

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 541

BY SENATORS STUART, AZINGER, SMITH, TAYLOR, AND

OLIVERIO

[Originating in the Committee on the Judiciary;

reported on February 24, 2023]

1 A BILL to amend and reenact §3-5-7, §3-5-11, and §3-5-19 of the Code of West Virginia, 1931,
2 as amended; to amend and reenact §18-2-1 of said code; and to amend and reenact §18-
3 5-1a of said code, all relating generally to elections; clarifying the contents of the certificate
4 of announcement of candidacy; specifying what information must be sworn or affirmed by
5 candidates for office; clarifying the timing of challenges to candidate qualifications;
6 amending the authority of political parties to fill ballot vacancies caused by voluntary
7 withdrawals after the primary election; and prohibiting persons who have been convicted
8 of certain crimes against minors from being eligible to hold positions on boards of
9 education.

Be it enacted by the Legislature of West Virginia:

CHAPTER 3. ELECTIONS.

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-7. Filing certificates of announcements of candidacies; requirements; withdrawal of candidates when section applicable.

1 (a) Any person who is eligible and seeks to hold an office or political party position to be
2 filled by election in any primary or general election held under the provisions of this chapter shall
3 be registered to vote and file a certificate of announcement declaring his or her candidacy for the
4 nomination or election to the office.

5 (b) The certificate of announcement shall be filed as follows:

6 (1) Candidates for the House of Delegates, the State Senate, circuit judge, family court
7 judge, and any other office or political position to be filled by the voters of more than one county
8 shall file a certificate of announcement with the Secretary of State.

9 (2) Candidates for an office or political position to be filled by the voters of a single county
10 or a subdivision of a county, except for candidates for the House of Delegates, State Senate,

11 circuit judge, or family court judge, shall file a certificate of announcement with the clerk of the
12 county commission.

13 (3) Candidates for an office to be filled by the voters of a municipality shall file a certificate
14 of announcement with the recorder or city clerk.

15 (c) The certificate of announcement shall be filed with the proper officer not earlier than
16 the second Monday in January before the primary election day and not later than the last Saturday
17 in January before the primary election day and must be received before midnight, eastern
18 standard time, of that day or, if mailed, shall be postmarked by the United States Postal Service
19 before that hour. This includes the offices of justice of the Supreme Court of Appeals, judge of
20 the Intermediate Court of Appeals, circuit court judge, family court judge, and magistrate, which
21 are to be filled on a nonpartisan and division basis at the primary election: *Provided*, That on the
22 final day of a political filing period, the office of the Secretary of State shall be open from 9:00 a.m.
23 until 11:59 p.m. The offices of the County Clerk in all counties of the state shall be open on that
24 final day of a political filing period from 9:00 a.m. until ~~12:00~~ 11:59 p.m.

25 (d) The certificate of announcement shall be on a form prescribed by the Secretary of
26 State on which the candidate shall make a sworn statement before a notary public or other officer
27 authorized to administer oaths that the candidate is legally qualified to seek and hold the office
28 sought. The certificate of announcement shall ~~containing~~ contain the following information:

29 (1) The date of the election in which the candidate seeks to appear on the ballot;

30 (2) The name of the office sought; the district, if any; and the division, if any;

31 (3) The legal name of the candidate and the exact name the candidate desires to appear
32 on the ballot, subject to limitations prescribed in §3-5-13 of this code;

33 (4) The county of residence and a statement that the candidate is a current resident and
34 legally qualified registered voter of that county; and the current magisterial district of residence
35 for candidates elected from magisterial districts or under magisterial district limitations;

36 (5) The specific address designating the location at which the candidate resides at the
37 time of filing, including number and street, or rural route and box number, and city, state, and zip
38 code;

39 (6) For partisan elections, the name of the candidate's political party and a statement that
40 the candidate: (A) Is a member of and affiliated with that political party as evidenced by the
41 candidate's current registration as a voter affiliated with that party; and (B) has not been registered
42 as a voter affiliated with any other political party for a period of 60 days before the date of filing
43 the announcement;

44 (7) For candidates for delegate to national convention, the name of the presidential
45 candidate to be listed on the ballot as the preference of the candidate on the first convention
46 ballot; or a statement that the candidate prefers to remain "uncommitted";

