1	Senate Bill No. 145
2	(By Senator Unger)
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4	[Introduced February 14, 2013; referred to the Committee on the
5	Judiciary.]
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LO	A BILL to amend and reenact §3-1-50 of the Code of West Virginia,
L1	1931, as amended, relating to correcting language; and
L2	relating to election complaint procedures to conform the
L3	language to pertinent federal code.
L 4	Be it enacted by the Legislature of West Virginia:
L 5	That $\S 3-1-50$ of the Code of West Virginia, 1931, as amended,
L 6	be amended and reenacted to read as follows:
L 7	ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.
L8	§3-1-50. Establishment of state-based administrative complaint
L 9	procedures.
20	The Secretary of State shall establish and maintain a
21	state-based administrative complaint procedure for complaints
22	received concerning election violations which shall meet the

- 1 following requirements:
- 2 (1) The procedures shall be uniform and nondiscriminatory.
- 3 (2) Under the procedures, any person who believes that there
- 4 is a violation of any provision of this chapter Title III of the
- 5 Help America Vote Act, Pub. L. 107-252, including a violation which
- 6 has occurred, is occurring or is about to occur, may file a
- 7 complaint.
- 8 (3) Any complaint filed under the procedures shall be in
- 9 writing, notarized and signed and sworn by the person filing the
- 10 complaint.
- 11 (4) The Secretary of State may consolidate complaints filed
- 12 under this section.
- 13 (5) At the request of the complainant there shall be a hearing
- 14 on the record.
- 15 (6) Violations of any provision of this chapter shall be
- 16 punishable in accordance with the provisions of article nine of
- 17 this chapter.
- 18 (7) If, under the procedures, the Secretary of State
- 19 determines that there is no violation, the Secretary of State shall
- 20 dismiss the complaint and publish the results of the procedures.
- 21 (8) The Secretary of State shall make a final determination
- 22 with respect to a complaint prior to the expiration of the
- 23 ninety-day period which begins on the date the complaint is filed

1 unless the complainant consents to a longer period for making a 2 determination.

3 (9) If the Secretary of State fails to meet the deadline
4 applicable under subdivision (8) of this section, the complaint
5 shall be resolved within sixty days under alternative dispute
6 resolution procedures established for purposes of this section. The
7 record and other materials from any proceedings conducted under the
8 complaint procedures established under this section shall be made
9 available for use under the alternative dispute resolution
10 procedures.

NOTE: The purpose of this bill is to correct a reference to applicable statutes in order to conform the language to pertinent federal code.

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