

## **WEST VIRGINIA LEGISLATURE** RE JA MARKA TONA SELVETANY OF STATE OD

**SEVENTY-EIGHTH LEGISLATURE REGULAR SESSION, 2008** 

COMMITTEE SUBSTITUTE

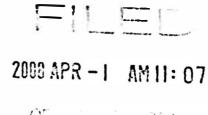
FOR

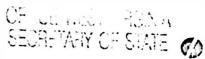
# **ENROLLED**

Senate Bill No. 495

(SENATORS KESSLER, LOVE, OLIVERIO AND Plymale, original sponsors)

[Passed March 4, 2008; in effect from passage.]





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[Passed March 4, 2008; in effect from passage.]

AN ACT to amend and reenact §3-1-46 of the Code of West Virginia, 1931, as amended, requiring training programs for election officials to be conducted within thirty days before an election.

Be it enacted by the Legislature of West Virginia:

That §3-1-46 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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#### ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

### §3-1-46. Training program for election officials.

- 1 (a) The Secretary of State in conjunction with the
- 2 State Election Commission shall produce one or more
- 3 audio-visual programs which explain and illustrate the
- 4 procedures for conducting elections, the duties of the
- 5 various election officials and the methods of voting on
- 6 each voting system in use in the state.
- 7 (b) One copy of the appropriate training program shall
- 8 be distributed to and kept and preserved by the clerk of
- 9 the county commission of each county. The program
- 10 shall be shown to all election officials before each
- 11 election as part of their instructional program. The
- 12 clerk of the county commission shall conduct an
- 13 adequate number of sessions to train all election
- officials, shall schedule the regular sessions not less
- than seven days before each election and shall notify all
- 16 election officials of the exact date, time and place such
- instructional program will be conducted.
- 18 (c) No person may serve as an election commissioner
- 19 or poll clerk in any election unless he or she has
- 20 attended the instructional program required by
- 21 subsection (a) of this section within thirty days prior to
- 22 an election. If an election official fails to attend the
- 23 instructional program, another person shall be
- 24 appointed in the election official's place in the same
- 25 manner as persons are appointed under the provisions
- 26 of section thirty of this article to replace election
- 27 officials refusing to serve. The clerk of the county
- 28 commission shall conduct an additional instructional
- 29 program within seven days prior to the election for any
- 30 such person so appointed: Provided, That in cases of
- 31 emergency, when no person who has attended the

- 32 instructional program for that election is available to
- fill a vacancy on the election board, the clerk of the 33
- 34 county commission may appoint the substituted person
- 35 as a commissioner or poll clerk notwithstanding that he
- 36 or she has not received the instruction.
- 37 (d) The requirements of this section apply to all
- 38 elections conducted by municipalities, except that the
- recorder or municipal clerk responsible for the election 39
- 40 shall perform the duties of the clerk of the county
- commission defined in this section. The clerk of the 41
- 42 county commission may assist the recorder or municipal
- 43 clerk in conducting the instructional program.
- 44 (e) When the instructional program is not being used
- 45 by the clerk for instructional purposes, it shall be
- 46 available to any duly organized civic, religious,
- educational or charitable group without charge, except 47
- 48 that the clerk shall require a cash deposit on such use in
- 49 an amount to be determined by the Secretary of State.
- 50 (f) The Secretary of State shall cause the instructional
- program to be amended, edited or reproduced whenever 51
- he or she is of the opinion such revision is necessary in 52
- 53 light of changes in the election laws of this state.
- 54 (g) No elected official may appear in any training
- program either in person or by visual image or by name. 55
- 56 (h) Every county clerk shall attend a training, to be
- conducted by the Secretary of State every two years, for 57
- the purpose of reviewing the election official training 58

59 and receiving updates on election law matters.

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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.
Chairman Senate Committee
Chairman House Committee
Originated in the Senate.
In effect from passage.
Clerk of the Senate
Clerk of the House of Delegates
President of the Senate
Speaker House of Delegates
The within LA Appulled this the Day of Charles 2008.
Governor

PRESENTED TO THE GOVERNOR

MAR 2 6 2008
Time 10:05am