47 (8) For candidates for county board of education, a statement that the candidate swears
48 and affirms that he or she has not been convicted of an offense under §61-8A-1 et seq., §61-8B-
49 1 et seq., and §61-8C-1 et seq. of this code in which the victim was a minor;

50 ~~(8)~~ (9) A statement that the person filing the certificate of announcement is a candidate for
51 the office in good faith and meets all constitutional and statutory qualifications to seek and hold
52 the office sought: *Provided, That for the offices of state senator and member of the House of*
53 *Delegates, a separate, express statement that the candidate swears or affirms he or she has*
54 *been "a resident within the district or county from which he or she will be elected for at least one*
55 *year preceding the general election";*

56 ~~(9)~~ (10) An exhaustive list of the constitutional and statutory qualifications for all statewide,
57 legislative, and county offices; and

58 ~~(9)~~ (11) The words "subscribed and sworn to before me this _____ day of
59 _____, 20____" and a space for the signature of the officer giving the oath.

60 (e) The Secretary of State or the board of ballot commissioners, as the case may be, may
61 refuse to certify the candidacy or may remove the certification of the candidacy upon receipt of a

62 certified copy of the voter's registration record of the candidate showing that the candidate was
63 registered as a voter in a party other than the one named in the certificate of announcement during
64 the 60 days immediately preceding the filing of the certificate: *Provided*, That unless a signed
65 formal complaint of violation of this section and the certified copy of the voter's registration record
66 of the candidate are filed with the officer receiving that candidate's certificate of announcement
67 no later than 10 days following the close of the filing period, the candidate may not be refused
68 certification for this reason: *Provided, however*, That any pre-election eligibility challenge, brought
69 by mandamus or in any other manner, asserting that a candidate lacks the constitutional or
70 statutory qualifications to hold the office sought, shall be resolved by the deadline for distribution
71 of absentee ballots set forth in §3-3-5(e) of this code, and any such unresolved challenge pending
72 at that time shall be dismissed without prejudice: *Provided further*, That an appeal from the final
73 order resolving a pre-election challenge pending at the deadline for distribution of absentee ballots
74 need not be dismissed pursuant to the provisions of this subsection: *And provided further*, That
75 the dismissal of an unresolved pre-election eligibility challenge without prejudice shall not
76 preclude any party from pursuing a post-election contest, using the procedures set forth in §3-5-
77 20 or §3-7-1 *et seq.* of this code, concerning the candidate or election that was the subject of a
78 pre-election challenge that was dismissed without prejudice.

79 (f) The certificate of announcement shall be subscribed and sworn to by the candidate
80 before some officer qualified to administer oaths, who shall certify the same. Any person who
81 knowingly provides false information on the certificate is guilty of false swearing and shall be
82 punished in accordance with §3-9-3 of this code.

83 (g) Any candidate for delegate to a national convention may change his or her statement
84 of presidential preference by notifying the Secretary of State by letter received by the Secretary
85 of State no later than the third Tuesday following the close of candidate filing. When the rules of
86 the political party allow each presidential candidate to approve or reject candidates for delegate
87 to convention who may appear on the ballot as committed to that presidential candidate, the

88 presidential candidate or the candidate's committee on his or her behalf may file a list of approved
89 or rejected candidates for delegate and the Secretary of State shall list as "uncommitted" any
90 candidate for delegate who is disapproved by the presidential candidate.

91 (h) A person may not be a candidate for more than one office or office division at any
92 election: *Provided*, That a candidate for an office may also be a candidate for President of the
93 United States, for membership on political party executive committees, or for delegate to a political
94 party national convention: *Provided, however*, That an unsuccessful candidate for a nonpartisan
95 office in an election held concurrently with the primary election may be appointed under the
96 provisions of section nineteen of this article §3-5-19 of this code to fill a vacancy on the general
97 ballot.

98 (i) A candidate who files a certificate of announcement for more than one office or division
99 and does not withdraw, as provided by §3-5-11 of this code, from all but one office prior to the
100 close of the filing period may not be certified by the Secretary of State or placed on the ballot for
101 any office by the board of ballot commissioners.

§3-5-11. Withdrawals; filling vacancies in candidacy; publication.

