

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Enrolled**

## **Senate Bill 351**

BY SENATORS TRUMP, WELLS, AZINGER, CLEMENTS,  
CLINE, JEFFRIES, KARNES, MAYNARD, OJEDA, ROMANO,  
RUCKER, SMITH, SWOPE, AND WOELFEL

[Passed March 5, 2018; in effect from passage]



1 AN ACT to amend and reenact §3-1-19 of the Code of West Virginia, 1931, as amended, relating  
2 to ballot commissioners; and permitting ballot commissioners to serve while candidates  
3 for certain offices.

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

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

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

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

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

3 (2) Two other persons as follows:

4 (A) One person appointed by the county executive committee of the political party that  
5 cast the largest number of votes in the state at the last preceding general election; and

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

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

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

11 (d) The county clerk shall notify the chairman of the respective county executive  
12 committees of the two parties, at least five days before the time of the making of the appointments.

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

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

22           (g) The ballot commissioners shall perform their duties at all general, special, and primary  
23 elections held in the county or any magisterial district thereof during their term of office.

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....  
*Chairman, Senate Committee*

.....  
*Chairman, House Committee*

Originated in the Senate.

In effect from passage.

.....  
*Clerk of the Senate*

.....  
*Clerk of the House of Delegates*

.....  
*President of the Senate*

.....  
*Speaker of the House of Delegates*

\_\_\_\_\_

The within ..... this the.....  
Day of ....., 2018.

.....  
*Governor*