

# WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 2600**

BY DELEGATES SUMMERS AND KESSINGER

[Passed March 8, 2019; in effect ninety days from  
passage.]

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

2019 MAR 26 P 4:53

FILED

HB 2600

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1 AN ACT to amend and reenact §3-4A-11a and §3-4A-15 of the Code West Virginia, 1931, as  
2 amended; to amend and reenact §3-5-10, §3-5-13, and §3-5-13a of said code; and to  
3 amend and reenact §3-6-3 of said code, all relating generally to the form of ballots;  
4 providing that sample ballots required to be printed as legal advertisements ahead of  
5 elections in counties where electronic voting has been adopted may consist of a facsimile  
6 of the absentee ballot; providing that when sample ballots for the precincts within a county  
7 contain different districts for certain offices or municipal wards, the facsimile shall be  
8 altered to include each of the various districts in the appropriate order; providing that if  
9 sample ballots must be divided onto more than one page, the arrangement and order shall  
10 be made to conform as nearly as possible to the arrangement of the ballot; providing that  
11 the publisher of the newspaper containing the sample ballot shall submit a proof and  
12 arrangement of the ballot to the ballot commissioners for approval prior to publication;  
13 providing that on primary election ballots, the nonpartisan ballot for judicial elections shall  
14 appear immediately after the state ticket and immediately before the county ticket;  
15 providing that on primary election ballots, the non-judicial nonpartisan ballot shall appear  
16 immediately after the county ticket and immediately before the district ticket; and providing  
17 that on primary election ballots, the national convention ticket shall appear immediately  
18 after the district ticket, with the election for at-large delegate to the national convention  
19 appearing immediately after the election for congressional district delegate to the national  
20 convention.

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

**ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.**

**§3-4A-11a. Ballots tabulated electronically; arrangement, quantity to be printed, ballot stub numbers.**

1 (a) The board of ballot commissioners in counties using ballots upon which votes may be  
2 recorded by means of marking with electronically sensible ink or pencil and which marks are

3 tabulated electronically shall cause the ballots to be printed or displayed upon the screens of the  
4 electronic voting system for use in elections.

5 (b) (1) For the primary election, the heading of the ballot, the type faces, the names and  
6 arrangement of offices and the printing of names and arrangement of candidates within each  
7 office are to conform as nearly as possible to §3-5-13 and §3-5-13a of this code.

8 (2) For the general election, the heading of the ballot, the type faces, the names and  
9 arrangement of offices and the printing of names and the arrangement of candidates within each  
10 office are to conform as nearly as possible to §3-6-2 of this code.

11 (3) Effective with the primary election held in 2016 and thereafter, the following  
12 nonpartisan elections are to be separated from the partisan ballot and separately headed in  
13 display type with a title clearly identifying the purpose of the election and constituting a separate  
14 ballot wherever a separate ballot is required under this chapter:

15 (A) Nonpartisan elections for judicial offices, by division, of:

16 (i) Justice of the Supreme Court of Appeals;

17 (ii) Judge of the circuit court;

18 (iii) Family court judge; and

19 (iv) Magistrate;

20 (B) Nonpartisan elections for board of education; and

21 (C) Any question to be voted upon.

22 (4) Beginning in the primary election to be held in the year 2020 and in each election  
23 thereafter, the nonpartisan judicial elections described in subparagraphs (i) through (iv),  
24 paragraph (A), subdivision (3), of this subsection shall appear immediately after the state ticket  
25 and shall immediately precede the county ticket, in the same manner prescribed in §3-5-13a of  
26 this code.

27 (5) Both the face and the reverse side of the ballot may contain the names of candidates  
28 only if means to ensure the secrecy of the ballot are provided and lines for the signatures of the

29 poll clerks on the ballot are printed on a portion of the ballot which is deposited in the ballot box  
30 and upon which marks do not interfere with the proper tabulation of the votes.

