

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 2936**

4
5 (By Delegates Lawrence, Varner, Armstead,
6 Caputo, Carmichael and Kominar)

7 (Originating in the Committee on the Judiciary)

8 [February 3, 2011]

9
10 A BILL 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 Monday following a primary
14 election.

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

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

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

19 **§3-5-17. Canvassing and certifying returns; recount procedures.**

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

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