WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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E N R O L L E D

Cons. Sub. for

HOUSE BILL No. 1358.

(By Rep. Mostovan, Del. Harmon)

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Passed February 26, 1986

In Effect from Passage
AN ACT to amend and reenact section seven, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring notice to be given of the location of relocated polling places.

Be it enacted by the Legislature of West Virginia:

That section seven, article one, 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 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-7. Precinct changes; procedure; precinct record.

1 Subject to the provisions and limitations of section five of this article, the county commission of any county may change the boundaries of any precinct within such county, or divide any precinct into two or more precincts, or consolidate two or more precincts into one, or change the location of any polling place whenever the public convenience may require it.

8 No order effecting such change, division, or consolidation shall be made by the county commission within ninety days next preceding an election nor without
giving notice thereof at least one month before such
change, division or consolidation, by publication of such
notice as a Class II-0 legal advertisement in compliance
with the provisions of article three, chapter fifty-nine of
this code, and the publication area for such publication
shall be the county in which such precinct or precincts
are located. The county commission shall also, within
fifteen days after the date of the order, cause a copy to
be published as aforesaid.

The county commission shall also, before the next
succeeding election, cause the voters in the several
precincts affected by the order to be duly registered in
the proper precinct or precincts.

The county commission shall keep in a well-bound
book, marked "election precinct record," a complete
record of all their proceedings hereunder and of every
order made creating a precinct or precincts or establish-
ing a place of voting therein. Such "election precinct
record" shall be kept by the county commission clerk in
his office, and shall, at all reasonable hours, when not
actually in use by the county commission, be open to
inspection by any citizen of the county.

When the county commission establishes a polling
place at a location other than the location used for
holding the preceding primary, general or special
election in that precinct, the commission shall cause a
notice to be posted on election day on the door of the
previous polling place describing the location of the
newly established polling place.

If for any reason the election cannot be held at the
designated polling place in a precinct, and no provision
has been made by the county commission for holding the
election at another place, the commissioners of election
for that precinct may hold the election at the nearest
place which they can secure for the purpose. They shall
make known by proclamation to voters present at the
time for opening the polls, and by posting a notice at
or near the entrance of the first named polling place,
the location at which the election will be held. The
county commission shall establish another place of
voting for that precinct as soon thereafter as practicable.

Notwithstanding any provision herein to the contrary, in the case of an emergency, the county commission may make such precinct change no later than sixty days prior to an election in accordance with the requirements herein with the approval of the secretary of state. Such change, if made however, shall not cause any voter to be moved to a different district.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within  

... this the 25th 

day of ............... March, 1986.
PRESENTED TO THE
GOVERNOR

Date 3/6/86
Time 12:44 p.m.