31 (6) The arrangement of candidates within each office is to be determined in the same  
32 manner as for other electronic voting systems, as prescribed in this chapter. On the general  
33 election ballot for all offices, and on the primary election ballot only for those offices to be filled by  
34 election, except delegate to national convention, lines for entering write-in votes are to be  
35 provided below the names of candidates for each office, and the number of lines provided for any  
36 office shall equal the number of persons to be elected, or three, whichever is fewer. The words  
37 "WRITE-IN, IF ANY" are to be printed, where applicable, directly under each line for write-ins. The  
38 lines are to be opposite a position to mark the vote.

39 (c) Except for electronic voting systems that utilize screens upon which votes may be  
40 recorded by means of a stylus or by means of touch, the primary election ballots are to be printed  
41 in the color of ink specified by the Secretary of State for the various political parties, and the  
42 general election ballot is to be printed in black ink. For electronic voting systems that utilize  
43 screens upon which votes may be recorded by means of a stylus or by means of touch, the  
44 primary ballots and the general election ballot are to be printed in black ink. All ballots are to be  
45 printed, where applicable, on white paper suitable for automatic tabulation and are to contain a  
46 perforated stub at the top or bottom of the ballot, which is to be numbered sequentially in the  
47 same manner as provided in §3-5-13 of this code, or are to be displayed on the screens of the  
48 electronic voting system upon which votes are recorded by means of a stylus or touch. The  
49 number of ballots printed and the packaging of ballots for the precincts are to conform to the  
50 requirements for paper ballots provided in this chapter.

51 (d) In addition to the official ballots, the ballot commissioners shall provide all other  
52 materials and equipment necessary to the proper conduct of the election.

**§3-4A-15. Instructions and help to voters; vote-recording device models; facsimile  
diagrams; sample ballots; legal ballot advertisements.**

1 (a) For the instruction of the voters on any election day in counties utilizing an electronic  
2 voting system that uses a screen upon which votes may be recorded by means of a stylus or by  
3 means of touch, the ballot commissioners shall provide for each polling place a sample ballot with  
4 each screen as it will appear on the devices, together with written instructions regarding the  
5 operation of the devices. Upon request, the election officers shall offer instruction to each voter,  
6 before voting, in the operation of the vote-recording device.

7 (b) The ballot commissioners shall also provide facsimile ballots, at least two of which, or  
8 complete sets of which, are to be posted on the walls of each polling place. The facsimile diagrams  
9 are exact diagrams of the ballots or screens so that the voter may become familiar with the  
10 location of the parties, offices, candidates, and questions as they appear on the ballot to be used  
11 in his or her precinct.

12 (c) The ballot commissioners may, with the consent of the county commission, or the  
13 county commission may, prepare and mail to each qualified voter at the address shown on the  
14 registration books a facsimile sample of the ballot or screens for his or her precinct.

15 (d) In counties where an electronic voting system has been adopted, the legal ballot  
16 advertisements required by §3-5-1 *et seq.* and §3-6-1 *et seq.*, which specify the publication of a  
17 facsimile sample ballot, are to consist of a facsimile of the absentee ballot, or a facsimile of each  
18 of the electronic voting system screens with the names of the candidates and the offices for which  
19 they are running shown in their proper positions: *Provided*, That when the sample ballots for the  
20 precincts within the county contain different senatorial, delegate, magisterial, or executive  
21 committee districts or when the sample ballots for precincts within a city contain different  
22 municipal wards, the facsimile shall be altered to include each of the various districts in the  
23 appropriate order. If, in order to accommodate the size of each ballot, the ballot or ballot pages  
24 must be divided between more than one page, the arrangement and order shall be made to  
25 conform as nearly as possible to the arrangement of the ballot. The publisher of the newspaper  
26 shall submit a proof of the ballot and the arrangement to the ballot commissioners for approval  
27 prior to publication.

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

**§3-5-10. Publication of sample ballots and lists of candidates.**

1           (a) The ballot commissioners of each county shall prepare a sample official primary ballot  
2 for each party and, as the case may be, for the nonpartisan candidates to be voted for at the  
3 primary election, according to the provisions of this article and §3-4A-1 *et seq.* of this code, as  
4 appropriate to the voting system. If any ballot issue is to be voted on in the primary election, the  
5 ballot commissioners shall likewise prepare a sample official ballot for that issue according to the  
6 provisions of law authorizing the election.

