

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 4865

[By Delegates Funkhouser, Hornby, Cannon, J.,
Hillenbrand, Butler, Ridenour, Heckert, Clark,
Rohrbach, Akers and Maynor]

[By Request of the Secretary of State]

[Originating in the Committee on the Judiciary;
Reported on February 10, 2026]

1 A BILL to amend and reenact §3-1-28 of the Code of West Virginia, 1931, as amended, providing
2 for a program allowing election official trainees to be appointed as election officials.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-28. Election officials; eligibility, suspension of eligibility.

1 (a) To be eligible to be appointed or serve as an election official in any state, county, or
2 municipal election held in West Virginia, a person:

3 (1) Must be a registered voter of the county for elections held throughout the county and a
4 registered voter of the municipality for elections held within the municipality: *Provided*, That if the
5 required number of persons eligible to serve as election officials for a municipal election are not
6 available or are not willing to serve as election officials for a municipal election, a registered voter
7 of the county in which the municipality is located may serve as an election official for elections held
8 within the municipality;

9 (2) Must be able to read and write the English language;

10 (3) May not be a candidate on the ballot or an official write-in candidate in the election for
11 any office, other than for district, county, or state political party executive committee;

12 (4) May not be the parent, child, sibling, or spouse of a candidate on the ballot for any
13 office, other than for district, county, or state political party executive committee, or an official write-
14 in candidate for any office, other than for district, county, or state political party executive
15 committee, in the precinct where the official serves;

16 (5) May not be a person prohibited from serving as an election official pursuant to any other
17 federal or state statute; and

18 (6) May not have been previously convicted of a violation of any election law.

19 (b) The governing body responsible for appointing election officials may establish a
20 program to permit a person who is an election official trainee to be appointed as an election official.

21 (1) To be eligible to be appointed as an election official under this subsection, a person:

22 (A) Must meet the requirements of subdivisions §3-1-28(2-6) of this code;

23 (B) Must be a junior or senior in good standing who is attending a public or private
24 secondary educational institution, or being home-schooled, at the time of the election for which he
25 or she is to be appointed as an election official;

26 (C) Must have a cumulative grade point average equivalent to at least 3.0 on a 4.0 scale, if
27 attending a public or private secondary educational institution;

28 (D) Must have the written approval of his or her parent or legal guardian, as applicable;

29 (E) Must have the written approval of the principal of the public or private secondary
30 educational institution he or she attends, if

31 (i) attending a public or private educational institution, and

32 (ii) if the appointment requires the student to work on a day when such school is in session;

33 and

34 (F) Must have satisfactorily completed the training program for election officials set forth in
35 §3-1-46 of this code.

36 (2) No more than one election official qualifying under this subsection may serve per
37 political party per precinct. Prior to appointment, an election official qualifying under this
38 subsection must certify in writing to the governing body responsible for appointing election officials
39 the political party the person chooses to affiliate with.

40 (3) Students appointed as election officials under this subsection shall not be counted as
41 absent from school on the day they serve as election officials.

42 (c) The county commission may, upon majority vote, suspend the eligibility to serve as an
43 election official in any election for four years for the following reasons:

44 (1) Failure to appear at the polling place at the designated time without proper notice and
45 just cause;

46 (2) Failure to perform the duties of an election official as required by law;

47 (3) Improper interference with a voter casting a ballot or violating the secrecy of the voter's

48 ballot;

49 (4) Being under the influence of alcohol or drugs while serving as an election official; or

50 (5) Having anything wagered or bet on an election.

51 ~~(e)~~ (d) The county commission may, upon majority vote, suspend the eligibility to serve as

52 an election official in any election for two years upon petition of 25 registered voters of the precinct

53 where the official last served and upon presentation of evidence of any of the grounds set forth in

54 §31-1-28(b) of this code: *Provided*, That the petition requesting the suspension of the election

55 official is filed with the county commission at least 90 days prior to an election date. The names of

56 those persons signing the petition must be kept confidential.

NOTE: The purpose of this bill is to provide for a program allowing election official trainees to be appointed as election officials.

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