

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



ENROLLED

**COMMITTEE SUBSTITUTE
FOR**

House Bill No. 4451

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



Passed March 10, 2012

To Take Effect Ninety Days From Passage

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COMMITTEE SUBSTITUTE

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H. B. 4451

(BY DELEGATES OVERINGTON, WELLS,
DOYLE, FRAZIER, HUNT, ELLEM, LANE,
FRAGALE AND FLEISCHAUER)

[Passed March 10, 2012; to take effect ninety days from passage.]

AN ACT to amend and reenact §3-1-19 of the Code of West Virginia, 1931, as amended, relating to appointment of ballot commissioners; and authorizing county executive committees of the two largest political parties to make appointments.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

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

- 1 (a) In each county in the state, the Board of Ballot
- 2 Commissioners shall be comprised of:

3 (1) The clerk of the county commission while holding
4 office; and

5 (2) Two other persons as follows:

6 (A) One person appointed by the county executive
7 committee of the political party that cast the largest number
8 of votes in the state at the last preceding general election; and

9 (B) One person appointed by the county executive
10 committee of the political party that cast the second largest
11 number of votes in the state at the last preceding general
12 election.

13 (b) If the county executive committees do not make the
14 appointments in a timely manner, then the county clerk shall
15 make the appointments.

16 (c) The county clerk shall serve as chairman.

17 (d) It shall be the duty of the county clerk to notify the
18 chairman of the respective county executive committees of
19 the two parties, at least five days before the time of the
20 making of the appointments.

21 (e) If at any time after notice is given, and before or on
22 the day so fixed for making appointments, the chairman of
23 each of the committees shall designate, in writing, a member
24 of his or her party as ballot commissioner. Each designee
25 shall be appointed if he or she meets the qualifications of a
26 voter: *Provided*, That a ballot commissioner cannot be a
27 candidate for any office in any election held during the time
28 he or she is serving as ballot commissioner.

29 (f) Ballot commissioners shall be appointed between the
30 15th and 30th days of January, in each year in which a

31 general election is to be held, for a term of two years
32 beginning on February 1 next ensuing.

33 (g) The ballot commissioners shall perform their duties at
34 all general, special and primary elections held in the county
35 or any magisterial district thereof during their term of office.

36 (h) A vacancy shall be filled in the same manner as an
37 original appointment, but immediate notice of a vacancy
38 shall, where necessary, be deemed compliance with the five-
39 day notice provision.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2012.

Governor