

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

House Bill 4594

BY DELEGATE HIGGINBOTHAM

[Introduced January 29, 2020; Referred to the
Committee on the Judiciary.]

1 A BILL to amend and reenact §3-1-28 of the Code of West Virginia, 1931, as amended, relating
2 to allowing election officials to be appointed to work in precincts outside their county of
3 residence; and prohibiting candidates for certain offices from serving as election officials
4 for 18 months prior or subsequent to an election.

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

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

11 (3) May not be a candidate on the ballot or an official write-in candidate in the election for
12 any office, other than for district, county, or state political party executive committee;

13 (4) May not be a candidate on the ballot or an official write-in candidate in any election 18
14 months prior to or a filed pre-candidate for any office in any election in the ensuing 18 months,
15 other than for district, county, or state political party executive committee;

16 (4)(5) May not be the parent, child, sibling, or spouse of a candidate on the ballot for any
17 office, other than for district, county, or state political party executive committee, or an official
18 write-in candidate for any office, other than for district, county, or state political party executive
19 committee, in the precinct where the official serves;

20 ~~(5)~~(6) May not be a person prohibited from serving as an election official pursuant to any
21 other federal or state statute; and

22 ~~(6)~~(7) May not have been previously convicted of a violation of any election law.

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

25 (1) Failure to appear at the polling place at the designated time without proper notice and
26 just cause;

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

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

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

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

32 (c) The county commission may, upon majority vote, suspend the eligibility to serve as an
33 election official in any election for two years upon petition of 25 registered voters of the precinct
34 where the official last served and upon presentation of evidence of any of the grounds set forth in
35 §31-1-28(b) of this code: *Provided*, That the petition requesting the suspension of the election
36 official is filed with the county commission at least 90 days prior to an election date. The names
37 of those persons signing the petition must be kept confidential.

NOTE: The purpose of this bill is to increase the availability of poll workers by including as eligible for appointment, registered voters from an adjoining county.

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