more; thirty for counties having a population
 28 of fifty thousand to one hundred thousand; twenty for counties
 29 having a population of twenty thousand to fifty thousand; and
 30 such districts in counties having a population of less than
 31 twenty thousand persons shall be coextensive with the
 32 magisterial districts.

33 The executive committee districts shall be as nearly equal in
 34 population as practicable, and shall each be composed of
 35 compact, contiguous territory. The county commissions shall
 36 constitute the executive committee district to be effective for

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37 the term of office of executive committee members elected
38 at the one thousand nine hundred eighty-two primary election
39 and thereafter. Executive committees as presently composed
40 shall continue until after their successors are elected and quali-
41 fied following the primary election of one thousand nine
42 hundred eighty-two. The county commissions shall change
43 the territorial boundaries of such districts as necessary, only
44 if there is an increase or decrease in the population of such
45 districts as determined by a decennial census and such changes
46 must be made within two years following such census.

47 All members of executive committees, selected for each
48 political division as herein provided, shall reside within the
49 county or district from which chosen. The term of office of
50 all members of executive committees elected at the June
51 primary in the year one thousand nine hundred eighty-two,
52 shall begin on the first day of July, following said June
53 primary, and shall continue for four years thereafter and until
54 their successors are elected and qualified. Vacancies in the
55 state executive committee shall be filled by the members of
56 the committee for the unexpired term. Vacancies in the party's
57 executive committee of a congressional district, senatorial dis-
58 trict, delegate district or county shall be filled by the party's
59 executive committee of the county in which such vacancy
60 exists, and shall be for the unexpired term.

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

§3-1-10. Party committees in office.

1 The members of all state, congressional, senatorial, and
2 county executive committees for political parties in office at

3 the time this section becomes effective, and the various offi-
4 cers of such committees, shall hold their several offices and dis-
5 charge the duties thereof until their successors are chosen and
6 installed in accordance with the provisions of section nine of
7 this article effective simultaneously herewith and other appli-
8 cable provisions of this article, the prior provisions of section
9 nine having become effective after the election of such mem-
10 bers and officers for terms ending in the year one thousand
11 nine hundred eighty-two. The Legislature finds and declares
12 that the prior provisions of section nine of this article should
13 not operate to limit the terms of such members and officers
14 before the expiration thereof as contemplated by law effec-
15 tive at the time of the primary election held May, one thou-
16 sand nine hundred seventy-eight.

§3-1-44. Compensation of election officials; expenses.

1 Each ballot commissioner shall be allowed and paid a sum,
2 to be fixed by the county commission, not exceeding twenty-
3 five dollars for each day he shall serve as such, but in no case
4 shall a ballot commissioner receive allowance for more than
5 ten days' services for any one primary, general or special
6 election. Each commissioner of election and poll clerk shall be
7 allowed and paid a sum, to be fixed by the county commission,
8 not exceeding twenty-five dollars for one day's services for
9 attending the school of instruction for election officials and a
10 sum not exceeding fifty dollars for his services at any one
11 election: *Provided*, That each commissioner of election and
12 poll clerk shall be paid and allowed a sum not exceeding
13 twenty-five dollars for his services at any of the three special
14 elections hereinafter specified and described. The commission-
15 ers of election obtaining and delivering the election supplies, as
16 provided in section twenty-four of this article, and returning
17 them as provided in articles five and six of this chapter, shall
18 be allowed and paid an additional sum, likewise fixed by the
19 county commission, not exceeding twenty-five dollars for all
20 such services at any one election and, in addition, shall be
21 allowed and paid mileage at the rate of seventeen cents per
22 mile necessarily traveled in the performance of such services.
23 The compensation of election officers, cost of printing ballots,
24 and all other expenses incurred in holding and making the re-

25 turn of elections, other than the three special elections herein-
26 after specified and described, shall be audited by the county
27 commission and paid out of the county treasury.

28 The compensation of election officers, cost of printing bal-
29 lots, and all other reasonable and necessary expenses in holding
30 and making the return of a special election for the purpose of
31 taking the sense of the voters on the question of calling a
32 constitutional convention, of a special election to elect members
33 of a constitutional convention, and of a special election to
34 ~~to~~ ratify or reject the proposals, acts and ordinances of a con-
35 ~~stitutional~~ constitutional convention shall be obligations of the state incurred
36 by the ballot commissioners, clerks of the circuit courts, clerks
37 of the county commissions, and county commissions of the
38 various counties as agents of the state, and all such expenses
39 shall be audited by the secretary of state. The secretary of
40 state shall prepare and transmit to the county commissions
41 forms on which the county commissions shall certify all such
42 expenses of such special elections to the secretary of state. If
43 satisfied that such expenses as certified by the county com-
44 missions are reasonable and were necessarily incurred, the
45 secretary of state shall requisition the necessary warrants from
46 the auditor of the state to be drawn on the state treasurer,
47 and shall mail such warrants directly to the vendors of such
48 special election services, supplies and facilities.

