

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-29-81

Time \_\_\_\_\_

No: 404

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1981

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ENROLLED

SENATE BILL NO. 404

(By Mr. Thright)

—•—

PASSED April 9, 1981

In Effect ninety days from Passage



**ENROLLED**  
**Senate Bill No. 404**

(MR. WRIGHT, *by request*)

[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
- 2 pursuant to section ten of this article, shall be disposed of by
- 3 the board of canvassers as follows: Of the certificates
- 4 respecting the election for delegate or delegates in the
- 5 Legislature, they shall transmit one to each person voted for
- 6 as delegate and shall transmit one to the secretary of state

7 within thirty days from the date of the election, except that in  
8 the case of a recount, within thirty days from the date of the  
9 completion of the recount, who shall submit the same to the  
10 House of Delegates, on the first day of the next ensuing  
11 session, together with a list of the persons appearing thereby  
12 to be elected. Of the certificates respecting the election of  
13 state senator, they shall transmit one to each person voted for  
14 as state senator and shall transmit one to the secretary of state  
15 within thirty days from the date of the election, except that in  
16 the case of a recount, within thirty days from the date of the  
17 completion of the recount, to be submitted by him to the  
18 Senate, on the first day of the next ensuing session, together  
19 with a list of persons appearing thereby to be elected. Of the  
20 certificates respecting the election of state officers, one, as to  
21 each of such officers, except justice of the supreme court of  
22 appeals, shall be sealed and transmitted by such  
23 commissioners to the secretary of state within thirty days  
24 from the date of the election endorsed on the envelope as  
25 follows: "Returns of the election for state officers." Except  
26 that in the case of a recount, the certificates shall be  
27 transmitted within thirty days from the date of the  
28 completion of the recount. The secretary of state shall deliver  
29 the same to the speaker of the House of Delegates, on the first  
30 day of the next session of the Legislature; and the speaker  
31 shall, immediately after the organization of the House of  
32 Delegates and before proceeding to other business, open and  
33 publish the same, in the presence of a majority of each house  
34 of the Legislature, which bodies shall, for that purpose,  
35 assemble in the hall of the House of Delegates. The person  
36 having the highest number of votes for any one of such offices  
37 shall be declared duly elected thereto; but if two or more  
38 persons have the same and the highest number of votes for  
39 the same office, the Legislature shall, by a joint vote of the  
40 two houses, choose one of said persons for such office; and  
41 one of each of such last-mentioned certificates shall also be  
42 transmitted, under seal, to the governor, who shall  
43 immediately tabulate the vote in all the counties, for each  
44 office, and cause the same to be printed in some newspaper  
45 published at the seat of government. Of the certificates  
46 respecting the election for United States senator, member of  
47 the House of Representatives in the Congress of the United  
48 States, justice of the supreme court of appeals, judge of a

49 circuit court, and president and vice president of the United  
50 States, respectively, the commissioners shall transmit one in  
51 each case to the person voted for and one to the governor  
52 within thirty days from the date of the election; except that in  
53 the case of a recount, within thirty days from the date of the  
54 completion of the recount; and the governor shall ascertain  
55 who are elected and make proclamation thereof. Of the  
56 certificates respecting the election of all county and district  
57 officers, one shall be transmitted to each person for whom  
58 votes were cast.

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

*R. P. Bayler*

Chairman Senate Committee

*Tony E. Whitlow*

Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

*Todd C. Wells*

Clerk of the Senate

*C. Blankenship*

Clerk of the House of Delegates

*Mark P. ...*

President of the Senate

*Wayne M. Seed Jr.*

Speaker House of Delegates

The within is approved this the 29

day of April, 1981.

*John D. Rhymer*

Governor

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SECY. OF STATE