

H. B. 2936

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

(By request of the Secretary of State)

[Introduced January 28, 2011; referred to the
Committee on the Judiciary.]

A BILL 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 Monday following a primary election.

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.

The ~~county court,~~ commissioners of the county commission, sitting as a board of canvassers, shall ~~meet~~ convene at the courthouse of the county on the ~~Friday next succeeding~~ fifth day after any primary election, excepting Sundays, and shall proceed to canvass the returns of ~~such~~ the election. The procedures prescribed in section nine, ~~of~~ article six, of this chapter relating to canvass of general election returns, shall, where adaptable, be applied in the canvass of the primary election

1 returns. The board shall proceed to ascertain the result of ~~such~~
 2 the election in the county and district and election precincts
 3 ~~thereof~~ and cause to be prepared and recorded in the primary
 4 election precinct record book a table or tables which ~~shall~~ show,
 5 as to each candidate of each political party for each office, the
 6 number of votes cast for him or her at each precinct and the total
 7 number ~~thereof~~ cast in the entire county. The board shall then
 8 make up and enter in said record book a certificate for each
 9 political party showing, as to each candidate for each political
 10 party for each office, the total number of votes, in words and ~~also~~
 11 ~~in~~ figures, cast for him or her in the entire county and the number
 12 of votes received by all the candidates of such party in such
 13 district ~~which shall be~~ in the following form:

14 The board of canvassers of the county of of
 15 West Virginia, having carefully and impartially examined the
 16 returns of the primary election held in said county on the
 17 day of, 19...., do hereby certify that in said county
 18 or district, at said election, on the official ballot of the
 19 party for the office of, A. B.
 20 received (.....) votes; C. D. received
 21 (.....) votes.

22 And so on for each office for each political party according
 23 to the truth. When the certificates are all entered, the report
 24 shall be signed by the members of the board or ~~a majority thereof.~~
 25 by a majority. Such members shall also sign separate certificates
 26 of the result of ~~said~~ the election, within the county, for each of

1 the offices to be filled by each political party
2 as provided by the following section.

3 The provisions of article six of this chapter, relating to the
4 recount of votes in general elections, shall, to the extent
5 applicable, be operative in primary and other elections conducted
6 under provisions of this article.

NOTE: The purpose of this bill is to change the date of canvassing of votes in a primary election from the Friday following the election to the Monday following.

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