

1 **H. B. 4451**

2
3 (By Delegates Overington, Wells, Doyle, Frazier,
4 Hunt, Ellem, Lane, Fragale and Fleischauer)

5 [Introduced February 7, 2012; referred to the
6 Committee on the Judiciary.]

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10 A BILL to amend and reenact §3-1-19 of the Code of West Virginia,
11 1931, as amended, relating to appointment of ballot
12 commissioners.

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

14 That §3-1-19 of the Code of West Virginia, 1931, as amended,
15 be amended and reenacted to read as follows:

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

17 **§3-1-19. Ballot commissioners; selection; duties generally;**
18 **vacancies.**

19 In each county in the state, the clerk of the county
20 commission while holding office, and two other persons one each
21 ~~appointed by him or her one from each of the two political parties~~
22 ~~which cast the largest and second largest number of votes in the~~
23 ~~state at the last preceding general election~~ the respective county
24 executive committees of the two parties which cast the largest and

1 second largest number of votes in the state at the last preceding
2 general election, shall constitute a board of ballot commissioners.
3 The clerk ~~shall be~~ is chairman. It ~~shall be~~ is the duty of the
4 clerk to notify the chairman of the respective county executive
5 committees of the two parties, at least five days before making
6 appointments, the time and place of making the appointments. ~~If~~ At
7 any time after notice is given, and before or on the day so fixed
8 for making appointments, the chairman of each of the committees
9 shall designate, in writing, a member of ~~such~~ his or her party as
10 ballot commissioner. Each designee shall be appointed if he or she
11 meets the qualifications of a voter. Ballot commissioners shall be
12 appointed between ~~the fifteenth and thirtieth days of~~ January 15
13 and 30, in each year in which a general election is to be held, for
14 a term of two years beginning on February 1 next ensuing. They
15 shall perform the duties of ballot commissioners at all general,
16 special and primary elections held in the county or any magisterial
17 district thereof during their term of office. A vacancy shall be
18 filled in the same manner as an original appointment, but immediate
19 notice of a vacancy shall, where necessary, be deemed compliance
20 with the five-day notice provision.

NOTE: The purpose of this bill is to ensure that county executive committees, not the county clerk have control of designating the persons who serve as ballot commissioner.

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