

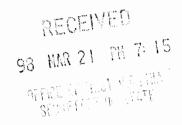
## **WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1998** 

## **ENROLLED**

SENATE BILL NO.	473	
(By Senator <u>Woot</u>	in et.al.	)

PASSED March 10 1998
In Effect minity days from Passage



## ENROLLED

## Senate Bill No. 473

(By Senators Wooton, Ball, Bowman, Dittmar, Hunter, Ross, Schoonover, Snyder, White, Buckalew and Scott)

[Passed March 10, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact section eleven, article six, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the disposition of certificates of election; requiring candidates to request copies of such certificates; providing for the filing of certificates with county clerks; and requiring county clerks to preserve and make certificates available to the general public and the media.

Be it enacted by the Legislature of West Virginia:

That section eleven, article six, 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 6. CONDUCT AND ADMINISTRATION OF ELECTIONS.

§3-6-11. Disposition of certificates.

1 The separate certificates of the board of canvassers, 2 made pursuant to section ten of this article, shall be disposed of by the board of canvassers as follows: Of the 3 certificates respecting the election for delegate or dele-4 gates in the Legislature, they shall, upon request of the 5 candidate, transmit a copy to any candidate, and shall file 6 a copy in the office of the clerk of the county commission 7 to be preserved and made available to the general public 9 and to the media. The clerk shall transmit a copy to the secretary of state within thirty days from the date of the 10 election, except that in the case of a recount, within thirty 11 days from the date of the completion of the recount, who 12shall submit the same to the House of Delegates, on the 13 first day of the next ensuing session, together with a list of 14 the persons appearing thereby to be elected. Of the 15 certificates respecting the election of state senator, they 16 shall, upon request of the candidate, transmit a copy to 17 18 any candidate, and shall file a copy in the office of the clerk of the county commission to be preserved and made 19 20 available to the general public and to the media. The clerk shall transmit a copy to the secretary of state within thirty 21 days from the date of the election, except that in the case 22of a recount, within thirty days from the date of the 23 completion of the recount, to be submitted by the secre- $^{24}$ tary of state to the Senate, on the first day of the next 25 ensuing session, together with a list of persons appearing 26 27 thereby to be elected. Of the certificates respecting the 28 election of state officers, a copy for each officer, except  $^{29}$ justice of the supreme court of appeals, shall be sealed and 30 transmitted by the commissioners to the secretary of state within thirty days from the date of the election endorsed 31 on the envelope as follows: "Returns of the election for 32state officers." Except in the case of a recount, the 33 34 certificates shall be transmitted within thirty days from the date of the completion of the recount. The secretary of 35 36 state shall deliver the certificates to the speaker of the 37 House of Delegates on the first day of the next session of the Legislature; and the speaker shall, immediately after 38

39 the organization of the House of Delegates and before 40 proceeding to other business, open and publish the certificates in the presence of a majority of each house of 41 the Legislature, which bodies shall, for that purpose, 42 43 assemble in the hall of the House of Delegates. The person 44 having the highest number of votes for any one of such offices shall be declared duly elected thereto; but if two or 45 more persons have the same and the highest number of 46 votes for the same office, the Legislature shall, by a joint 47 vote of the two houses, choose one of said persons for the 48 49 office; and one of each of the last-mentioned certificates shall also be transmitted, under seal, to the governor, who 50 shall immediately tabulate the vote in all the counties, for 51 52 each office, and cause the results to be printed in a newspaper published at the seat of government. Of the 53 54 certificates respecting the election for United States senator, member of the House of Representatives in the 55 Congress of the United States, justice of the supreme court 56 of appeals, judge of a circuit court, and president and vice 57 president of the United States, respectively, the commis-58 sioners shall, upon request of the candidate, transmit a 59 copy to any candidate, and a copy to the governor within 60 61 thirty days from the date of the election; except that in the case of a recount, within thirty days from the date of the 62completion of the recount; and the governor shall ascer-63 64 tain who are elected and make proclamation thereof. The commissioners shall also file a copy of the certificates in 65 the office of the clerk of the county commission to be 66 preserved and made available to the general public and to 67 68 the media. Of the certificates respecting the election of all county and district officers, the commissioners shall, upon 69 70 request of the candidate, transmit a copy to any candidate, 71and shall file a copy in the office of the clerk of the county 72commission to be preserved and made available to the 73 general public and to the media.

No county may be charged for the publication of any certificates of election.

That 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 the 2/5
day of, 1998.

Governor

PRESENTED TO THE

GOVERNOR

Date 0/16/98