

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 for

4 **H. B. 2936**

5
6 (By Delegates Lawrence, Varner, Armstead,
7 Caputo, Carmichael and Kominar)

8 [Passed March 11, 2011; in effect ninety days from passage.]

9
10 AN ACT to amend and reenact §3-5-17 of the Code of West Virginia,
11 1931, as amended, relating to changing the date of the
12 canvassing of votes in a primary election from the Friday
13 following a primary election to the fifth day following a
14 primary election that is not a Saturday, Sunday or legal
15 holiday.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §3-5-17 of the Code of West Virginia, 1931, as amended,
18 be amended and reenacted to read as follows:

19 **ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.**

20 **§3-5-17. Canvassing and certifying returns; recount procedures.**

21 The commissioners of the county commission, sitting as a board
22 of canvassers, shall convene at the courthouse of the county on the
23 fifth day following any primary election, which is not a Saturday,
24 Sunday or legal holiday, and shall proceed to canvass the returns
25 of the election. The procedures prescribed in section nine,
26 article six, of this chapter relating to canvass of general
27 election returns, shall, where adaptable, be applied in the canvass
28 of the primary election returns. The board shall proceed to

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

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

21 And so on for each office for each political party according
22 to the truth. When the certificates are all entered, the report
23 shall be signed by the members of the board or by a majority of
24 the board. Such members shall also sign separate certificates of
25 the result of the election, within the county, for each of the
26 offices to be filled by each political party
27 as provided by the following section.

28 The provisions of article six of this chapter, relating to the

1 recount of votes in general elections, shall, to the extent
2 applicable, be operative in primary and other elections conducted
3 under provisions of this article.