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ARTICLE 4. VOTING MACHINES.

§3-4-10. Ballot labels, instructions and other supplies; vacancy changes; procedure and requirements.

1 The ballot commissioners of any county in which voting
2 machines are to be used in any election shall cause to be
3 printed for use in such election the ballot labels for the voting
4 machines. The ballot labels so printed shall total in number
5 one and one-half times the total number of voting machines to
6 be used in the several precincts of the county in such election.
7 All such labels shall be delivered to the clerk of the county
8 commission at least thirty days prior to the day of the election
9 in which such labels are to be used. The labels shall contain
10 the name of each candidate and each question to be voted
11 upon and shall be clearly printed or typed in black ink on

12 clear white material of such size as will fit the ballot frames.
 13 One set of ballot labels shall be inserted in the machine prior
 14 to the delivery of the machine to the polling place. The re-
 15 mainder of such ballot labels for each machine shall be re-
 16 tained by the clerk of the county commission for use in the
 17 event the set so inserted in a machine becomes lost, mutilated
 18 or damaged.

19 If a nomination to fill a vacancy be made by a political
 20 committee or the chairman thereof and be certified to the
 21 ballot commissioners after the ballot labels to be used at the
 22 ensuing election shall have been printed, it shall be lawful
 23 for the chairman of the party executive committee for the
 24 political division to provide, or cause to be provided, and
 25 deliver, or cause to be delivered, to the clerk, a sufficient
 26 number of ballot labels containing the name of such candi-
 27 date. Such ballot labels shall conform to the specification as
 28 set forth herein. If such ballot labels are furnished to the clerk
 29 of the county commission before the machines are delivered
 30 to the election precincts, the clerk, with the advice and con-
 31 sent of the ballot commissioners, shall cause such ballot labels
 32 to be inserted in the proper ballot frames.

33 In addition to all other equipment and supplies required by
 34 the provisions of this article, the ballot commissioners shall
 35 cause to be printed a supply of instruction cards, sample
 36 ballots, facsimile diagrams of the voting machine ballot and
 37 official printed ballots adequate for the orderly conduct of
 38 election in each precinct in their county. In addition they
 39 shall provide all other materials and equipment necessary to
 40 the conduct of the election, including appropriate facilities
 41 for the reception and safekeeping of the ballots of absent
 42 voters and of challenged voters and of such "independent"
 43 voters who shall, in primary elections, cast their votes on
 44 nonpartisan candidates and public questions submitted to the
 45 voters.

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ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCED- URES.

§3-5-5. Candidates for county board of education.

1 Any person who is eligible to hold office as a member of

2 a county board of education may file a certificate with the
3 clerk of the circuit court of the county, declaring himself a
4 candidate for election to such office. Such certificate shall be
5 substantially in the following form:

6 I, _____, hereby certify that I am a candidate
7 for nonpartisan election to membership on the _____
8 County Board of Education, and desire my name printed on
9 the ballot to be voted at the primary election to be held on
10 the _____ day of _____, 19____; that
11 I am a legally qualified voter of the County of _____,
12 State of West Virginia; that the address of my residence in
13 _____ County is _____;
14 that I am eligible to hold the office; and that I am a candidate
15 therefor in good faith.

16 _____
17 Candidate

18 Signed and acknowledged before me this _____ day of
19 _____, 19____.
20 _____

21 Signature and official title
22 of certifying officer.

23 Such announcement shall be signed and acknowledged by
24 the candidate before some officer qualified to administer oaths,
25 who shall certify the same.

26 In the year one thousand nine hundred eighty, notwith-
27 standing the expiration of the time of filing certificates of
28 candidacy for the office of member of the county board of
29 education, such certificates of candidacy may be filed not
30 later than the last Saturday in March next preceding the pri-
31 mary election day and must be received by the clerk before
32 midnight, eastern standard time, of that day, or, if mailed, shall
33 be postmarked before that hour.

34 In the year one thousand nine hundred eighty-two, and each
35 two years thereafter, such certificate shall be filed with the
36 clerk of the circuit court not earlier than the last Monday in
37 February next preceding the primary election day and not

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38 later than the last Saturday of March next preceding the
 39 primary election day and must be received by the clerk be-
 40 fore midnight, eastern standard time, of that day, or, if mailed,
 41 shall be postmarked before that hour.