1 (a) A candidate who has filed a certificate of announcement and wishes to withdraw and
2 decline to stand as a candidate for the office shall file a signed and notarized statement of
3 withdrawal on a form provided by the Secretary of State with the same officer with whom the
4 certificate of announcement was filed. If the notarized statement of withdrawal is received by the
5 proper officer by the deadlines set forth in subsection (b) of this section, the candidate's
6 withdrawal is final and his or her name shall not be certified as a candidate nor printed on any
7 ballot. If a candidate files a notarized statement of withdrawal after the deadlines set forth in
8 subsection (b) of this section, the candidate shall not be withdrawn and the candidate's name
9 shall remain on the ballot.

10 (b) Deadlines for withdrawing as a candidate:

11 (1) For primary or special primary elections or nonpartisan elections held in conjunction
12 with a primary election: The notarized statement of withdrawal must be received by the same
13 officer with whom the certificate of announcement was filed by the close of business of that officer
14 not later than the third Tuesday following the close of the candidate filing period.

15 (2) For general or special general elections or nonpartisan elections held in conjunction
16 with a general election: The notarized statement of withdrawal must be received by the same
17 officer with whom the certificate of announcement was filed by the close of business of that officer
18 not later than ~~eighty-four~~ 84 days before the general election.

19 (c) Upon request of the candidate's family, the board of ballot commissioners may remove
20 the name of a candidate who dies before the ballots are printed. If a candidate dies after the
21 ballots are printed but before the election, the clerk of the county commission shall give a written
22 notice which shall be posted with the sample ballot at each precinct with the county to the following
23 effect: "To the voter: (name) of (residence), a candidate for (office) is deceased."

24 (d) If after the time is closed for announcing as a candidate there is a vacancy on the ballot
25 caused by failure of any person of a party to file for each available seat of each available office,
26 the executive committee of the party for the political division within which such candidate was to
27 be voted for, or its chair if the committee fails to act, may fill the vacancy and certify the candidate
28 named to the appropriate filing officer: *Provided*, That for a delegate district or senatorial district
29 situated entirely within a single county, the county executive committee, or its chairperson if the
30 committee fails to act, may fill the vacancy and certify the candidate named to the appropriate
31 filing officer. Certification of the appointment by the executive committee or its ~~chair~~ chairperson,
32 the candidate's certificate of announcement, and the filing fee must be received by the appropriate
33 filing officer as follows: For an appointment by an executive committee, no later than ~~the second~~
34 Friday 30 days following the close of filing, for an appointment by its chair, no later ~~than the third~~
35 Tuesday following the close of filing two days thereafter: *Provided, however*, That any candidate
36 appointed to an intra-county delegate or senatorial district by a county executive committee for

37 that district pursuant to the process and by the deadline provided in this subsection shall not be
38 refused certification for placement on the 2022 primary election ballot for that reason. A candidate
39 appointed to fill a vacancy on the ballot under this subsection shall have his or her name printed
40 on the primary ballot for that party. No vacancy shall be filled after the date of the primary election,
41 except as provided in §3-5-19 of this code.

42 (e) The amendments to this section enacted by the Legislature during the 2022 Regular
43 Session shall be retrospective to January 30, 2022.

§3-5-19. Vacancies in nominations; how filled; fees.

1 (a) If any vacancy occurs in the party nomination of candidates for office nominated at the
2 primary election or by appointment under the provisions of ~~section eleven of this article §3-5-11~~
3 of this code, the vacancies may be filled, subject to the following requirements and limitations:

4 (1) Each appointment made under this section shall be made by the executive committee
5 of the political party for the political division in which the vacancy occurs: *Provided*, That if the
6 executive committee holds a duly called meeting in accordance with §3-1-9 of this code but fails
7 to make an appointment or fails to certify the appointment of the candidate to the proper filing
8 officer within the time required, the chairperson of the executive committee may make the
9 appointment not later than two days following the deadline for the executive committee: *Provided*
10 *however*, That for a delegate district or senatorial district situated entirely within a single county,
11 the county executive committee, or its chairperson if the committee fails to act, may fill the vacancy
12 and certify the candidate named to the appropriate filing officer.

