WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1982

ENROLLED

HOUSE BILL No. 1290

(By Mr. Shaffer)

Passed March 13, 1982
In Effect Ninety Days From Passage
AN ACT to amend and reenact section thirteen, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section two, article six of said chapter, relating to requiring primary and general election ballots to contain language explaining prohibitions on the number of delegates of the House of Delegates who may be elected from any single county in a multi-county delegate district; and requiring the county of residence of each candidate for the House of Delegates in a multi-county delegate district to be printed on primary and general election ballots.

Be it enacted by the Legislature of West Virginia:

That section thirteen, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section two, article six of said chapter be amended and reenacted, all to read as follows:

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-13. Form and contents of ballots.

1 The official primary ballot shall contain at the left of 2 each column of names of candidates, a perpendicular column, 3 and shall be so printed as to leave a square at the left of 4 each name on the ballot.
On such primary ballot, the names of candidates for president of the United States, for United States senator and for representative in Congress, shall be placed in the first column of candidates; the names and county of residence of candidates for all state offices, including the names and county of residence of candidates for the state Senate and including the names of candidates for the House of Delegates, which shall immediately follow the names of candidates for the state Senate, and all other offices to be filled by the voters of a political division greater than a county, including the state executive committee, shall be placed in the second column; the names of all candidates for county offices, congressional, senatorial and delegate district executive committees, shall be placed in the third column; the names of all candidates for office in the magisterial districts shall be placed in the fourth column; and the names of all candidates for delegates to the national convention of the party shall be placed in the fifth column and in counties using voting machines the names of all candidates for delegates to the national convention of the party shall be placed after the names of all other candidates for all of the other above specified offices.

In those delegate districts set forth in subsection (d), section two, article two, chapter one of this code which embrace more than one county and in which there is a prohibition regarding the number of delegates to be elected or appointed who are residents of any single county within the district, there shall be printed on the ballot, including, but not limited to, voting machines and electronic voting system ballots, in bold type, immediately preceding the names of candidates for the House of Delegates, a clear explanation of such prohibition. In those delegate districts which embrace more than one county, the county of residence of each candidate for the House of Delegates shall be printed beneath the name of each such candidate on the ballot, including, but not limited to, voting machines and electronic voting system ballots.

The face of every primary election ballot shall conform as nearly as practicable to that used at the general election.

The secretary of state, or the circuit court clerk, as the
case may be, shall arrange the names of the candidates to be printed on the ballot in alphabetical order, according to the surname, under the title of the respective offices upon the ballot.

A separate ballot, in connection with a primary election, for the election of members of county board of education, shall be printed in bold type, under the caption, "Nonpartisan Ballot of Election of Members of the _________ County Board of Education." The names of the candidates for election to the county board of education, and the number of candidates for which each voter is entitled to vote shall be printed beneath the caption, without reference to political party affiliation, and without designation as to a particular term of office.

In printing each set of ballots the position of the names of the candidates shall be changed in each office division as many times as there are candidates in that office division. As nearly as possible an equal number of ballots shall be printed after each change. In making the change of position, the printer shall take the line of type containing the first name in the office division concerned and place it at the bottom of the list of names in that division and move up the column so that the name that before was second shall be first after the change. After the ballots are printed they shall be kept in separate piles, one pile for each change in position, and shall then be gathered by taking one from each pile. Sample ballots shall be in the same form as the official ballots, but the order of the names thereon need not be alternated.

All ballots used in primary elections shall be printed on paper conforming as nearly as practicable in weight and texture, to the samples furnished by the secretary of state, but shall not be printed on the same color paper, and the paper shall be sufficiently thick so that the printing cannot be discernible from the back. On the back of the ballot shall be printed in black ink, and in plain, legible, black face pica type, the name of the political party as contained in the heading or "Nonpartisan Board of Education," as the case may be, followed by the word "ballot." Under this designa-
§3-6-2. Preparation and form of general election ballots.

All ballots prepared under the provisions of this article shall be printed in black ink on number two white book paper sufficiently thick so that the printing cannot be distinguished from the back, and shall contain the names of every candidate whose nomination for any office to be voted for at the election has been certified and filed according to law, and no others, except that if it shall appear to the satisfaction of the ballot commissioners that a person has been legally nominated as a candidate for an office and is lawfully entitled to have his name upon the ballot and no certificate of the nomination has been received by the clerk of the circuit court, they shall print the name of such candidate upon the ballot in its proper place.