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

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

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

18 The secretary of state shall post a duplicate of such cer-
 19 tificate in a conspicuous place in his office and keep same
 20 posted until after the primary election.

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

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

§3-5-21. Party conventions to nominate presidential electors; candidates; organization; duties.

1 Candidates for presidential electors shall be nominated by
2 the delegated representatives of the political party assembled
3 in a state convention to be held during the month of August
4 next preceding any general election at which presidential
5 electors are to be elected. The state executive committee of
6 the political party, by resolution, shall designate the place and
7 fix the date of such convention, shall prescribe the number
8 of delegates thereto, and shall apportion the delegates among
9 the several counties of the state in proportion to the vote cast
10 in the state for the party's candidate for governor at the last
11 preceding general election at which a governor was elected.
12 The state executive committee shall also ascertain and designate
13 all offices for which candidates are to be nominated at
14 such convention.

15 At least sixty days prior to the date fixed for holding any
16 state convention, the chairman of the party's state executive
17 committee shall cause to be delivered to the party's county
18 executive committee in each county of the state a copy of the
19 resolutions fixing the time and place of holding the state convention
20 and prescribing the number of delegates from each
21 county to the convention. Within ten days after receipt of the
22 copy of such resolutions, the party executive committee of
23 each county shall meet and, by resolution, shall apportion the
24 delegates to the state convention among the several magisterial
25 districts of the county, on a basis of the vote received in the
26 county by the candidate of the party for governor at the last
27 preceding general election at which a governor was elected, but
28 in such apportionment of county delegates each magisterial
29 district shall be entitled to at least one delegate to such state
30 convention. The party's county executive committee shall call
31 a meeting of the members of the political party in mass convention
32 in the several magisterial districts of the county, which
33 district meeting shall be held at least thirty days prior to the

34 date fixed for the state convention and at which meeting the
35 members of the political party in each magisterial district
36 shall elect the number of delegates to which such district is
37 entitled in the state convention.

38 The meeting place in the magisterial district shall be as
39 central and convenient as can reasonably be selected, and all
40 recognized members of the political party shall be entitled to
41 participate in any such mass convention and in the selection of
42 delegates. Notice of the time and place of holding the several
43 magisterial district mass conventions and of the person who
44 shall act as temporary chairman thereof shall be given by
45 publication at a Class II-O legal advertisement in compliance
46 with the provisions of article three, chapter fifty-nine of this
47 code and the publication area for such publication shall be
48 the county. The first publication shall be made not more than
49 fifteen days and the second publication shall be made not
50 less than five days prior to the date fixed for holding the con-
51 vention. The notice published shall specify the number of
52 delegates which each magisterial district in the county is
53 entitled to elect to the state convention.

54 Upon assembling, the mass convention of each magisterial
55 district shall choose a chairman and a secretary, who, within
56 five days after the holding of such convention, shall certify to
57 the chairman of the state executive committee of the political
58 party and the chairman of the county committee of the political
59 party, the names and addresses of the parties selected as dele-
60 gates to the state convention.

61 All contests over the selection of delegates to conventions
62 shall be heard and determined by the party executive com-
63 mittee of the county from which the delegates are chosen, and
64 such county executive committee shall, upon written petition
65 of any contest, meet for such hearings and determinations
66 within ten days after the holding of such magisterial district
67 mass convention. The circuit court of the county and the
68 supreme court of appeals of the state shall have concurrent
69 original jurisdiction to review, by mandamus or other proper
70 proceeding, the decision of a county executive committee in
71 any contest.

72 The delegates chosen and certified by and from the several
73 magisterial districts in the state, and, in the event of any con-
74 test, those prevailing in the contest, shall make up the state
75 convention. The number present of those entitled to partici-
76 pate in any convention shall cast the entire vote to which the
77 county is entitled in such convention, and it shall require a
78 majority vote to nominate any candidate for office.

79 All nominations made at state conventions shall be certified
80 within fifteen days thereafter, by the chairman and the secretary
81 of the convention, to the secretary of state, who shall certify
82 them to the clerk of the circuit court of each county concerned,
83 and the names of the persons so nominated shall be printed
84 upon the regular ballot to be voted at the ensuing general
85 election, except that the names of the presidential elector
86 candidates shall not be printed thereon.

87 The delegates to any state convention may formulate and
88 promulgate such party platform or declaration of party prin-
89 ciples as to them shall seem advisable.

