

H. B. 3248

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(By Delegate Manypenny)
[Introduced February 21, 2011; referred to the
Committee on the Judiciary.]

10 A BILL to amend and reenact §3-1-8 of the Code of West Virginia,
11 1931, as amended, relating to elections and nominating
12 procedures generally, and expanding the scope of the
13 definition of a political party.

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

15 That §3-1-8 of the Code of West Virginia, 1931, as amended, be
16 amended and reenacted to read as follows:

17 **ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.**

18 **§3-1-8. Political party defined; parties or groups that may**
19 **participate in municipal primary elections.**

20 Any affiliation of voters representing any principle or
21 organization which, at the last preceding regular general election,
22 polled for its candidate for Governor, Secretary of State,
23 Treasurer, Auditor, Attorney General, Supreme Court of Appeals,
24 Commissioner of Agriculture, or any other office on the ballot to
25 be voted upon by all voters state-wide in that election, at least
26 one per cent of the total number of votes cast for all candidates

1 for ~~that office in the state~~ any one of those aforementioned state
2 public offices, shall be a political party, within the meaning and
3 for the purpose of this chapter: *Provided,* That notwithstanding
4 the foregoing provisions of this section, the governing body of any
5 municipality may, by ordinance adopted by the affirmative vote of
6 at least three fourths of the members of such governing body by
7 recorded vote, provide that municipal political parties or groups
8 within such municipality that do not meet the requirements of this
9 section for classification as a political party may participate in
10 the primary elections of any such municipality. Any such ordinance
11 shall contain provisions implementing the foregoing proviso, which
12 implementing provisions shall conform as nearly as practicable to
13 any general provisions of law relating to municipal primary
14 elections.

NOTE: The purpose of this bill is to allow political parties to obtain ballot access by expanding the scope of the definition of political party.

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