7           (b) The facsimile sample ballot for each political party and for nonpartisan candidates or  
8 ballot issues shall be published as follows:

9           (1) For counties in which two or more qualified newspapers publish a daily newspaper, not  
10 more than 26 nor less than 20 days preceding the primary election, the ballot commissioners shall  
11 publish each sample official primary election ballot as a Class I-0 legal advertisement in the two  
12 qualified daily newspapers of different political parties within the county having the largest  
13 circulation in compliance with the provisions of §59-3-1 *et seq.* of this code;

14           (2) For counties having no more than one daily newspaper, or having only one or more  
15 qualified newspapers which publish weekly, not more than 26 nor less than 20 days preceding  
16 the primary election, the ballot commissioners shall publish the sample official primary election  
17 ballot as a Class I legal advertisement in the qualified newspaper within the county having the  
18 largest circulation in compliance with the provisions of §59-3-1 *et seq.* of this code; and

19           (3) Each facsimile sample ballot shall be a photographic reproduction of the official sample  
20 ballot or ballot pages and shall be printed in a size no less than 65 percent of the actual size of  
21 the ballot, at the discretion of the ballot commissioners: *Provided*, That in counties where an  
22 electronic voting system has been adopted, the facsimile sample ballot may be a photographic  
23 reproduction of the absentee ballot: *Provided, however*, That when the ballots for the precincts  
24 within the county contain different senatorial, delegate, magisterial or executive committee

25 districts or when the ballots for precincts within a city contain different municipal wards, the  
26 facsimile shall be altered to include each of the various districts in the appropriate order. If, in  
27 order to accommodate the size of each ballot, the ballot or ballot pages must be divided onto  
28 more than one page, the arrangement and order shall be made to conform as nearly as possible  
29 to the arrangement of the ballot. The publisher of the newspaper shall submit a proof of the ballot  
30 and the arrangement to the ballot commissioners for approval prior to publication.

31 (c) The ballot commissioners of each county shall prepare, in the form and manner  
32 prescribed by the Secretary of State, an official list of offices and candidates for each office which  
33 will appear on the primary election ballot for each party and, as the case may be, for the  
34 nonpartisan candidates to be voted for at the primary election. All information which appears on  
35 the ballot, including instructions as to the number of candidates for whom votes may be cast for  
36 the office, any additional language which will appear on the ballot below the name of the office,  
37 any identifying information relating to the candidates, such as his or her residence and magisterial  
38 district or presidential preference, shall be included in the list in the same order in which it appears  
39 on the ballot. Following the names of all candidates, the list shall include the full title, text and  
40 voting positions of any issue to appear on the ballot.

41 (d) The official list of candidates and issues as provided in subsection (c) of this section  
42 shall be published as follows:

43 (1) For counties in which two or more qualified newspapers publish a daily newspaper, on  
44 the last day on which a newspaper is published immediately preceding the primary election, the  
45 ballot commissioners shall publish the official list of candidates and issues as a Class I-0 legal  
46 advertisement in the two qualified daily newspapers of different political parties within the county  
47 having the largest circulation in compliance with the provisions of §59-3-1 *et seq.* of this code;

48 (2) For counties having no more than one daily newspaper, or having only one or more  
49 qualified newspapers which publish weekly, on the last day on which a newspaper is published  
50 immediately preceding the primary election, the ballot commissioners shall publish the sample



51 official list of nominees and issues as a Class I legal advertisement in the qualified newspaper  
52 within the county having the largest circulation in compliance with the provisions of §59-3-1 *et*  
53 *seq.* of this code;

54 (3) The publication of the official list of candidates for each party and for nonpartisan  
55 candidates shall be in single or double columns, as required to accommodate the type size  
56 requirements as follows: (A) The words “official list of candidates”, the name of the county, the  
57 words “primary election”, the date of the election, the name of the political party or the designation  
58 of nonpartisan candidates shall be printed in all capital letters and in bold type no smaller than  
59 fourteen point. The designation of the national, state, district or other tickets shall be printed in all  
60 capital letters in type no smaller than 14 point; (B) the title of the office shall be printed in bold  
61 type no smaller than 12 point and any voting instructions or other language printed below the title  
62 shall be printed in bold type no smaller than 10 point; and (C) the names of the candidates shall  
63 be printed in all capital letters in bold type no smaller than 10 point and the residence information  
64 shall be printed in type no smaller than 10 point; and

65 (4) When any ballot issue is to appear on the ballot, the title of that ballot shall be printed  
66 in all capital letters in bold type no smaller than 14 point. The text of the ballot issue shall appear  
67 in no smaller than eight point type. The ballot commissioners may require the publication of the  
68 ballot issue under this subsection in the facsimile sample ballot format in lieu of the alternate  
69 format.