13 (2) Each appointment made under this section is complete only upon the receipt by the
14 proper filing officer of the certificate of appointment by the executive committee, or its chairperson,
15 as the case may be, the certificate of announcement of the candidate as prescribed in ~~section~~
16 ~~seven of this article §3-5-7 of this code~~ and, except for appointments made under subdivision (4),
17 (5), (6) or (7) of this subsection, the filing fee or waiver of fee as prescribed in ~~section eight or~~

18 ~~eight a~~ ~~§3-5-8 or §3-5-8a~~ of this ~~article~~ code. The proper filing officer is the officer with whom
19 the original certificate of announcement is regularly filed for that office.

20 (3) If a vacancy in nomination will be caused by the failure of a candidate to file for an
21 office, or by withdrawal of a candidate no later than the third Tuesday following the close of
22 candidate filing pursuant to the provisions of ~~section eleven of this article~~ §3-5-11 of this code, a
23 nominee may be appointed by the executive committee and certified to the proper filing officer no
24 later than 30 days after the last day to file a certificate of announcement pursuant to ~~section seven~~
25 ~~of this article~~ §3-5-7 of this code: *Provided*, That in no case shall any ~~such~~ vacancy be filled after
26 the date of the primary election except as otherwise provided by subdivision (6) of this subsection.

27 (4) If a vacancy in nomination is caused by the disqualification of a candidate and the
28 vacancy occurs not later than 84 days before the general election, a nominee may be appointed
29 by the executive committee and certified to the proper filing officer not later than 78 days before
30 the general election. A candidate may be determined disqualified if a written request is made by
31 an individual with information to show a candidate's ineligibility to the State Election Commission
32 no later than 84 days before the general election explaining grounds why a candidate is not
33 eligible to be placed on the general election ballot or not eligible to hold the office, if elected. The
34 State Election Commission shall review the reasons for the request. If the commission finds the
35 circumstances warrant the disqualification of the candidate, the commission shall authorize
36 appointment by the executive committee to fill the vacancy. Upon receipt of the authorization, a
37 nominee may be appointed by the executive committee and certified to the proper filing officer no
38 later than 78 days before the general election.

39 (5) If a vacancy in nomination is caused by the incapacity of the candidate and if the
40 vacancy occurs not later than 84 days before the general election, a nominee may be appointed
41 by the executive committee and certified to the proper filing officer no later than 78 days before
42 the general election.

43 (6) If a vacancy in nomination is caused by the timely filing of a notarized statement of
44 withdrawal due to no longer satisfying one or more eligibility requirements for the office sought,
45 according to ~~section eleven of this article~~ §3-5-11 of this code, of a candidate whose name would
46 otherwise appear on the general election ballot, a replacement on the general election ballot may
47 be appointed by the executive committee and certified to the proper filing officer no later than 78
48 days before the general election: Provided, That a vacancy in nomination created by timely
49 withdrawal that is without cause as provided by this subdivision shall not be filed: Provided
50 however, That "cause", for purposes of this subsection, means incapacity, death, disqualification
51 for failure to meet the eligibility requirements for holding the office sought, military service, and
52 any other reason set forth expressly in this section of the code.

53 (7) If a vacancy in nomination is caused by the death of the candidate occurring no later
54 than 25 days before the general election, a nominee may be appointed by the executive
55 committee and certified to the proper filing officer no later than 21 days following the date of death,
56 or no later than 22 days before the general election, whichever date occurs first.

57 (b) Except as otherwise provided in §3-10-1 *et seq.* of this code, if any vacancy occurs in
58 a partisan office or position other than political party executive committee, which creates an
59 unexpired term for a position which would not otherwise appear on the ballot in the general
60 election, and the vacancy occurs after the close of candidate filing for the primary election but not
61 later than 84 days before the general election, a nominee of each political party may be appointed
62 by the executive committee and certified to the proper filing officer no later than 78 days before
63 the general election. Appointments shall be filed in the same manner as provided in subsection
64 (a) of this section, except that the filing fee shall be paid before the appointment is complete.

65 (c) When a vacancy occurs in the board of education after the close of candidate filing for
66 the primary election but not later than 84 days before the general election, a special candidate
67 filing period shall be established. Candidates seeking election to any unexpired term for board of
68 education shall file a certificate of announcement and pay the filing fee to the clerk of the county

69 commission no earlier than the first Monday in August and no later than 77 days before the
70 general election.

71 (d) The amendments to this section enacted by the Legislature during the 2022 Regular
72 Session shall be retrospective to January 30, 2022.

CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-1. Creation; composition; appointment, qualifications, terms, and removal of members; offices.

1 There is a State Board of Education, to be known as the West Virginia Board of Education,
2 which is a corporation and as such may contract and be contracted with, plead and be impleaded,
3 sue and be sued, and have and use a common seal. The state board consists of 12 members, of
4 whom one is the state Superintendent of Schools, ex officio; one of whom is the chancellor of the
5 Higher Education Policy Commission, ex officio; and one of whom is the Chancellor of the West
6 Virginia Council for Community and Technical College Education, ex officio, none of whom is
7 entitled to vote. The other nine members are citizens of the state, appointed by the Governor, by
8 and with the advice and consent of the Senate, for overlapping terms of nine years. Terms of
9 office begin on November 5 of the appropriate year and end on November 4 of the appropriate
10 year. Not more than five members are appointed from any one congressional district.

11 No more than five of the appointive members may belong to the same political party and
12 no person is eligible for appointment to membership on the state board who is a member of any
13 political party executive committee, or holds any other public office or public employment under
14 the federal government, or under the government of this state or any of its political subdivisions,
15 or who is an appointee or employee of the board. Members are eligible for reappointment. Any
16 vacancy on the board shall be filled by the Governor by appointment for the unexpired term.

17 Notwithstanding the provisions of §6-6-4 of this code, a member of the state board may
18 not be removed from office by the Governor except for official misconduct, incompetence, neglect
19 of duty, or gross immorality and then only in the manner prescribed by law for the removal by the
20 Governor of state elective officers.

21 Before exercising any authority or performing any duties as a member of the state board,
22 each member shall qualify as such by taking and subscribing to the oath of office prescribed by
23 section five, article IV of the Constitution of West Virginia, the certificate whereof shall be filed
24 with the Secretary of State. A suitable office in the state Department of Education at the State
25 Capitol shall be provided for use by the state board.

26 Notwithstanding the provisions of §6-5-5 of this code, no person who has been convicted
27 of an offense under the provisions of §61-8A-1 et seq., §61-8B-1 et seq., §61-8C-1 et seq., and
28 §61-8D-1 et seq. of this code in which the victim is a minor may hold office as a member of the
29 state board.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-1a. Eligibility of members; training requirements.

- 1 (a) A person who is a member of a county board:
- 2 (1) Shall be a citizen and resident in the county in which he or she serves on the county
3 board. Also, a person who is a candidate for membership on a county board or who is a member-
4 elect of a county board shall be a citizen and resident in the county in which he or she seeks to
5 serve on the county board;
- 6 (2) May not be employed by the county board on which he or she serves, including
7 employment as a teacher or service person;
- 8 (3) May not engage in the following political activities:
- 9 (A) Become a candidate for or hold any other public office, other than to succeed ~~him~~
10 himself or herself as a member of a county board subject to the following:

11 (i) A candidate for a county board, who is not currently serving on a county board, may
12 hold another public office while a candidate if he or she resigns from the other public office prior
13 to taking the oath of office as a county board member.

14 (ii) The term "public office" as used in this section does not include service on any other
15 board, elected or appointed, profit or nonprofit, under the following conditions:

16 (I) The person does not receive compensation; and

17 (II) The primary scope of the board is not related to public schools.

18 (B) Become a candidate for, or serve as, an elected member of any political party
19 executive committee;

20 (C) Become a candidate for, or serve as, a delegate, alternate, or proxy to a national
21 political party convention;

22 (D) Solicit or receive political contributions to support the election of, or to retire the
23 campaign debt of, any candidate for partisan office;

24 (4) May engage in any or all of the following political activities:

25 (A) Make campaign contributions to partisan or bipartisan candidates;

26 (B) Attend political fund raisers for partisan or bipartisan candidates;

27 (C) Serve as an unpaid volunteer on a partisan campaign;

28 (D) Politically endorse any candidate in a partisan or bipartisan election; or

29 (E) Attend a county, state, or national political party convention.

30 (b) A member or member-elect of a county board, or a person desiring to become a
31 member of a county board, may make a written request to the West Virginia Ethics Commission
32 for an advisory opinion to determine if another elected or appointed position held or sought by the
33 person is an office or public office which would bar service on a county board pursuant to
34 subsection (a) of this section.

