

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **Senate Bill 548**

BY SENATORS JEFFRIES, BALDWIN, BEACH, DRENNAN,  
FACEMIRE, GAUNCH, OJEDA, PLYMALE, PREZIOSO,  
ROMANO, SMITH, STOLLINGS, SWOPE, AND CLINE

[Introduced February 15, 2018; Referred  
to the Committee on Government Organization]

1 A BILL to amend and reenact §3-1-44 of the Code of West Virginia, 1931, as amended, relating  
 2 to authorizing county commissions to have discretion over compensation for certain  
 3 election officials; and requiring all election officials within a classification to be paid the  
 4 same amount within each county.

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

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

**§3-1-44. Compensation of election officials; expenses.**

1 (a) Each ballot commissioner is to be paid a sum, to be fixed by the county commission,  
 2 not exceeding \$125 for each day he or she serves as ballot commissioner, but in no case may a  
 3 ballot commissioner receive allowance for more than 10 days' services for any one primary,  
 4 general or special election.

5 (b) Each commissioner of election and poll clerk is to be paid a sum, to be fixed by the  
 6 county commission, not exceeding \$125 for one day's services for attending the school of  
 7 instruction for election officials if the commissioner or poll clerk provides at least one day's service  
 8 during an election and a sum not exceeding \$175 for his or her services at any one election:  
 9 *Provided*, That each commissioner of election and poll clerk is to be paid a sum not exceeding  
 10 \$175 for his or her services at any of the three special elections described in subsection (f) of this  
 11 section.

12 (c) Each alternate commissioner of election and poll clerk may be paid a sum, to be fixed  
 13 by the county commission, not exceeding \$50 for one day's services for attending the school of  
 14 instruction for election officials: *Provided*, That no alternate may be eligible for compensation for  
 15 election training unless the alternate is subsequently appointed as an election official or is  
 16 instructed to attend and actually attends training as an alternate and is available to serve on  
 17 election day.

18 (d) The commissioners of election or poll clerks obtaining and delivering the election  
 19 supplies, as provided in §3-1-24 of this code, and returning them, as provided in §3-5-1 *et seq.*

20 and §3-6-1 *et seq.* of this code, are to be paid an additional sum, fixed by the county commission,  
21 not exceeding \$125 for his or her services pursuant to this subsection at any one election. In  
22 addition, he or she is to be paid mileage up to the rate of reimbursement authorized by the travel  
23 management rule of the Department of Administration for each mile necessarily traveled in the  
24 performance of his or her services.

25 (e) The compensation of election officers, cost of printing ballots and all other expenses  
26 incurred in holding and making the return of elections, other than the three special elections  
27 described in subsection (f) of this section, are to be audited by the county commission and paid  
28 out of the county Treasury.

29 (f) The compensation of election officers, cost of printing ballots and all other reasonable  
30 and necessary expenses in holding and making the return of a special election for the purpose of  
31 taking the sense of the voters on the question of calling a constitutional convention, of a special  
32 election to elect members of a constitutional convention and of a special election to ratify or reject  
33 the proposals, acts and ordinances of a constitutional convention are obligations of the state  
34 incurred by the ballot commissioners, clerks of the circuit courts, clerks of the county commissions  
35 and county commissions of the various counties as agents of the state. All expenses of these  
36 special elections are to be audited by the Secretary of State. The Secretary of State shall prepare  
37 and transmit to the county commissions forms on which the county commissions shall certify all  
38 expenses of these special elections to the Secretary of State. If satisfied that the expenses as  
39 certified by the county commissions are reasonable and were necessarily incurred, the Secretary  
40 of State shall requisition the necessary warrants from the Auditor of the state to be drawn on the  
41 state Treasurer and shall mail the warrants directly to the vendors of the special election services,  
42 supplies and facilities.

43 (g) Notwithstanding the limits on compensation herein provided, a county commission may  
44 at its discretion determine the compensation of any election official without limitation at any  
45 primary, general, municipal or special election, except for special election for a constitutional

46 amendment: *Provided*, That all persons within a class of election officials, as classified in this  
47 section, shall be paid the same amount within the county.

NOTE: The purpose of this bill is to authorize county commissions to pay election workers more than the maximum in code, at their discretion, as long as all are paid equal within a classification.

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