1 Senate Bill No. 569 2 (By Senators Boley, Sypolt and Barnes) 3 4 [Introduced February 10, 2012; referred to the Committee on the 5 Judiciary.] 6 7 8 9 10 A BILL to amend and reenact §3-5-13a of the Code of West Virginia, 11 1931, as amended, relating to the order of candidates on the 12 ballot; and requiring candidates for delegate to a national 13 convention be listed by the drawing of names. 14 Be it enacted by the Legislature of West Virginia: 15 That §3-5-13a of the Code of West Virginia, 1931, as amended, 16 be amended and reenacted to read as follows: 17 ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES. 18 §3-5-13a. Order of offices and candidates on the ballot; uniform 19 drawing date. 20 (a) The order of offices for state and county elections on all 21 ballots within the state shall be as prescribed herein. When the 22 office does not appear on the ballot in an election, then it shall 23 be omitted from the sequence. When an unexpired term for an office

- 1 appears on the ballot along with a full term, the unexpired term
- 2 shall appear immediately below the full term.
- 3 NATIONAL TICKET: President (and Vice President in the general
- 4 election), United States Senator, member of the United States House
- 5 of Representatives
- 6 STATE TICKET: Governor, Secretary of State, Auditor,
- 7 Treasurer, Commissioner of Agriculture, Attorney General, Justice
- 8 of the Supreme Court of Appeals, State Senator, member of the House
- 9 of Delegates, circuit judge in multicounty districts, family court
- 10 judge in multicounty districts, any other multicounty office, state
- 11 executive committee
- 12 COUNTY TICKET: Circuit judge in single-county districts,
- 13 family court judge in single-county districts, clerk of the circuit
- 14 court, county commissioner, clerk of the county commission,
- 15 prosecuting attorney, sheriff, assessor, magistrate, surveyor,
- 16 congressional district executive committee, senatorial district
- 17 executive committee in multicounty districts, delegate district
- 18 executive committee in multicounty districts
- 19 NATIONAL CONVENTION: Delegate to the national convention --
- 20 at-large, delegate to the national convention -- congressional
- 21 district
- 22 DISTRICT TICKET: County executive committee.
- 23 (b) Except for office divisions in which no more than one
- 24 person has filed a certificate of announcement, the arrangement of

- 1 names for all offices shall be determined by lot according to the
 2 following provisions:
- 3 (1) On the fourth Tuesday following the close of the candidate
 4 filing, beginning at nine o'clock a. m., a drawing by lot shall be
 5 conducted in the office of the clerk of the county commission in
 6 each county. Notice of the drawing shall be given on the form for
 7 the certificate of announcement and no further notice shall be
 8 required. The clerk of the county commission shall superintend and
 9 conduct the drawing and the method of conducting the drawing shall
 10 be prescribed by the Secretary of State.
- (2) Except as provided herein, the position of each candidate within each office division shall be determined by the position drawn for that candidate individually: *Provided*, That if fewer candidates file for an office division than the total number to be nominated or elected, the vacant positions shall appear following the names of all candidates for the office.
- (3) Candidates for delegate to national convention who have filed a commitment to a candidate for president shall be listed alphabetically by drawing the names within the group of candidates committed to the same candidate for president and uncommitted candidates shall be listed alphabetically by drawing the names in 22 an uncommitted category. The position of each group of committed candidates and uncommitted candidates shall be determined by lot by drawing the names of the presidential candidates and for an

- 1 uncommitted category.
- 2 (4) A candidate or the candidate's representative may attend
- 3 the drawings.

NOTE: The purpose of this bill is to change the listing of candidates to be delegates to a national convention from the current method being listed alphabetically to being listed by the drawing of names.

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