

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-29-81

Time _____

NO: 404

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981



ENROLLED

SENATE BILL NO. 404

(By Mr. Stright)



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

Tommy E. Whitlow

Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Todd C. Weeks

Clerk of the Senate

Ch Blankenship

Clerk of the House of Delegates

Montgomery

President of the Senate

James M. Lee, Jr.

Speaker House of Delegates

The within is approved this the 29

day of April, 1981.

John A. Rayner
Governor

RECEIVED
APR 27 12:21 PM '81
OFFICE OF THE GOVERNOR

RECEIVED

81 APR 30 4:35

OFFICE
SECY. OF STATE