35 (1) Within ~~thirty~~ 30 days of receipt of the request, the Ethics Commission shall issue a
36 written advisory opinion in response to the request and also shall publish the opinion in a manner
37 which, to the fullest extent possible, does not reveal the identity of the person making the request.

38 (2) A county board member who relies in good faith upon an advisory opinion issued by
39 the West Virginia Ethics Commission to the effect that holding a particular office or public office
40 is not a bar from membership on a county board, and against whom proceedings are subsequently
41 brought for removal from the county board on the basis of holding that office or offices, is entitled
42 to reimbursement by the county board for reasonable attorney's fees and court costs incurred by
43 the member in defending against these proceedings, regardless of the outcome of the
44 proceedings.

45 (3) A vote cast by the member at a meeting of the county board may not be invalidated
46 due to a subsequent finding that holding the particular office or public office is a bar to membership
47 on the county board.

48 (4) Good faith reliance on a written advisory opinion of the West Virginia Ethics
49 Commission that a particular office or public office is not a bar to membership on a county board
50 is an absolute defense to any civil suit or criminal prosecution arising from any proper action taken
51 within the scope of membership on the county board, becoming a member-elect of the county
52 board or seeking election to the county board.

53 (c) To be eligible for election or appointment as a member of a county board, a person
54 shall possess at least a high school diploma or a general educational development (GED)
55 diploma. This provision does not apply to members or members-elect who have taken office prior
56 to May 5, 1992, and who serve continuously from that date forward.

57 (d) A person elected to a county board after July 1, 1990, may not assume the duties of
58 county board member unless he or she has first attended and completed a course of orientation
59 relating to boardsmanship and governance effectiveness which shall be given between the date
60 of election and the beginning of the member's term of office under the following conditions:

61 (1) A portion or portions of subsequent training such as that offered in orientation may be
62 provided to members after they have commenced their term of office;

63 (2) Attendance at the session of orientation given between the date of election and the
64 beginning of the member's term of office permits the member-elect to assume the duties of county
65 board member, as specified in this section;

66 (3) Members appointed to the county board shall attend and complete the next orientation
67 course offered following their appointment; and

68 (4) The provisions of this subsection relating to orientation do not apply to members who
69 have taken office prior to July 1, 1988, and who serve continuously from that date forward.

70 (e) Annually, each member of a county board shall receive seven clock hours of training
71 in areas relating to boardsmanship, governance effectiveness, and school performance issues
72 including, but not limited to, pertinent state and federal statutes such as the "Process for Improving
73 Education" set forth in §18-2E-5 of this code and the "No Child Left Behind Act" and their
74 respective administrative rules.

75 (1) The orientation and training shall be approved by the state board and conducted by
76 the West Virginia School Board Association or other organization or organizations approved by
77 the state board:

78 (A) The state board may exclude time spent in training on school performance issues from
79 the requisite seven hours ~~herein~~ required in subsection (e) of this section; and

80 (B) If the state board elects to exclude time spent in training on school performance issues
81 from the requisite seven hours, the state board shall limit the training to a feasible and practicable
82 amount of time.

83 (2) Failure to attend and complete the approved course of orientation and training relating
84 to boardsmanship and governance effectiveness without good cause as determined by the state
85 board by duly promulgated legislative rules constitutes neglect of duty under section seven, article
86 six, chapter six of this code.

87 (f) In the final year of any four-year term of office, a member shall satisfy the annual training
88 requirement before January 1. Failure to comply with the training requirements of this section
89 without good cause as defined by the state board by duly promulgated legislative rules constitutes
90 neglect of duty under §6-6-7 of this code.

91 (g) The state board shall appoint a committee named the "county board member training
92 standards review committee" whose members shall meet at least annually. Subject to state board
93 approval, the committee shall determine which particular trainings and training organizations shall
94 be approved and whether county board members have satisfied the annual training requirement.
95 Members of the committee serve without compensation, but may be reimbursed by their agencies
96 or employers for all reasonable and necessary expenses actually incurred in the performance of
97 their duties under this subsection.

98 (h) Notwithstanding the provisions of §6-5-5 of this code, no person who has been
99 convicted of an offense under the §61-8A-1 et seq., §61-8B-1 et seq., §61-8C-1 et seq., and §61-
100 8D-1 et seq. of this code in which the victim is a minor may hold office as a member of a county
101 board.