70 (e) Notwithstanding the provisions of subsections (c) and (d) of this section, beginning with  
71 the primary election to be held in the year 2000, the ballot commissioners of any county may  
72 choose to publish a facsimile sample ballot for each political party and for nonpartisan candidates  
73 or ballot issues instead of the official list of offices and candidates for each office for purposes of  
74 the last publication required before any primary election.

**§3-5-13. Form and contents of ballots.**

1 The following provisions apply to the form and contents of election ballots:

2 (1) The face of every primary election ballot shall conform as nearly as practicable to that  
3 used at the general election.

4 (2) The heading of every ballot is to be printed in display type. The heading is to contain  
5 a ballot title, the name of the county, the state, the words "Primary Election" and the month, day  
6 and year of the election. The ballot title of the political party ballots is to contain the words "Official  
7 Ballot of the (Name) Party" and the official symbol of the political party may be included in the  
8 heading.

9 (A) The ballot title of any separate paper ballot or portion of any electronic or voting  
10 machine ballot for all judicial officers shall commence with the words "Nonpartisan Ballot of  
11 Election of Judicial Officers" and each such office shall be listed in the following order:

12 (i) The ballot title of any separate paper ballot or portion of any electronic or voting machine  
13 ballot for all justices of the Supreme Court of Appeals shall contain the words "Nonpartisan Ballot  
14 of Election of Justice(s) of the Supreme Court of Appeals of West Virginia". The names of the  
15 candidates for the Supreme Court of Appeals shall be printed by division without references to  
16 political party affiliation or registration.

17 (ii) The ballot title of any separate paper ballot or portion of any electronic or voting  
18 machine ballot for all circuit court judges in the respective circuits shall contain the words  
19 "Nonpartisan Ballot of Election of Circuit Court Judge(s)". The names of the candidates for the  
20 respective circuit court judge office shall be printed by division without references to political party  
21 affiliation or registration.

22 (iii) The ballot title of any separate paper ballot or portion of any electronic or voting  
23 machine ballot for all family court judges in the respective circuits shall contain the words  
24 "Nonpartisan Ballot of Election of Family Court Judge(s)". The names of the candidates for the  
25 respective family court judge office shall be printed by division without references to political party  
26 affiliation or registration.

27 (iv) The ballot title of any separate paper ballot or portion of any electronic or voting  
28 machine ballot for all magistrates in the respective circuits shall contain the words “Nonpartisan  
29 Ballot of Election of Magistrate(s)”. The names of the candidates for the respective magistrate  
30 office shall be printed by division without references to political party affiliation or registration.

31 (B) The ballot title of any separate paper ballot or portion of any electronic or voting  
32 machine ballot for the Board of Education is to contain the words “Nonpartisan Ballot of Election  
33 of Members of the \_\_\_\_\_ County Board of Education”. The districts for which fewer  
34 than two candidates may be elected and the number of available seats are to be specified and  
35 the names of the candidates are to be printed without reference to political party affiliation and  
36 without designation as to a particular term of office.

37 (C) Any other ballot or portion of a ballot on a question is to have a heading which clearly  
38 states the purpose of the election according to the statutory requirements for that question.

39 (3) (A) For paper ballots, the heading of the ballot is to be separated from the rest of the  
40 ballot by heavy lines and the offices shall be arranged in columns with the following headings,  
41 from left to right across the ballot: “National Ticket”, “State Ticket”, “Nonpartisan Judicial Ballot”,  
42 “County Ticket”, “Nonpartisan Ballot” in a nonpresidential election year, “District Ticket” or, in a  
43 presidential election year, “National Convention”. The columns are to be separated by heavy lines.  
44 Within the columns, the offices are to be arranged in the order prescribed in §3-5-13a of this code.

