

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 582

BY SENATORS CLEMENTS AND MARONEY

[Introduced February 16, 2018; Referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §3-1-28 of the Code of West Virginia, 1931, as amended, relating
 2 to allowing a member of, or a candidate for, a state or local political party executive
 3 committee to serve as an election official in a state, county, or municipal election, even if
 4 her or his name is on the ballot.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-28. Election officials; eligibility, suspension of eligibility.

1 (a) To be eligible to be appointed or serve as an election official in any state, county or
 2 municipal election held in West Virginia, a person:

3 (1) Must be a registered voter of the county for elections held throughout the county and
 4 a registered voter of the municipality for elections held within the municipality: *Provided*, That if
 5 the required number of persons eligible to serve as election officials for a municipal election are
 6 not available or are not willing to serve as election officials for a municipal election, a registered
 7 voter of the county in which the municipality is located may serve as an election official for
 8 elections held within the municipality;

9 (2) Must be able to read and write the English language;

10 (3) Except as provided in subsection (d) of this section, may not be a candidate on the
 11 ballot or an official write-in candidate in the election;

12 (4) May not be the parent, child, sibling or spouse of a candidate on the ballot or an official
 13 write-in candidate in the precinct where the official serves;

14 (5) May not be a person prohibited from serving as an election official pursuant to any
 15 other federal or state statute; and

16 (6) May not have been previously convicted of a violation of any election law.

17 (b) The county commission may, upon majority vote, suspend the eligibility to serve as an
 18 election official in any election for four years for the following reasons:

19 (1) Failure to appear at the polling place at the designated time without proper notice and

20 just cause;

21 (2) Failure to perform the duties of an election official as required by law;

22 (3) Improper interference with a voter casting a ballot or violating the secrecy of the voter's
23 ballot;

24 (4) Being under the influence of alcohol or drugs while serving as an election official; or

25 (5) Having anything wagered or bet on an election.

26 (c) The county commission may, upon majority vote, suspend the eligibility to serve as an
27 election official in any election for two years upon petition of 25 registered voters of the precinct
28 where the official last served and upon presentation of evidence of any of the grounds set forth in
29 subsection (b) of this section: *Provided*, That the petition requesting the suspension of the election
30 official is filed with the county commission at least 90 days prior to an election date. The names
31 of those persons signing the petition must be kept confidential.

32 (d) Notwithstanding any other provision of this section or other state law, a member of, or
33 a candidate for, a state or local political party executive committee may serve as an election
34 official in a state, county, or municipal election, even if her or his name is on the ballot.

NOTE: The purpose of this bill is to allow a member of, or a candidate for, a state or local political party executive committee to serve as an election official in a state, county, or municipal election, even if her or his name is on the ballot.

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