

COMMITTEE SUBSTITUTE

FOR

H. B. 2936

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

(Originating in the Committee on the Judiciary)
[February 3, 2011]

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.

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

22 received by all the candidates of such party in such district
23 ~~which shall be~~ in the following form:

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

31 And so on for each office for each political party
32 according to the truth. When the certificates are all entered,
33 the report shall be signed by the members of the board or a
34 ~~majority thereof.~~ by a majority of the board. Such members
35 shall also sign separate certificates of the result of ~~said~~ the
36 election, within the county, for each of the offices to be filled
37 by each political party as provided by the following section.

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