

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 44**

BY SENATORS WOELFEL AND OJEDA

[Introduced February 8, 2017; referred  
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §3-6-2a, relating to ballots for the election of President and Vice President of  
 3 the United States; requiring each such ballot to have an additional voting option following  
 4 all the qualified candidates allowing a voter to express opposition to all of the candidates;  
 5 providing that voter opposition to all of the candidates shall not count in determining the  
 6 winner but shall be reported in the results of the election; and requiring that each sample  
 7 ballot and instruction to voters include an explanation of the option to vote for none of  
 8 these candidates.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 section, designated §3-6-2a, to read as follows:

## **ARTICLE 6. CONDUCT AND ADMINISTRATION OF ELECTIONS**

### **§3-6-2a. Ballots for President and Vice President must permit voter to register opposition to all candidates.**

3 (a) Every ballot upon which appears the names of candidates for President and Vice  
 4 President of the United States shall contain an additional line equivalent to the lines on which the  
 5 candidates' names appear and placed at the end of the group of lines containing the names of  
 6 the candidates for President and Vice President of the United States. The additional line shall  
 7 permit the voter to express a choice of that line in the same manner as the voter would express  
 8 a choice of a candidate, and the line shall read "None of these candidates".

9 (b) Only votes cast for the named candidates shall be counted in determining presidential  
 10 nominations or the selection of presidential electors, but the number of ballots on which the  
 11 additional line was chosen shall be listed following the names of the candidates and the number  
 12 of their votes in every posting, publication, abstract and proclamation of the results of the election.

13 (c) Every sample ballot or other instruction to voters prescribed or approved by the  
 14 Secretary of State, County Clerk, or board of ballot commissioners for each county shall clearly

- 15 explain that the voter may mark the choice of the line “None of these candidates” only if the voter  
16 has not voted for any candidate for the office.

NOTE: The purpose of this bill is to allow West Virginia voters in presidential elections to express opposition to all candidates by voting for “none of these candidates.”

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