45 (B) For voting machines, electronic voting devices and any ballot tabulated by electronic  
46 means, the offices are to appear in the same sequence as prescribed in §3-5-13a of this code  
47 and under the same headings as prescribed in paragraph (A) of this subdivision. The number of  
48 pages, columns or rows, where applicable, may be modified to meet the limitations of ballot size  
49 and composition requirements subject to approval by the Secretary of State.

50 (C) The title of each office is to be separated from preceding offices or candidates by a  
51 line and is to be printed in bold type no smaller than eight point. Below the office is to be printed  
52 the number of the district, if any, the number of the division, if any, and the words “Vote for

53 \_\_\_\_\_” with the number to be nominated or elected or “Vote For Not More Than \_\_\_\_\_”  
54 in multicandidate elections. For offices in which there are limitations relating to the number of  
55 candidates which may be nominated, elected or appointed to or hold office at one time from a  
56 political subdivision within the district or county in which they are elected, there is to be a clear  
57 explanation of the limitation, as prescribed by the Secretary of State, printed in bold type  
58 immediately preceding the names of the candidates for those offices on the ballot in every voting  
59 system. For counties in which the number of county commissioners exceeds three and the total  
60 number of members of the county commission is equal to the number of magisterial districts within  
61 the county, the office of county commission is to be listed separately for each district to be filled  
62 with the name of the magisterial district and the words “Vote for One” printed below the name of  
63 the office: *Provided*, That the office title and applicable instructions may span the width of the  
64 ballot so as it is centered among the respective columns.

65 (D) The location for indicating the voter’s choices on the ballot is to be clearly shown. For  
66 paper ballots, other than those tabulated electronically, the official primary ballot is to contain a  
67 square formed in dark lines at the left of each name on the ballot, arranged in a perpendicular  
68 column of squares before each column of names.

69 (4) (A) The name of every candidate certified by the Secretary of State or the board of  
70 ballot commissioners is to be printed in capital letters in no smaller than eight point type on the  
71 ballot for the appropriate precincts. Subject to the rules promulgated by the Secretary of State,  
72 the name of each candidate is to appear in the form set out by the candidate on the certificate of  
73 announcement, but in no case may the name misrepresent the identity of the candidate nor may  
74 the name include any title, position, rank, degree or nickname implying or inferring any status as  
75 a member of a class or group or affiliation with any system of belief.

76 (B) The city of residence of every candidate, the state of residence of every candidate  
77 residing outside the state, the county of residence of every candidate for an office on the ballot in  
78 more than one county and the magisterial district of residence of every candidate for an office

79 subject to magisterial district limitations are to be printed in lower case letters beneath the names  
80 of the candidates.

81 (C) The arrangement of names within each office must be determined as prescribed in §3-  
82 5-13a of this code.

83 (D) If the number of candidates for an office exceeds the space available on a column or  
84 ballot page and requires that candidates for a single office be separated, to the extent possible,  
85 the number of candidates for the office on separate columns or pages are to be nearly equal and  
86 clear instructions given the voter that the candidates for the office are continued on the following  
87 column or page.

88 (5) When an insufficient number of candidates has filed for a party to make the number of  
89 nominations allowed for the office or for the voters to elect sufficient members to the Board of  
90 Education or to executive committees, the vacant positions on the ballot shall be filled with the  
91 words "No Candidate Filed": *Provided*, That in paper ballot systems which allow for write-ins to  
92 be made directly on the ballot, a blank line shall be placed in any vacant position in the office of  
93 Board of Education or for election to any party executive committee. A line shall separate each  
94 candidate from every other candidate for the same office. Notwithstanding any other provision of  
95 this code, if there are multiple vacant positions on a ballot for one office, the multiple vacant  
96 positions which would otherwise be filled with the words "No Candidate Filed" may be replaced  
97 with a brief detailed description, approved by the Secretary of State, indicating that there are no  
98 candidates listed for the vacant positions.

