

1 petition under the provisions of section twenty-three of this
2 article;

3 (3) The names of every candidate for any office to be voted
4 for at the election whose nomination in the primary election,
5 nomination by petition or nomination by appointment to fill a
6 vacancy on the ballot has been certified and filed according to law
7 and no others.

8 (b) The provisions of paragraphs (C) and (D), subdivision (2),
9 section thirteen, article five of this chapter; subdivision (3) of
10 said section; paragraphs (A) and (B), subdivision (4) of said
11 section; and subdivisions (6), (7), (8) and (9) of said section
12 pertaining to the preparation and form of primary election ballots
13 shall likewise apply to general election ballots.

14 (c) (1) For all ballot systems, the ballot heading is to be in
15 display type and contain the words "Official Ballot, General
16 Election" and the name of the county and the month, day and year of
17 the election.

18 (2) After the heading, each ballot is to contain, laid out in
19 parallel columns, rows or pages as required by the particular
20 voting system, the party emblem, the position for straight party
21 voting for each party and the name of each party as prescribed in
22 subsection (a) of this section. On paper ballots, the position for
23 straight party voting is to be a heavy circle, three-fourths inch
24 in diameter, surrounded by the words "For a straight ticket mark

1 within this circle" printed in bold six-point type. On all other
2 ballots or ballot labels, the positions for straight party voting
3 is to be marked "Straight Party Ticket".

4 (3) The political party ~~whose candidate for president received~~
5 ~~the highest number of votes at the last preceding presidential~~
6 ~~election~~ that had the highest number of registered voters in West
7 Virginia on the last day of the calendar year immediately preceding
8 the year of the general election to which the ballot relates is to
9 be placed in the left, or first column, row or page, as is
10 appropriate to the voting system. The political party ~~which~~
11 ~~received the second highest vote~~ that had the second highest number
12 of registered voters in West Virginia on the last day of the
13 calendar year immediately preceding the year of the general
14 election to which the ballot relates is to be next and so on. Any
15 groups or third parties which did not have a candidate for
16 president on the ballot in the previous presidential election are
17 to be placed in the sequence in which the final certificates of
18 nomination by petition were filed.

19 (4) (A) The following general instructions for straight party
20 voters are to be printed in no smaller than eight point bold type:
21 "IF YOU MARKED A STRAIGHT TICKET: When you mark any individual
22 candidate in a different party, that vote will override your
23 straight party vote for that office. When you mark any individual
24 candidate in a different party for an office where more than one

1 will be elected, YOU MUST MARK EACH OF YOUR CHOICES FOR THAT OFFICE
2 because your straight ticket vote will not be counted for that
3 office". The last sentence of the instructions may not be included
4 on any ballot which does not contain any office or division where
5 more than one candidate will be elected.

6 On paper ballots, the general instructions are to be placed
7 below the party name and across the top of all columns, followed by
8 a heavy line separating them from the rest of the ballot:
9 *Provided*, That the instructions may be centered among the columns
10 running the full width of the ballot. On ballots marked with
11 electronically sensible ink, the general instructions are to be
12 placed after the position for straight voting and before any
13 office.

14 (B) The following specific instructions are to be printed on
15 the ballot for any partisan election for an office or division to
16 which more than one candidate is to be elected: "If you marked a
17 straight ticket and you mark any candidate in a different party for
18 this office, you must mark all your choices for this office because
19 your straight ticket vote will not be counted for this office".

20 On paper ballots, the specific instructions are to be placed
21 below the office name of any partisan office where more than one is
22 to be elected and across the top of all columns for that office or
23 centered among the columns before the names of any candidates. On
24 all other ballots and ballot labels, the specific instructions are

1 to be placed above or to the side of the names of the candidates as
2 the voting system requires.

