

Senate Bill No. 284

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(By Senators Miller, Hall, Browning, Wills, Plymale, Williams and
Kessler (Acting President))

[Introduced January 26, 2011; referred to the Committee
Government Organization; and then 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

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

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

25 And so on for each office for each political party according
 26 to the truth. When the certificates are all entered, the report

1 shall be signed by the members of the board or ~~a majority thereof.~~
2 by a majority. Such members shall also sign separate certificates
3 of the result of ~~said~~ the election, within the county, for each of
4 the offices to be filled by each political party
5 as provided by the following section.

6 The provisions of article six of this chapter, relating to the
7 recount of votes in general elections, shall, to the extent
8 applicable, be operative in primary and other elections conducted
9 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.