99 (6) In presidential election years, the words "For election in accordance with the plan  
100 adopted by the party and filed with the Secretary of State" is to be printed following the names of  
101 all candidates for delegate to national convention.

102 (7) All paper ballots are to be printed in black ink on paper sufficiently thick so that the  
103 printing or marking cannot be discernible from the back: *Provided*, That no paper ballot voted  
104 pursuant to the provisions of 42 U. S. C. §1973, *et seq.*, the Uniformed and Overseas Citizens

105 Absentee Voting Act of 1986, or federal write-in absentee ballot may be rejected due to paper  
106 type, envelope type, or notarization requirement. Ballot cards and paper for printing ballots using  
107 electronically sensible ink are to meet minimum requirements of the tabulating systems and are  
108 to conform in size and weight to ensure ease in tabulation.

109 (8) Ballots are to contain perforated tabs at the top of the ballots and are to be printed with  
110 unique sequential numbers from one to the highest number representing the total number of  
111 ballots printed. On paper ballots, the ballot is to be bordered by a solid line at least one sixteenth  
112 of an inch wide and the ballot is to be trimmed to within one-half inch of that border.

113 (9) On the back of every official ballot or ballot card the words "Official Ballot" with the  
114 name of the county and the date of the election are to be printed. Beneath the date of the election  
115 there are to be two blank lines followed by the words "Poll Clerks".

116 (10) The face of sample paper ballots and sample ballot labels are to be like other official  
117 ballots or ballot labels except that the word "sample" is to be prominently printed across the front  
118 of the ballot in a manner that ensures the names of candidates are not obscured and the word  
119 "sample" may be printed in red ink. No printing may be placed on the back of the sample.

**§3-5-13a. Order of offices and candidates on the ballot; uniform drawing date.**

1 (a) The order of offices for state and county elections on all ballots within the state shall  
2 be as prescribed herein. When the office does not appear on the ballot in an election, then it shall  
3 be omitted from the sequence. When an unexpired term for an office appears on the ballot along  
4 with a full term, the unexpired term shall appear immediately below the full term.

5 NATIONAL TICKET: President (and Vice President in the general election), United States  
6 Senator, member of the United States House of Representatives.

7 STATE TICKET: Governor, Secretary of State, Auditor, Treasurer, Commissioner of  
8 Agriculture, Attorney General, State Senator, member of the House of Delegates, any other  
9 multicounty office, state executive committee.

10           NONPARTISAN JUDICIAL BALLOT: Justice of the Supreme Court of Appeals, judge of  
11 the circuit court, family judge, magistrate.

12           COUNTY TICKET: Clerk of the circuit court, county commissioner, clerk of the county  
13 commission, prosecuting attorney, sheriff, assessor, surveyor, congressional district executive  
14 committee, senatorial district executive committee in multicounty districts, delegate district  
15 executive committee in multicounty districts.

16           NONPARTISAN BALLOT: Nonpartisan elections for board of education, conservation  
17 district supervisor, any question to be voted upon.

18           DISTRICT TICKET: County executive committee.

19           NATIONAL CONVENTION: Delegate to the national convention — congressional district,  
20 delegate to the national convention — at-large.

21           (b) Except for office divisions in which no more than one person has filed a certificate of  
22 announcement, the arrangement of names for all offices shall be determined by lot according to  
23 the following provisions:

24           (1) On the fourth Tuesday following the close of the candidate filing, beginning at 9:00  
25 a.m., a drawing by lot shall be conducted in the office of the clerk of the county commission in  
26 each county. Notice of the drawing shall be given on the form for the certificate of announcement  
27 and no further notice shall be required. The clerk of the county commission shall superintend and  
28 conduct the drawing and the method of conducting the drawing shall be prescribed by the  
29 Secretary of State.

30           (2) Except as provided herein, the position of each candidate within each office division  
31 shall be determined by the position drawn for that candidate individually: *Provided*, That if fewer  
32 candidates file for an office division than the total number to be nominated or elected, the vacant  
33 positions shall appear following the names of all candidates for the office.

