APPROVED AND SIGNED BY THE GOVERNOR

### Date 3-30-82

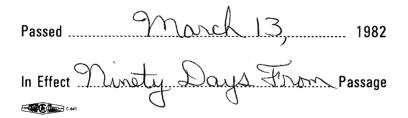
## WEST VIRGINIA LEGISLATURE

**REGULAR SESSION, 1982** 

# ENROLLED

## HOUSE BILL No. 1290





## ENROLLED H. B. 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 PROCED-URES.

#### §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.

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5 On such primary ballot, the names of candidates for president 6 of the United States, for United States senator and for repre-7 sentative in Congress, shall be placed in the first column of can-8 didates; the names and county of residence of candidates for all 9 state offices, including the names and county of residence of 10 candidates for the state Senate and including the names of can-11 didates for the House of Delegates, which shall immediately follow the names of candidates for the state Senate, and all 12 13 other offices to be filled by the voters of a political division 14 greater than a county, including the state executive committee, shall be placed in the second column; the names of all candi-15 dates for county offices, congressional, senatorial and delegate 16 17 district executive committees, shall be placed in the third column; the names of all candidates for office in the 18 magisterial districts shall be placed in the fourth column; 19 20 and the names of all candidates for delegates to the national 21 convention of the party shall be placed in the fifth column 22 and in counties using voting machines the names of all 23 candidates for delegates to the national convention of the party shall be placed after the names of all other candidates 24 25 for all of the other above specified offices.

26 In those delegate districts set forth in subsection (d), 27 section two, article two, chapter one of this code which 28 embrace more than one county and in which there is a 29 prohibition regarding the number of delegates to be elected 30 or appointed who are residents of any single county within 31 the district, there shall be printed on the ballot, including, 32 but not limited to, voting machines and electronic voting 33 system ballots, in bold type, immediately preceding the names 34 of candidates for the House of Delegates, a clear explanation of such prohibition. In those delegate districts which em-35 36 brace more than one county, the county of residence of each 37 candidate for the House of Delegates shall be printed beneath 38 the name of each such candidate on the ballot, including, 39 but not limited to, voting machines and electronic voting 40 system ballots.

41 The face of every primary election ballot shall conform42 as nearly as practicable to that used at the general election.

43 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.

48 A separate ballot, in connection with a primary election, 49 for the election of members of county board of education. 50 shall be printed in bold type, under the caption, "Nonpartisan 51 Ballot of Election of Members of the ...... County Board of Education." The names of the candidates for 52 53 election to the county board of education, and the number 54 of candidates for which each voter is entitled to vote shall 55 be printed beneath the caption, without reference to political 56 party affiliation, and without designation as to a particular 57 term of office.

58 In printing each set of ballots the position of the names 59 of the candidates shall be changed in each office division as 60 many times as there are candidates in that office division. 61 As nearly as possible an equal number of ballots shall be printed after each change. In making the change of position, 62 63 the printer shall take the line of type containing the first 64 name in the office division concerned and place it at the 65 bottom of the list of names in that division and move up 66 the column so that the name that before was second shall 67 be first after the change. After the ballots are printed they 68 shall be kept in separate piles, one pile for each change in 69 position, and shall then be gathered by taking one from 70 each pile. Sample ballots shall be in the same form as the 71 official ballots, but the order of the names thereon need not 72 be alternated.

73 All ballots used in primary elections shall be printed 74 on paper conforming as nearly as practicable in weight and 75 texture, to the samples furnished by the secretary of state, 76 but shall not be printed on the same color paper, and the 77 paper shall be sufficiently thick so that the printing cannot 78 be discernible from the back. On the back of the ballot 79 shall be printed in black ink, and in plain, legible, black face pica type, the name of the political party as contained in the 80 heading or "Nonpartisan Board of Education," as the case 81 82 may be, followed by the word "ballot." Under this designa-

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tion shall be printed two blank lines followed by the words"poll clerks."

#### ARTICLE 6. CONDUCT AND ADMINISTRATION OF ELECTIONS.

#### §3-6-2. Preparation and form of general election ballots.

1 All ballots prepared under the provisions of this article 2 shall be printed in black ink on number two white book 3 paper sufficiently thick so that the printing cannot be dis-4 tinguished from the back, and shall contain the names of 5 every candidate whose nomination for any office to be voted for at the election has been certified and filed according 6 7 to law, and no others, except that if it shall appear to the 8 satisfaction of the ballot commissioners that a person has been legally nominated as a candidate for an office and is 9 10 lawfully entitled to have his name upon the ballot and no 11 certificate of the nomination has been received by the clerk 12 of the circuit court, they shall print the name of such can-13 didate upon the ballot in its proper place.