The tickets, except the heading, which shall be in display type, shall be printed in eight point type; the name or designation of the office and the residence and county of residence of the candidate in lower case letters, and the name of the candidate in capital letters. The name and residence of the candidate may be printed in the same line. The name of each candidate shall be printed in a space defined by ruled lines, and with a black square on its left enclosed by heavy dark lines. If, upon any ticket, there be no candidate or candidates for a designated office, a blank space equal to the space that would be occupied by such name or names, if they were printed thereon, with the blank space herein provided for, shall be left. The heading of each party ticket including the name of the party and the device or emblem above and the large circle between the device or emblem and such name, shall be separated from the rest of the ticket by heavy lines and the circle above the name of the party in which the voter is to place the cross mark, if he desires to vote the straight ticket, shall be defined by heavier lines than the lines defining the blank spaces before the name of candidates,
and such circle shall be surrounded by the following words printed in heavy face six point type: "For a straight ticket mark within this circle." Each party ticket shall be sepa-
rated from other party tickets and bordered on either side by a heavy border, or a broad solid line, at least one sixteenth of an inch wide, and the edges of the ballot on either side trimmed off to within one-half inch of the border or solid line described.

The names of the candidates shall be arranged on the ballot in tickets or lists, in separate columns under the respective party or political or other designation certified, each column or ticket containing the names of candidates nominated by the same political party and no others. In elections for presidential electors, the names of candidates for electors of any political party or group of petitioners, shall not be placed on the ballot, but shall, after nomination, be filed with the secretary of state. In place of their names, there shall be printed first on the ballots the names of the candidates for president and vice president, respectively, of each such party or group of petitioners, and they shall be arranged under the title of the office. Before the names of such candidates for president and vice president of each party, or group, a single square shall be printed, in front of a brace in which the voter shall place the cross mark for the candidate of his choice for such offices. A vote for any of such candidates shall be a vote for the electors of the party by which such candidates were named, and whose names have been filed with the secretary of state.

The names of the candidates on each ticket shall be arranged in groups, with a heading over each group printed in heavy faced eight point type to indicate the political divisions in which such group is to be voted for. The arrange-
ment of the ballot shall conform as nearly as practicable to the plan here given:
The tickets of the several political parties shall be printed on the ballot in parallel columns, each ticket in a separate column headed by the chosen device, and the tickets in such order on the ballot and the names of the office in such order on the ticket as the secretary of state shall direct, preference, however, being given to the political party which cast the highest number of votes for the head of the ticket at the last preceding presidential election, and so on. No ticket or list of candidates shall be printed under the name of any party containing more candidates for any office than are to be elected.

In those delegate districts set forth in subsection (d), section two, article two, chapter one of this code which
embrace more than one county and in which there is a
prohibition regarding the number of delegates to be elected
or appointed who are residents of any single county within
the district, there shall be printed on the ballot, including,
but not limited to, voting machines and electronic voting
system ballots, in bold type, immediately preceding the names
of candidates for the House of Delegates, a clear explana-
tion of such prohibition. In those delegate districts which
embrace more than one county, the county of residence of
each candidate for the House of Delegates shall be printed
beneath the name of each such candidate on the ballot,
including, but not limited to, voting machines and electronic
voting system ballots.

The ballot shall be so printed as to give each voter a clear
opportunity to designate by a cross mark in a large, blank,
circular space, three-quarters of an inch in diameter, below
the device and above the name of the party at the head of
the ticket or list of candidates, his choice of a party ticket
and desire to vote for each and every candidate thereon; and
by a cross mark, in a blank, enclosed space on the left side
and before the name of each candidate, his choice of par-
ticular candidates.

For any office or offices for which there is to be more than
one candidate elected, that section of the ballot relating to
said office shall be printed in such a manner so as to
provide for the rotation of names in order to assure that
each candidate from each party for said office is opposite
the name of each candidate for said office from the other
party or parties on the ballot an equal number of times. If
any party fails to nominate or to fill a ballot vacancy for
as many candidates as there are persons to be elected to
said office, then the ballot shall be printed in such a manner
so as to provide that the space created by the vacancy shall
be opposite the names of each of the candidates for said
office from the other party or parties an equal number of
times.

On the back of the ballot shall be printed or stamped in
black ink the words "Official Ballot," with the date of the
election, and underneath shall be two blank lines, followed
by the words "Poll Clerks."
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within is approved this the 30 day of ______________, 1982.

[Signature]
Governor