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
3 paper sufficiently thick so that the printing cannot be dis-
4 tinguished from the back, and shall contain the names of
5 every candidate whose nomination for any office to be voted
6 for at the election has been certified and filed according to
7 law, and no others, except that if it shall appear to the satisfac-
8 tion of the ballot commissioners that a person has been
9 legally nominated as a candidate for an office and is lawfully
10 entitled to have his name upon the ballot and no certificate
11 of the nomination has been received by the clerk of the circuit
12 court, they shall print the name of such candidate upon the
13 ballot in its proper place.

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

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

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

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

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

Device	Device	Device
		
<p>Republican Ticket</p>	<p>Democratic Ticket</p>	<p>Prohibition Ticket</p>
<p>For Governor</p>	<p>For Governor</p>	<p>For Governor</p>
<p>Name</p>	<p>Name</p>	<p>Name</p>
<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"/>

67 The tickets of the several political parties shall be printed
68 on the ballot in parallel columns, each ticket in a separate
69 column headed by the chosen device, and the tickets in such
70 order on the ballot and the names of the office in such order
71 on the ticket as the secretary of state shall direct, preference,
72 however, being given to the political party which cast the high-
73 est number of votes for the head of the ticket at the last pre-
74 ceding presidential election, and so on. No ticket or list of
75 candidates shall be printed under the name of any party con-
76 taining more candidates for any office than are to be 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 than
87 one candidate elected, that section of the ballot relating to said
88 office shall be printed in such a manner so as to provide for the
89 rotation of names in order to assure that each candidate from
90 each party for said office is opposite the name of each candi-
91 date for said office from the other party or parties on the
92 ballot an equal number of times. If any party fails to nomin-
93 ate or to fill a ballot vacancy for as many candidates as there
94 are persons to be elected to said office, then the ballot shall
95 be printed in such a manner so as to provide that the space
96 created by the vacancy shall be opposite the names of each
97 of the candidates for said office from the other party or parties
98 an equal number of times.

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

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

1 Every candidate, financial agent, person and association of
2 persons, organization of any kind, including every corpora-
3 tion, directly or indirectly, supporting a political committee
4 established pursuant to paragraph (C), subdivision (1), sub-

5 section (b), section eight of this article or engaging in other
6 activities permitted by said section eight of this article and also
7 including the treasurer or equivalent officer of such association
8 or organization, advocating or opposing the nomination, elec-
9 tion or defeat of any candidate, or the passage or defeat of any
10 issue, thing or item to be voted upon, and the treasurer of
11 every political party committee shall keep detailed accounts
12 of every sum of money or other thing of value received by
13 him, and of all expenditures and disbursements made, liabil-
14 ities incurred, by such candidate, financial agent, person,
15 association or organization or committee, for political pur-
16 poses, or by any of the officers or members of such com-
17 mittee, or any person acting under its authority or on its be-
18 half.

19 Each person who files a certificate of candidacy for nomi-
20 nation or election in this state as provided for in article five
21 of this chapter and every financial agent, person, the treasurer
22 or equivalent officer of any association or organization of any
23 kind supporting or opposing the candidacy of any such candi-
24 date, or any person or organization advocating or opposing
25 the nomination, election or defeat of any candidate, or the
26 passage or defeat of any issue, thing or item to be voted upon,
27 shall file, on the last Saturday in March or within fifteen days
28 thereafter next preceding the primary election day, a detailed
29 itemized statement, subscribed and sworn to before an officer
30 authorized to administer oaths, setting forth all contributions
31 and expenditures concerning the candidacy of that person or
32 any person or organization advocating or opposing the nomi-
33 nation, election or defeat of any candidate, or the passage
34 or defeat of any issue, thing or item to be voted upon:
35 *Provided*, That any candidate for the office of member of the
36 county board of education in the year one thousand nine
37 hundred eighty, who shall have filed such detailed itemized
38 statement prior to the last Saturday in March of that year
39 shall be deemed to have complied with the filing requirements
40 of this paragraph in that year. Such statement shall include
41 all contributions received or expenditures made which have
42 taken place by the date of such report, subsequent to any
43 previous report filed within the previous five years under this

44 section or under the former provisions of this section, or if
45 no report was filed, all contributions received or expenditures
46 made within the preceding five years. The specific informa-
47 tion required to be included in such statement is provided for
48 in section five-a of this article.

