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WEST VIRGINIA  
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**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2011



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 2936**

(By Delegates Lawrence, Varner, Armstead,  
Caputo, Carmichael and Kominar)



Passed March 11, 2011

In Effect Ninety Days From Passage

HB 2936

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## H. B. 2936

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(BY DELEGATES LAWRENCE, VARNER, ARMSTEAD,  
CAPUTO, CARMICHAEL AND KOMINAR)

[Passed March 11, 2011; in effect ninety days from passage.]

AN ACT to amend and reenact §3-5-17 of the Code of West Virginia, 1931, as amended, relating to changing the date of the canvassing of votes in a primary election from the Friday following a primary election to the fifth day following a primary election that is not a Saturday, Sunday or legal holiday.

*Be it enacted by the Legislature of West Virginia:*

That §3-5-17 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.**

**§3-5-17. Canvassing and certifying returns; recount procedures.**

1 The commissioners of the county commission, sitting as  
2 a board of canvassers, shall convene at the courthouse of the  
3 county on the fifth day following any primary election, which  
4 is not a Saturday, Sunday or legal holiday, and shall proceed  
5 to canvass the returns of the election. The procedures  
6 prescribed in section nine, article six, of this chapter relating  
7 to canvass of general election returns, shall, where adaptable,  
8 be applied in the canvass of the primary election returns. The  
9 board shall proceed to ascertain the result of the election in  
10 the county and district and election precincts and cause to be  
11 prepared and recorded in the primary election precinct record  
12 book a table or tables which show, as to each candidate of  
13 each political party for each office, the number of votes cast  
14 for him or her at each precinct and the total number cast in  
15 the entire county. The board shall then make up and enter in  
16 said record book a certificate for each political party  
17 showing, as to each candidate for each political party for each  
18 office, the total number of votes, in words and figures, cast  
19 for him or her in the entire county and the number of votes  
20 received by all the candidates of such party in such district in  
21 the following form:

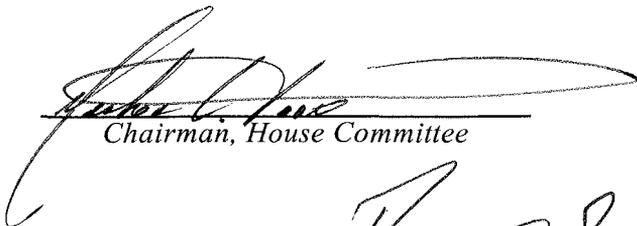
22 The board of canvassers of the county of ..... of  
23 West Virginia, having carefully and impartially examined the  
24 returns of the primary election held in said county on the .....  
25 day of ....., 20...., do hereby certify that in said county or  
26 district, at said election, on the official ballot of the  
27 ..... party for the office of ....., A. B. received  
28 ..... (.....) votes; C. D. received ..... (.....) votes.

29 And so on for each office for each political party  
30 according to the truth. When the certificates are all entered,  
31 the report shall be signed by the members of the board or by  
32 a majority of the board. Such members shall also sign  
33 separate certificates of the result of the election, within the

34 county, for each of the offices to be filled by each political  
35 party as provided by the following section.

36 The provisions of article six of this chapter, relating to  
37 the recount of votes in general elections, shall, to the extent  
38 applicable, be operative in primary and other elections  
39 conducted under provisions of this article.

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

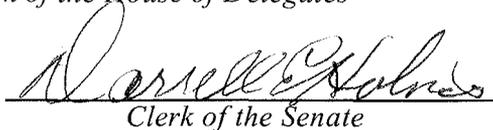
  
Chairman, House Committee

  
Chairman, Senate Committee

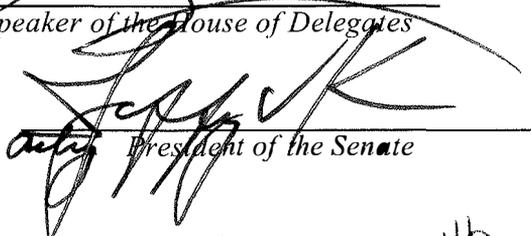
Originating in the House.

To take effect ninety days from passage.

  
Clerk of the House of Delegates

  
Clerk of the Senate

  
Speaker of the House of Delegates

  
President of the Senate

The within is approved this the 24<sup>th</sup>  
day of March, 2011.

  
Governor

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STATE OF MARYLAND  
CLERK OF THE SENATE

PRESENTED TO THE GOVERNOR

MAR 18 2011

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