WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED
Committee Substitute for Senate Bill No. 131

(By Mr. .)

PASSED April 9, 1981
In Effect thirty days from Passage
AN ACT to amend and reenact section twenty-one, article one; section eleven, article four; and section twelve, article four-a, all of chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to elections; and drawing by lot to determine the ballot position of candidates for the office of delegate to a political party national convention.

Be it enacted by the Legislature of West Virginia:

That section twenty-one, article one; section eleven, article four; and section twelve, article four-a, all of chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-21. Printing of ballots; drawing by lot to determine position of candidates for the office of delegate to a political party national convention on 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 public officers in which the voters or any of the voters within the county participate, and cause to be printed, on the appropriate ballot, the name of every candidate, 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, whose name has been certified to or filed
with the clerk of the circuit court of the county in any manner
provided for in this chapter. In any case wherein the
constitution or statutes limit or prescribe the number of
candidates or elected officers to be selected by the voters in
any district or other governmental subdivision, the ballot
commissioners, in the preparation of such ballots, shall cause
to be printed thereon, in plainly worded language, the
number of candidates to be voted for in each district or other
governmental subdivision.

The clerk of the circuit court shall appoint a time at which
all candidates for the office of delegate to a political party
national convention are to appear in his office for the purpose
of drawing by lot to determine where their names will appear
on the ballots. The clerk shall give due notice of such time to
each such candidate by registered or certified mail, return
receipt requested. At the time appointed, all such candidates
for the office of delegate to a political party national
convention shall assemble in the office of such clerk and such
candidates shall then proceed to draw by lot to determine
where their names shall appear on the ballots. The number so
drawn by each such candidate shall determine where his or
her name shall appear on the ballots. In the event any
candidate or candidates fail to appear at the time appointed,
the clerk shall draw for such absent candidate or candidates
in the presence of those candidates assembled, if any, and the
number so drawn by the clerk shall determine where the
name of any absent candidate or candidates shall appear on
the ballots.

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 ballots 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 number 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 intended to be sent. The names of the ballot commissioners shall also be endorsed thereon.

ARTICLE 4. VOTING MACHINES.

§3-4-11. Ballot label arrangement in machines; drawing by lot to determine position of candidates for House of Delegates and for the office of delegate to a political party national convention on machines; adjustment; records.

When the ballot labels are printed and delivered to the clerk of the county commission, he shall place them in the ballot frames of the voting machines in such manner as will most nearly conform to the arrangement prescribed for paper ballots, and as will clearly indicate the party designation or emblem of each candidate. Each column or row containing the names of the office and candidates for such office shall be so arranged as to clearly indicate the office for which the candidate is running. The names of the candidates for each office indicated shall be placed on the ballot.

The clerk of the circuit court shall appoint a time at which all candidates for the House of Delegates and the office of delegate to a political party national convention are to appear in his office for the purpose of drawing by lot to determine where their names will appear on the voting machines. The clerk shall give due notice of such time to each candidate by registered or certified mail, return receipt requested. At the time appointed, all such candidates for the House of Delegates and office of delegate to a political party national convention shall assemble in the office of such clerk and such candidates shall then proceed to draw by lot to determine where their names shall appear on the voting machines. The number so drawn by each such candidate shall determine where his or her name shall appear on the voting machines. In the event any candidate or candidates fail to appear at the
time appointed, the clerk shall draw for such absent
candidate or candidates in the presence of those candidates
assembled, if any, and the number so drawn by the clerk shall
determine where the name of any absent candidate or
candidates shall appear on the voting machines.
The clerk shall then see that the counters referred to in
subsection eleven of section eight of this article are set at zero
(000) and shall lock the operating device and mechanism and
devices protecting the counter and ballot labels. The clerk
shall then enter in an appropriate book, opposite the number
of each precinct, the identifying or distinguishing number of
the specific voting machine or machines to be used in that
precinct.

ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.

§3-4A-12. Ballot label arrangement in vote recording devices;
drawing by lot to determine position of candidates
for House of Delegates and for the office of delegate
to a political party national convention on ballots
or ballot labels; sealing of devices; record of
identifying numbers.

When the ballot labels are printed and delivered to the clerk
of the county commission, he shall place them in the vote
recording devices in such manner as will most nearly
conform to the arrangement prescribed for paper ballots, and
as will clearly indicate the party designation or emblem of
each candidate. Each column row or page containing the
names of the office and candidates for such office shall be so
arranged as to clearly indicate the office for which the
candidate is running. The names of the candidates for each
office indicated shall be placed on the ballot.
The clerk of the circuit court shall appoint a time at which
all candidates for the House of Delegates and the office of
delegate to a political party national convention are to appear
in his office for the purpose of drawing by lot to determine
where their names will appear on the ballots or ballot labels.
The clerk shall give due notice of such time to each such
candidate by registered or certified mail, return receipt
requested. At the time appointed, all such candidates for the
House of Delegates and the office of delegate to a political
party national convention shall assemble in the office of such
clerk and such candidates shall then proceed to draw by lot to
determine where their names shall appear on the ballots or ballot labels. The number so drawn by each such candidate shall determine where his or her name shall appear on the ballots or ballot labels. In the event any candidate or candidates fail to appear at the time appointed, the clerk shall draw for such absent candidate or candidates in the presence of those candidates assembled, if any, and the number so drawn by the clerk shall determine where the name of any absent candidate or candidates shall appear on the ballots or ballot labels. The clerk shall then seal the vote recording devices so as to prevent tampering with ballot labels. The clerk shall then enter in an appropriate book, opposite the number of each precinct, the identifying or distinguishing number of the specific vote recording device or devices to be used in that precinct.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 26th day of April 1981.

Governor