

No: 394

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987



ENROLLED

SENATE BILL NO. 394

(By Senators Jackson and Tompkins)



PASSED March 13, 1987

In Effect ninty days from Passage



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
- 3 district of the county into election precincts, shall number
- 4 the precincts, shall determine and establish the boundaries
- 5 thereof, and shall designate one voting place in each
- 6 precinct, which place shall be established as nearly as
- 7 possible at the point most convenient for the voters of the

8 precinct. Each magisterial district shall contain at least one
9 voting precinct and each precinct shall have but one voting
10 place therein.


11 Each precinct within any urban center shall contain not
12 less than three hundred nor more than eight hundred
13 registered voters. Each precinct in a rural or less thickly
14 settled area shall contain not less than two hundred nor
15 more than seven hundred registered voters, unless upon a
16 written finding by the county commission that
17 establishment of or retention of a precinct of less than two
18 hundred voters would prevent undue hardship to the voters,
19 the secretary of state determines that such precinct be
20 exempt from the two hundred voter minimum limit. If, at
21 any time the number of registered voters exceeds the
22 maximum number specified, the county commission shall
23 rearrange the precincts within the political division so that
24 the new precincts each contain a number of registered
25 voters within the designated limits. If a county commission
26 fails to rearrange the precincts as required, any qualified
27 voter of the county may apply for a writ of mandamus to
28 compel the performance of this duty: *Provided*, That when
29 in the discretion of the county commission, there is only one
30 place convenient to vote within the precinct and when there
31 are more than seven hundred registered voters within the
32 existing precinct, the county commission may designate
33 two or more precincts with the same geographic boundaries
34 and which have voting places located within the same
35 building. The county commission shall designate
36 alphabetically the voters who will be eligible to vote in each
37 precinct so created. Each such precinct shall be operated
38 separately and independently with separate voting booths,
39 ballot boxes, election commissioners and clerks, and
40 whenever possible, in separate rooms. No two of such
41 precincts may use the same counting board.

42 In order to facilitate the conduct of local and special
43 elections and the use of election registration records
44 therein, precinct boundaries shall be established to
45 coincide with the boundaries of any municipality of the
46 county and with the wards or other geographical districts of
47 the municipality except in instances where found by the
48 county commission to be wholly impracticable so to do.
49 Governing bodies of all municipalities shall provide

50 accurate and current maps of their boundaries to the clerk
51 of any county commission of a county in which any portion
52 of the municipality is located.

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

57 The county commission shall keep available at all times
58 during business hours in the courthouse at a place
59 convenient for public inspection a map or maps of the
60 county and municipalities with the current boundaries of
61 all precincts.



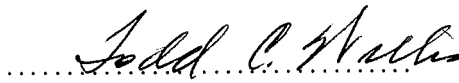
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

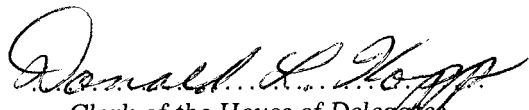

Chairman Senate Committee

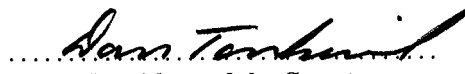

Chairman House Committee

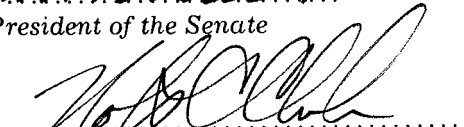
Originated in the Senate.

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  this the  day of  1987.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/87

Time 3:09 p.m.

RECEIVED

1987 MAR 30 AM 11: 25

OFFICE OF THE
SECRETARY OF THE
NAVY