3 (5) For all ballots, any columns, rows or sections in which
4 the ticket of one party appears are to be clearly separated from
5 the other columns, rows or sections by a heavy line or other clear
6 division. For each party, the offices are to be arranged in the
7 order prescribed in section thirteen-a, article five of this
8 chapter under the appropriate tickets, which are to be headed
9 "National Ticket", "State Ticket" and "County Ticket". The number
10 of pages, columns or rows, where applicable, may be modified to
11 meet the limitations of ballot size and composition requirements,
12 subject to approval by the Secretary of State.

13 (d) The arrangement of names within each office for all ballot
14 systems is to be as follows:

15 (1) In elections for presidential electors, the names of the
16 candidates for president and vice president of each party are to be
17 placed beside a brace with a single voting position, so that a vote
18 for any presidential candidate is a vote for the electors of the
19 party for which the candidates were named.

20 (2) The order of names of candidates for any office or
21 division for which more than one is to be elected is determined as
22 prescribed in section thirteen-a, article five of this chapter:
23 *Provided*, That the drawing by lot is to be conducted on the
24 seventieth day next preceding the date of the general election,

1 beginning at nine a.m.

2 (3) In any office where more than one person is to be elected,
3 the names of the candidates for the office are to be staggered so
4 that no two candidates for that office appear directly opposite any
5 other candidate, as shown in the example below: *Provided*, That if
6 the voting system cannot accurately tabulate any ballot due to this
7 requirement, the ballot may be adjusted so that it is accurately
8 tabulated. However, each candidate shall be separated by a thin
9 line to distinguish between each candidate.

10 _____

11 _____

12 For House of Delegates For House of Delegates

13 First Delegate District First Delegate District

14 (Vote For Not More Than Two) (Vote For Not More Than Two)

15 _____

16 SUSAN B. ANTHONY

17 City (County)

18 _____

19 JOHN ADAMS

20 City (County)

21 _____

22 ABRAHAM LINCOLN

23 City (County)

24 _____

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JAMES MONROE
City (County)

(4) Each voting system is to provide a means for voters to vote for any person whose name does not appear on the ticket by writing it with pen or pencil or by using stamps, stickers, tapes, labels or other means of writing in the name of a candidate which does not interfere with the tabulation of the ballot.

(A) In paper ballot systems which allow for write-ins to be made directly on the ballot, a blank square and a blank line equal to the space which would be occupied by the name of the candidate is to be placed under the proper office for each vacancy in nomination and for an office for which more than one is to be elected, any vacancy is to appear after any other candidates for the office. If no write-in lines are included on the ballot, specific instructions are to be added to the top of the ballot notifying the voter that a write-in vote may be cast by writing the name and office on any location on the front of the ballot.

(B) In machine and electronically tabulated ballot systems in which write-in votes must be made in a place other than on the ballot, if there is a vacancy in nomination leaving fewer candidates in any party than can be elected to that office, the words "No Candidate Nominated" is to be printed in the space that would be occupied by the name of the candidate and for an office

1 for which more than one is to be elected, any vacancy is to appear
2 after any other candidates for the office. Notwithstanding any
3 other provision of this code, if there are multiple vacant
4 positions on a ballot for one office, the multiple vacant positions
5 which would otherwise be filled with the words "No Candidate Filed"
6 may be replaced with a brief detailed description, approved by the
7 Secretary of State, indicating that there are no candidates listed
8 for the vacant positions.

9 (5) In a general election in any county in which unexpired
10 terms of the board of education are to be filled by election, a
11 separate section or page of the ballot is to be set off by means
12 clearly separating the nonpartisan ballot from the ballot for the
13 political party candidates and is to be headed "Nonpartisan Board
14 of Education".

15 (e) Any constitutional amendment is to be placed following all
16 offices, followed by any other issue upon which the voters are to
17 cast a vote. The heading for each amendment or issue is to be
18 printed in large, bold type according to the requirements of the
19 resolution authorizing the election.

20 (f) The board of ballot commissioners may not place any issue
21 on the ballot for election which is not specifically authorized
22 under the West Virginia Constitution or statutes or which has not
23 been properly ordered by the appropriate governmental body charged
24 with calling the election.

NOTE: The purpose of this bill is to use voter registration figures to determine the placement of political parties on the general election ballot.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.