14 The tickets, except the heading, which shall be in display 15 type, shall be printed in eight point type; the name or designation of the office and the residence and county of resi-16 17 dence of the candidate in lower case letters, and the name of the 18 candidate in capital letters. The name and residence of the can-19 didate may be printed in the same line. The name of each can-20 didate shall be printed in a space defined by ruled lines, and 21 with a black square on its left enclosed by heavy dark lines. If, 22 upon any ticket, there be no candidate or candidates for a desig-23 nated office, a blank space equal to the space that would 24 be occupied by such name or names, if they were printed thereon, with the blank space herein provided for, shall 25 be left. The heading of each party ticket including the 26 27 name of the party and the device or emblem above and 28 the large circle between the device or emblem and such 29 name, shall be separated from the rest of the ticket by heavy 30 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 31 32 the straight ticket, shall be defined by heavier lines than the 33 lines defining the blank spaces before the name of candidates,

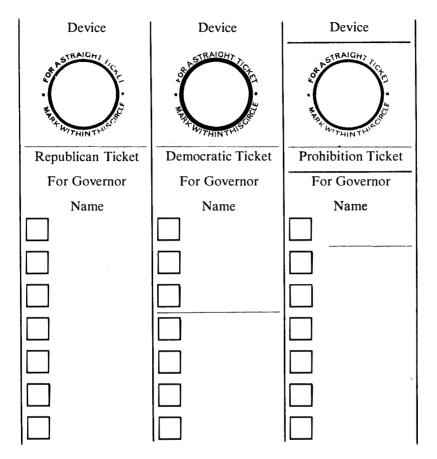
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34 and such circle shall be surrounded by the following words 35 printed in heavy face six point type: "For a straight ticket mark within this circle." Each party ticket shall be sepa-36 37 rated from other party tickets and bordered on either side 38 by a heavy border, or a broad solid line, at least one sixteenth 39 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 40 41 line described.

42 The names of the candidates shall be arranged on the 43 ballot in tickets or lists, in separate columns under the 44 respective party or political or other designation certified, 45 each column or ticket containing the names of candidates 46 nominated by the same political party and no others. In elections for presidential electors, the names of candidates 47 48 for electors of any political party or group of petitioners, 49 shall not be placed on the ballot, but shall, after nomination, 50 be filed with the secretary of state. In place of their names, 51 there shall be printed first on the ballots the names of the 52 candidates for president and vice president, respectively, 53 of each such party or group of petitioners, and they shall 54 be arranged under the title of the office. Before the names of 55 such candidates for president and vice president of each 56 party, or group, a single square shall be printed, in front of 57 a brace in which the voter shall place the cross mark for 58 the candidate of his choice for such offices. A vote for any of 59 such candidates shall be a vote for the electors of the party 60 by which such candidates were named, and whose names have 61 been filed with the secretary of state.

62 The names of the candidates on each ticket shall be 63 arranged in groups, with a heading over each group printed 64 in heavy faced eight point type to indicate the political divi-65 sions in which such group is to be voted for. The arrange-66 ment of the ballot shall conform as nearly as practicable 67 to the plan here given:





68 The tickets of the several political parties shall be printed 69 on the ballot in parallel columns, each ticket in a separate 70 column headed by the chosen device, and the tickets in such 71 order on the ballot and the names of the office in such order 72 on the ticket as the secretary of state shall direct, preference, however, being given to the political party which cast the 73 74 highest number of votes for the head of the ticket at the last preceding presidential election, and so on. No ticket or list 75 of candidates shall be printed under the name of any party 76 77 containing more candidates for any office than are to be 78 elected.

79 In those delegate districts set forth in subsection (d), 80 section two, article two, chapter one of this code which 81 embrace more than one county and in which there is a prohibition regarding the number of delegates to be elected 82 83 or appointed who are residents of any single county within the district, there shall be printed on the ballot, including, 84 85 but not limited to, voting machines and electronic voting 86 system ballots, in bold type, immediately preceding the names 87 of candidates for the House of Delegates, a clear explana-88 tion of such prohibition. In those delegate districts which 89 embrace more than one county, the county of residence of 90 each candidate for the House of Delegates shall be printed 91 beneath the name of each such candidate on the ballot. 92 including, but not limited to, voting machines and electronic 93 voting system ballots.

94 The ballot shall be so printed as to give each voter a clear 95 opportunity to designate by a cross mark in a large, blank, 96 circular space, three-quarters of an inch in diameter, below 97 the device and above the name of the party at the head of 98 the ticket or list of candidates, his choice of a party ticket 99 and desire to vote for each and every candidate thereon; and 100 by a cross mark, in a blank, enclosed space on the left side 101 and before the name of each candidate, his choice of par-102 ticular candidates.

103 For any office or offices for which there is to be more than 104 one candidate elected, that section of the ballot relating to 105 said office shall be printed in such a manner so as to provide for the rotation of names in order to assure that 106 107 each candidate from each party for said office is opposite 108 the name of each candidate for said office from the other 109 party or parties on the ballot an equal number of times. If 110 any party fails to nominate or to fill a ballot vacancy for 111 as many candidates as there are persons to be elected to 112 said office, then the ballot shall be printed in such a manner 113 so as to provide that the space created by the vacancy shall 114 be opposite the names of each of the candidates for said 115 office from the other party or parties an equal number of 116 times.

117 On the back of the ballot shall be printed or stamped in 118 black ink the words "Official Ballot," with the date of the 119 election, and underneath shall be two blank lines, followed 120 by the words "Poll Clerks." Enr. H. B. 1290]

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

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Chairman Senate Committee Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

C.a. Blonkonsky Clerk of the House of Delegates President of the Serate

Speaker House of Delegates

this the 30 The within ... N 1982. day of ..... Governor

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OFFICE OF THE GOVERNOR

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