34           (3) Candidates for delegate to national convention who have filed a commitment to a  
35 candidate for president shall be listed alphabetically within the group of candidates committed to

36 the same candidate for president and uncommitted candidates shall be listed alphabetically in an  
37 uncommitted category. The position of each group of committed candidates and uncommitted  
38 candidates shall be determined by lot by drawing the names of the presidential candidates and  
39 for an uncommitted category.

40 (4) A candidate or the candidate's representative may attend the drawings.

## **ARTICLE 6. CONDUCT AND ADMINISTRATION OF ELECTIONS.**

### **§3-6-3. Publication of sample ballots and lists of candidates.**

1 (a) The ballot commissioners of each county shall prepare a sample official general  
2 election ballot for all political party or nominees with no party affiliation unless those persons have  
3 actually been nominated by an independent party, nonpartisan candidates for election, if any, and  
4 all ballot issues to be voted for at the general election, according to the provisions of §3-4A-1 *et*  
5 *seq.* of this code, and for any ballot issue, according to the provisions of law authorizing the  
6 election.

7 (b) The facsimile sample general election ballot shall be published as follows:

8 (1) For counties in which two or more qualified newspapers publish a daily newspaper, not  
9 more than 26 nor less than 20 days preceding the general election, the ballot commissioners shall  
10 publish the sample official general election ballot as a Class I-0 legal advertisement in the two  
11 qualified daily newspapers of different political parties within the county having the largest  
12 circulation in compliance with the provisions of §59-3-1 *et seq.* of this code;

13 (2) For counties having no more than one daily newspaper, or having only one or more  
14 qualified newspapers which publish weekly, not more than 26 nor less than 20 days preceding  
15 the primary election, the ballot commissioners shall publish the sample official general election  
16 ballot as a Class I legal advertisement in the qualified newspaper within the county having the  
17 largest circulation in compliance with the provisions of §59-3-1 *et seq.* of this code; and

18 (3) Each facsimile sample ballot shall be a photographic reproduction of the official sample  
19 ballot or ballot pages and shall be printed in a size no less than 65 percent of the actual size of



20 the ballot, at the discretion of the ballot commissioners: *Provided*, That in counties where an  
21 electronic voting system has been adopted, the facsimile sample ballot may be a photographic  
22 reproduction of the absentee ballot: *Provided, however*, That when the ballots for the precincts  
23 within the county contain different senatorial, delegate, magisterial or executive committee  
24 districts or when the ballots for precincts within a city contain different municipal wards, the  
25 facsimile shall be altered to include each of the various districts in the appropriate order. If, in  
26 order to accommodate the size of each ballot, the ballot or ballot pages must be divided onto  
27 more than one page, the arrangement and order shall be made to conform as nearly as possible  
28 to the arrangement of the ballot. The publisher of the newspaper shall submit a proof of the ballot  
29 and the arrangement to the ballot commissioners for approval prior to publication.

30 (c) The ballot commissioners of each county shall prepare, in the form and manner  
31 prescribed by the Secretary of State, an official list of offices and nominees for each office which  
32 will appear on the general election ballot for each political party or as nominees with no party  
33 affiliation unless those persons have actually been nominated by an independent party and, as  
34 the case may be, for the nonpartisan candidates to be voted for at the general election:

35 (1) All information which appears on the ballot, including instructions as to the number of  
36 candidates for whom votes may be cast for the office, any additional language which will appear  
37 on the ballot below the name of the office, any identifying information relating to the candidates,  
38 such as his or her residence and magisterial district or presidential preference. Following the  
39 names of all candidates, the list shall include the full title, text and voting positions of any issue to  
40 appear on the ballot.

41 (2) The order of the offices and candidates for each office and the manner of designating  
42 the parties shall be as follows:

43 (A) The offices shall be listed in the same order in which they appear on the ballot;

44 (B) The candidates within each office for which one is to be elected shall be listed in the  
45 order they appear on the ballot, from left to right or from top to bottom, as the case may be, and

46 the candidate's political party affiliation or independent status shall be indicated by the one- or  
47 two-letter initial specifying the affiliation, placed in parenthesis to the right of the candidate's name;  
48 and

49 (C) The candidates within each office for which more than one is to be elected shall be  
50 arranged by political party groups in the order they appear on the ballot and the candidate's  
51 affiliation shall be indicated as provided in paragraph (B) of this subdivision.

