WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1987

ENROLLED

SENATE BILL NO. 394

(By Senators Jackson and Tomblin)

PASSED March 13, 1987
In Effect ninety days from Passage
AN ACT to amend and reenact section five, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to permitting two precincts to have the same boundary and voting place when there is only one convenient voting place in the district and the precinct serves more than seven hundred registered voters.

Be it enacted by the Legislature of West Virginia:

That section five, 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.

§3-1-5. Voting precincts and places established; number of voters in precincts; precinct map; municipal map.

1 The precinct shall be the basic territorial election unit.
2 The county commission shall divide each magisterial district of the county into election precincts, shall number the precincts, shall determine and establish the boundaries thereof, and shall designate one voting place in each precinct, which place shall be established as nearly as possible at the point most convenient for the voters of the
precinct. Each magisterial district shall contain at least one
voting precinct and each precinct shall have but one voting
place therein.

Each precinct within any urban center shall contain not
less than three hundred nor more than eight hundred
registered voters. Each precinct in a rural or less thickly
settled area shall contain not less than two hundred nor
more than seven hundred registered voters, unless upon a
written finding by the county commission that
establishment of or retention of a precinct of less than two
hundred voters would prevent undue hardship to the voters,
the secretary of state determines that such precinct be
exempt from the two hundred voter minimum limit. If, at
any time the number of registered voters exceeds the
maximum number specified, the county commission shall
rearrange the precincts within the political division so that
the new precincts each contain a number of registered
voters within the designated limits. If a county commission
fails to rearrange the precincts as required, any qualified
voter of the county may apply for a writ of mandamus to compel the performance of this duty: Provided, That when
in the discretion of the county commission, there is only one
place convenient to vote within the precinct and when there
are more than seven hundred registered voters within the
existing precinct, the county commission may designate
two or more precincts with the same geographic boundaries
and which have voting places located within the same
building. The county commission shall designate
alphabetically the voters who will be eligible to vote in each
precinct so created. Each such precinct shall be operated
separately and independently with separate voting booths,
battery boxes, election commissioners and clerks, and
whenever possible, in separate rooms. No two of such
precincts may use the same counting board.

In order to facilitate the conduct of local and special
elections and the use of election registration records
therein, precinct boundaries shall be established to
coincide with the boundaries of any municipality of the
county and with the wards or other geographical districts of
the municipality except in instances where found by the
county commission to be wholly impracticable so to do.

Governing bodies of all municipalities shall provide
accurate and current maps of their boundaries to the clerk of any county commission of a county in which any portion of the municipality is located.

The provisions of this section are subject to the provisions of section twenty-eight, article four of this chapter relating to the number of voters in precincts in which voting machines are used.

The county commission shall keep available at all times during business hours in the courthouse at a place convenient for public inspection a map or maps of the county and municipalities with the current boundaries of all precincts.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within bill is hereby approved this the 25th day of March, 1987.

Governor