

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **ENROLLED**

#### **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

[Passed March 14, 2026; in effect 90 days from  
passage (June 12, 2026)]



1 AN ACT 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; setting  
3 forth eligibility requirements for participation in the training program; allowing only one  
4 program participant from a political party per precinct; and prohibiting the appointed  
5 election official from being counted as absent from school.

*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  
4 a registered voter of the municipality for elections held within the municipality: *Provided*, That if  
5 the required number of persons eligible to serve as election officials for a municipal election are  
6 not available or are not willing to serve as election officials for a municipal election, a registered  
7 voter of the county in which the municipality is located may serve as an election official for  
8 elections held 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  
14 write-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  
17 other 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 student who is a junior or senior student attending a secondary educational  
21 institution or being home schooled and who is an election official trainee to be appointed as an  
22 election official.

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

24 (A) Must meet the requirements of subdivisions two through six of §3-1-28(a) of this code;

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

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

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

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

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

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

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

37 (2) Only one election official qualifying under this subsection may serve per political party  
38 per precinct. Prior to appointment, an election official qualifying under this subsection must certify  
39 in writing to the governing body responsible for appointing election officials his or her political  
40 party affiliation.

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

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

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

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

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

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

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

52 (d) The county commission may, upon majority vote, suspend the eligibility to serve as an  
53 election official in any election for two years upon petition of 25 registered voters of the precinct  
54 where the official last served and upon presentation of evidence of any of the grounds set forth in  
55 §31-1-28(b) of this code: *Provided*, That the petition requesting the suspension of the election  
56 official is filed with the county commission at least 90 days prior to an election date. The names  
57 of those persons signing the petition must be kept confidential.



The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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

.....  
*Clerk of the Senate*

Originated in the House of Delegates.

In effect 90 days from passage.

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

.....  
*President of the Senate*

\_\_\_\_\_

The within is ..... this the.....  
Day of ....., 2026.

.....  
*Governor*