WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

---

ENROLLED

SENATE BILL NO. 404

(By Mr. Wright)

---

PASSED April 9, 1981
In Effect ninety days from Passage
AN ACT to amend and reenact section eleven, article six, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring county commissioners, as the board of canvassers in certain elections, to transmit copies of certificates of election of delegates, state senators and certain other state and federal officers to the secretary of state and the governor, as the case may be, within thirty days from the date of the election.

Be it enacted by the Legislature of West Virginia:

That section eleven, 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.

§3-6-11. Disposition of certificates; procedures thereon.
1. The separate certificates of the board of canvassers, made pursuant to section ten of this article, shall be disposed of by the board of canvassers as follows: Of the certificates respecting the election for delegate or delegates in the Legislature, they shall transmit one to each person voted for as delegate and shall transmit one to the secretary of state
within thirty days from the date of the election, except that in
the case of a recount, within thirty days from the date of the
completion of the recount, who shall submit the same to the
House of Delegates, on the first day of the next ensuing
session, together with a list of the persons appearing thereby
to be elected. Of the certificates respecting the election of
state senator, they shall transmit one to each person voted for
as state senator and shall transmit one to the secretary of state
within thirty days from the date of the election, except that in
the case of a recount, within thirty days from the date of the
completion of the recount, to be submitted by him to the
Senate, on the first day of the next ensuing session, together
with a list of persons appearing thereby to be elected. Of the
certificates respecting the election of state officers, one, as to
each of such officers, except justice of the supreme court of
appeals, shall be sealed and transmitted by such
commissioners to the secretary of state within thirty days
from the date of the election endorsed on the envelope as
follows: “Returns of the election for state officers.” Except
that in the case of a recount, the certificates shall be
transmitted within thirty days from the date of the
completion of the recount. The secretary of state shall deliver
the same to the speaker of the House of Delegates, on the first
day of the next session of the Legislature; and the speaker
shall, immediately after the organization of the House of
Delegates and before proceeding to other business, open and
publish the same, in the presence of a majority of each house
of the Legislature, which bodies shall, for that purpose,
assemble in the hall of the House of Delegates. The person
having the highest number of votes for any one of such offices
shall be declared duly elected thereto; but if two or more
persons have the same and the highest number of votes for
the same office, the Legislature shall, by a joint vote of the
two houses, choose one of said persons for such office; and
one of each of such last-mentioned certificates shall also be
transmitted, under seal, to the governor, who shall
immediately tabulate the vote in all the counties, for each
office, and cause the same to be printed in some newspaper
published at the seat of government. Of the certificates
respecting the election for United States senator, member of
the House of Representatives in the Congress of the United
States, justice of the supreme court of appeals, judge of a
circuit court, and president and vice president of the United
States, respectively, the commissioners shall transmit one in
each case to the person voted for and one to the governor
within thirty days from the date of the election; except that in
the case of a recount, within thirty days from the date of the
completion of the recount; and the governor shall ascertain
who are elected and make proclamation thereof. Of the
certificates respecting the election of all county and district
officers, one shall be transmitted to each person for whom
votes were cast.
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 29 day of April, 1981.

Governor