

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

Senate Bill 548

BY SENATORS JEFFRIES, BALDWIN, BEACH, DRENNAN,

FACEMIRE, GAUNCH, OJEDA, PLYMALE, PREZIOSO,

ROMANO, SMITH, STOLLINGS, SWOPE, AND CLINE

[Originating in the Committee on Government

Organization; Reported on February 23, 2018]

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; eliminating statutory caps on compensation for certain election officials;
4 authorizing compensation for election officials be fixed by county commission; requiring
5 all election officials within a classification to be paid the same amount within each county;
6 authorizing Secretary of State to set maximum compensation rates in certain elections
7 where costs are determined to be obligations of the state; and declaring compensation
8 above maximum compensation set by Secretary of State in certain elections to be county
9 obligation.

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 §3-1-44(f) of this
11 code.

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 §3-1-44(f) of this code, are to be audited by the county commission and paid out of
28 the county treasury.

29 (f) All persons within a class of election officials, as classified in this section, shall be paid
30 the same amount within the county.

31 (g) The compensation of election officers, cost of printing ballots, and all other reasonable
32 and necessary expenses in holding and making the return of a special election for the purpose of
33 taking the sense of the voters on the question of calling a constitutional convention, of a special
34 election to elect members of a constitutional convention, and of a special election to ratify or reject
35 the proposals, acts, and ordinances of a constitutional convention are obligations of the state
36 incurred by the ballot commissioners, clerks of the circuit courts, clerks of the county
37 commissions, and county commissions of the various counties as agents of the state. All
38 expenses of these special elections are to be audited by the Secretary of State. The Secretary of
39 State shall prepare and transmit to the county commissions forms on which the county
40 commissions shall certify all expenses of these special elections to the Secretary of State. If

41 satisfied that the expenses as certified by the county commissions are reasonable and were
42 necessarily incurred, the Secretary of State shall requisition the necessary warrants from the
43 Auditor of the state to be drawn on the state Treasurer and shall mail the warrants directly to the
44 vendors of the special election services, supplies, and facilities.

45 (h) Notwithstanding the authority granted to county commissions to set compensation for
46 election officials in this section, the Secretary of State may set maximum rates of compensation
47 of the election officials identified in this section at any election for which the obligations incurred
48 by the ballot commissioners, clerks of the county commissions, and county commissions of the
49 various counties are determined to be obligations of the state. Any compensation for election
50 officials paid by the county commissions in those elections that is above the compensation
51 reimbursement rate set by the Secretary of State shall not be an obligation of the state, and shall
52 be paid by the county commission.

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