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WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998

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## ENROLLED

SENATE BILL NO. 473

(By Senator Wooten et. al.)

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PASSED March 10 1998

In Effect ninety days from Passage

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SECRETARY OF STATE

## ENROLLED

### Senate Bill No. 473

(BY SENATORS WOOTON, BALL, BOWMAN, DITTMAR,  
HUNTER, ROSS, SCHOONOVER, SNYDER,  
WHITE, BUCKALEW AND SCOTT)

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

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

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

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

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

*Ray Johnson*  
.....  
Chairman Senate Committee

*Nick Tentasica*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Carroll Baker*  
.....  
Clerk of the Senate

*Gregory M. Gray*  
.....  
Clerk of the House of Delegates

*Carl Ray Compton*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within ..... *approved* ..... this the *21<sup>st</sup>* .....  
day of ..... *March* ....., 1998.

*[Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/16/98

Time 10:22 am