

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-30-82

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982

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ENROLLED

HOUSE BILL No. 1290

(By Mr. Shaffer)

— ● —

Passed March 13, 1982

In Effect Ninety Days From Passage



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 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.

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
12 follow the names of candidates for the state Senate, and all
13 other offices to be filled by the voters of a political division
14 greater than a county, including the state executive committee,
15 shall be placed in the second column; the names of all candi-
16 dates for county offices, congressional, senatorial and delegate
17 district executive committees, shall be placed in the third
18 column; the names of all candidates for office in the
19 magisterial districts shall be placed in the fourth column;
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
24 party shall be placed after the names of all other candidates
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
35 of such prohibition. In those delegate districts which em-
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 conform
42 as nearly as practicable to that used at the general election.

43 The secretary of state, or the circuit court clerk, as the

44 case may be, shall arrange the names of the candidates to be
45 printed on the ballot in alphabetical order, according to the
46 surname, under the title of the respective offices upon the
47 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
52 Board of Education." The names of the candidates for
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
62 printed after each change. In making the change of position,
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
80 pica type, the name of the political party as contained in the
81 heading or "Nonpartisan Board of Education," as the case
82 may be, followed by the word "ballot." Under this designa-

83 tion shall be printed two blank lines followed by the words
84 "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
6 for at the election has been certified and filed according
7 to law, and no others, except that if it shall appear to the
8 satisfaction of the ballot commissioners that a person has
9 been legally nominated as a candidate for an office and is
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
16 designation of the office and the residence and county of resi-
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
25 thereon, with the blank space herein provided for, shall
26 be left. The heading of each party ticket including the
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
31 the voter is to place the cross mark, if he desires to vote
32 the straight ticket, shall be defined by heavier lines than the
33 lines defining the blank spaces before the name of candidates,

34 and such circle shall be surrounded by the following words
35 printed in heavy face six point type: "For a straight ticket
36 mark within this circle." Each party ticket shall be sepa-
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
40 trimmed off to within one-half inch of the border or solid
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
47 elections for presidential electors, the names of candidates
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:

Device	Device	Device
Republican Ticket	Democratic Ticket	Prohibition Ticket
For Governor	For Governor	For Governor
Name	Name	Name
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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,
73 however, being given to the political party which cast the
74 highest number of votes for the head of the ticket at the last
75 preceding presidential election, and so on. No ticket or list
76 of candidates shall be printed under the name of any party
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
82 prohibition regarding the number of delegates to be elected
83 or appointed who are residents of any single county within
84 the district, there shall be printed on the ballot, including,
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
106 provide for the rotation of names in order to assure that
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."

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

R. P. Bayler

Chairman Senate Committee

Foney E. Whittow

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Todd C. Nichols

Clerk of the Senate

C. D. Blundenship

Clerk of the House of Delegates

Walter S. McHaw

President of the Senate

W. H. Lee, Jr.

Speaker House of Delegates

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

Paul D. Reppert

Governor

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SECRETARY OF STATE