49 Not less than five nor more than ten days before each pri-
50 mary or other election, and again within thirty days after each
51 primary or other election, every candidate for nomination or
52 election, and every financial agent, person, the treasurer or
53 equivalent officer of any association or organization of any
54 kind advocating or opposing the passage or defeat of any
55 issue, thing or item to be voted upon or pertaining to the hold-
56 ing or conducting of any election, and the treasurer of every
57 political party committee shall file with the officers hereinafter
58 prescribed a detailed itemized financial statement subscribed
59 and sworn to before an officer authorized to administer oaths,
60 setting forth all financial transactions which have taken place
61 by the date of such report in connection with such primary or
62 other election as provided for in section five-a of this article.

63 Every person who shall announce as a write-in candidate
64 for any elective office and his financial agent or election or-
65 ganization of any kind, shall comply with all of the require-
66 ments of this section after public announcement of such per-
67 son's candidacy has been made.

**§3-8-9. Lawful and unlawful election expenses; public opinion
polls and limiting their purposes; limitation upon ex-
penses; use of advertising agencies and reporting re-
quirements; delegation of expenditures.**

1 (a) No candidate, financial agent, or treasurer of a politi-
2 cal party committee, shall pay, give or lend, either directly
3 or indirectly, any money or other thing of value for any
4 election expenses, except for the following purposes:

5 (1) For rent, maintenance and furnishing of offices to be
6 used as political headquarters and for the payment of neces-
7 sary clerks, stenographers, typists, janitors and messengers
8 actually employed therein;

9 (2) In the case of a candidate who does not maintain a

10 headquarters, for reasonable office expenses and for the pay-
11 ment of necessary clerks, stenographers and typists, actually
12 employed;

13 (3) For printing and distributing books, pamphlets, circula-
14 rars and other printed matter and radio and television broad-
15 casting and painting, printing and posting signs, banners and
16 other advertisements, all relating to political issues and can-
17 didates;

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18 (4) For renting and decorating halls for public meetings
19 and political conventions, for advertising public meetings, and
20 for the payment of traveling expenses of speakers and musi-
21 cians at such meetings;

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22 (5) For the necessary traveling and hotel expenses of can-
23 didates, political agents and committees, and for stationery,
24 postage, telegrams, telephone, express, freight and public mes-
25 senger service;

26 (6) For preparing, circulating and filing petitions for nomi-
27 nation of candidates;

28 (7) For examining the lists of registered voters, securing
29 copies thereof, investigating the right to vote of the persons
30 listed therein, and conducting proceedings to prevent unlaw-
31 ful registration or voting;

32 (8) For conveying voters to and from the polls;

33 (9) For securing publication in newspapers and by radio
34 and television broadcasting of documents, articles, speeches,
35 arguments and any information relating to any political issue,
36 candidate, or question or proposition, submitted to a vote;

37 (10) For conducting public opinion poll or polls. For the
38 purpose of this section, the phrase "conducting of public
39 opinion poll or polls" shall mean and be limited to the gath-
40 ering, collection, collation, and evaluation of information re-
41 flecting public opinion, needs and preferences as to any
42 candidate, group of candidates, party, issue or issues. No such
43 poll shall be deceptively designed or intentionally conducted
44 in a manner calculated to advocate the election or defeat of
45 any candidate or group of candidates or calculated to influ-

46 ence any person or persons so polled to vote for or against
47 any candidate, group ~~of~~ candidates, proposition or other matter
48 to be voted on by the public at any election: *Provided*, That
49 nothing herein shall prevent the use of the results of any such
50 poll or polls to further, promote or enhance the election of
51 any candidate or group of candidates or the approval or defeat
52 of any proposition or other matter to be voted on by the
53 public at any election; *and*

54 (11) For legitimate advertising agency services, including
55 commissions, in connection with any campaign activity for
56 which payment is authorized by subdivisions three, four, five,
57 six, seven, nine and ten of this subsection.

58 (b) Every liability incurred and payment made shall be at
59 a rate and for a total amount which is proper and reasonable
60 and fairly commensurate with the services rendered.

61 (c) Every advertising agency subject to the provisions of this
62 article shall file, in the manner and form required by section
63 five-a of this article, the financial statements required by sec-
64 tion five of this article at the times required therein and in-
65 clude therein, in itemized detail, all receipts from and expendi-
66 tures made on behalf of a candidate, financial agent or treas-
67 urer of a political party committee.

68 (d) Any candidate may designate a financial agent by a
69 writing duly subscribed by him which shall be in such form
70 and filed in accordance with the provisions of section four of
71 this article.

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

James L. Davis
Chairman Senate Committee

Clement L. Christensen
Chairman House Committee

Originated in the House.

Takes effect from passage.

Judd C. Miller
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

H. G. Robertson
President of the Senate

Clide M. Lee, Jr.
Speaker House of Delegates

The within approved this the 21
day of February, 1980.

John J. Rhyne
Governor



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