52 (d) The official list of candidates and issues as provided in subsection (c) of this section  
53 shall be published as follows:

54 (1) For counties in which two or more qualified newspapers publish a daily newspaper, on  
55 the last day on which a newspaper is published immediately preceding the general election, the  
56 ballot commissioners shall publish the official list of nominees and issues as a Class I-0 legal  
57 advertisement in the two qualified daily newspapers of different political parties within the county  
58 having the largest circulation in compliance with the provisions of §59-3-1 *et seq.* of this code;

59 (2) For counties having no more than one daily paper, or having only one or more qualified  
60 newspapers which publish weekly, on the last day on which a newspaper is published immediately  
61 preceding the general election, the ballot commissioners shall publish the sample official list of  
62 nominees and issues as a Class I legal advertisement in the qualified newspaper within the county  
63 having the largest circulation in compliance with the provisions of §59-3-1 *et seq.* of this code;

64 (3) The publication of the official list of nominees for each party and for nonpartisan  
65 candidates shall be in single or double columns, as required to accommodate the type size  
66 requirements as follows:

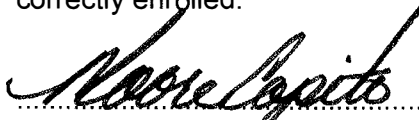
67 (A) The words "official list of nominees and issues", the name of the county, the words  
68 "General Election" and the date of the election shall be printed in all capital letters and in bold  
69 type no smaller than 14 point; and


70           (B) The names of the candidates and the initial within parenthesis designating the  
71 candidate's affiliation shall be printed in all capital letters in bold type no smaller than 10 point and  
72 the residence information shall be printed in type no smaller than 10 point; and

73           (4) When any ballot issue is to appear on the ballot, the title of that ballot shall be printed  
74 in all capital letters in bold type no smaller than 12 point. The text of the ballot issue shall appear  
75 in no smaller than eight point type. The ballot commissioners may require the publication of the  
76 ballot issue under this subsection in the facsimile sample ballot format in lieu of the alternate  
77 format.

78           (e) Notwithstanding the provisions of subsections (c) and (d) of this section, the ballot  
79 commissioners of any county may choose to publish a facsimile sample general election ballot,  
80 instead of the official list of candidates and issues, for purposes of the last publication required  
81 before any general election.

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

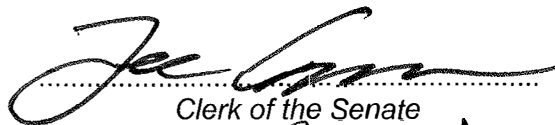
  
.....  
Chairman, House Committee

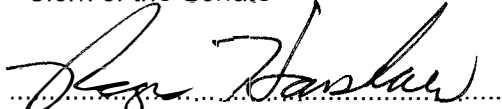
  
.....  
~~Member~~ Chairman, Senate Committee

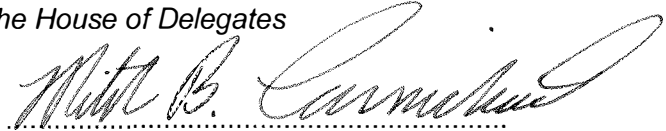
Originating in the House.

In effect ninety days from passage.

  
.....  
Clerk of the House of Delegates

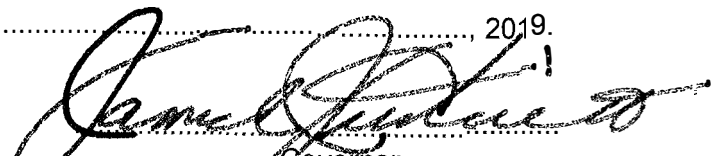
  
.....  
Clerk of the Senate

  
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Speaker of the House of Delegates

  
.....  
President of the Senate

FILED  
2019 MAR 26 P 4: 58  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

The within is approved this the 26<sup>th</sup>  
day of March ..... 2019.

  
.....  
Governor

PRESENTED TO THE GOVERNMENT

1.1.1.1.1.1

Time 2:40 pm