

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 for

4 **H. B. 4451**

5
6 (By Delegates Overington, Wells, Doyle, Frazier,
7 Hunt, Ellem, Lane, Fragale and Fleischauer)

8 [Passed March 10, 2012; in effect ninety days from passage.]

9
10 AN ACT to amend and reenact §3-1-19 of the Code of West Virginia,
11 1931, as amended, relating to appointment of ballot
12 commissioners; and authorizing county executive committees of
13 the two largest political parties to make appointments.

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

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

17 **ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.**

18 **§3-1-19. Ballot commissioners; selection; duties generally;**
19 **vacancies.**

20 (a) In each county in the state, the Board of Ballot
21 Commissioners shall be comprised of:

22 (1) The clerk of the county commission while holding office;
23 and

24 (2) Two other persons as follows:

25 (A) One person appointed by the county executive committee of
26 the political party that cast the largest number of votes in the

1 state at the last preceding general election; and

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

5 (b) If the county executive committees do not make the
6 appointments in a timely manner, then the county clerk shall make
7 the appointments.

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

9 (d) It shall be the duty of the county clerk to notify the
10 chairman of the respective county executive committees of the two
11 parties, at least five days before the time of the making of the
12 appointments.

13 (e) If at any time after notice is given, and before or on the
14 day so fixed for making appointments, the chairman of each of the
15 committees shall designate, in writing, a member of his or her
16 party as ballot commissioner. Each designee shall be appointed if
17 he or she meets the qualifications of a voter: *Provided*, That a
18 ballot commissioner cannot be a candidate for any office in any
19 election held during the time he or she is serving as ballot
20 commissioner.

21 (f) Ballot commissioners shall be appointed between the 15th
22 and 30th days of January, in each year in which a general election
23 is to be held, for a term of two years beginning on February 1 next
24 ensuing.

25 (g) The ballot commissioners shall perform their duties at all
26 general, special and primary elections held in the county or any

1 magisterial district thereof during their term of office.

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