

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 481

BY SENATORS WOODRUM AND HAMILTON

[Reported January 23, 2026, from the Committee on
Government Organization]

1 A BILL to amend and reenact §3-1-5 and §3-1-29 of the Code of West Virginia, 1931, as amended,
2 relating to elections; requiring precincts to be reported independently; and amending
3 definitions by changing "precinct" to "polling location".

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-5. Voting precincts and places established; number of voters in precincts; precinct map; municipal map.

1 (a) The precinct is the basic territorial election unit. The county commission shall divide
2 each magisterial district of the county into election precincts, shall number the precincts, shall
3 determine, and establish the boundaries thereof and shall designate one voting place in each
4 precinct, which place shall be established as nearly as possible at the point most convenient for
5 the voters of the precinct. Each magisterial district shall contain at least one voting precinct and
6 each precinct shall have but one voting place therein.

7 Each precinct within any urban center shall contain not less than 300, nor more than 1,500
8 registered voters. Each precinct in a rural or less thickly settled area shall contain not less than
9 200, nor more than 700 registered voters. A county commission may permit the establishment or
10 retention of a precinct less than the minimum numbers allowed in this subsection upon making a
11 written finding that to do otherwise would cause undue hardship to the voters. If, at any time the
12 number of registered voters exceeds the maximum number specified, the county commission
13 shall rearrange the precincts within the political division so that the new precincts each contain a
14 number of registered voters within the designated limits: *Provided*, That any precincts with polling
15 places that are within a one-mile radius of each other on or after July 1, 2014, may be
16 consolidated, at the discretion of the county clerk and county commission into one or more new
17 precincts that contain not more than 3,000 registered voters in any urban center, nor more than
18 1,500 registered voters in a rural or less thickly settled area: *Provided, however*, That no precincts
19 may be consolidated pursuant to this section if the consolidation would create a geographical

20 barrier or path of travel between voters in a precinct and their proposed new polling place that
21 would create an undue hardship to voters of any current precinct.

22 If a county commission fails to rearrange the precincts as required, any qualified voter of
23 the county may apply for a writ of mandamus to compel the performance of this duty: *Provided*,
24 That when in the discretion of the county commission, there is only one place convenient to vote
25 within the precinct and when there are more than 700 registered voters within the existing precinct,
26 the county commission may designate two or more precincts with the same geographic
27 boundaries and which have voting places located within the same building. The county
28 commission shall designate alphabetically the voters who are eligible to vote in each precinct so
29 created. Each precinct shall be ~~operated separately and~~ reported independently. ~~with separate~~
30 ~~voting booths, ballot boxes, election commissioners and clerks, and whenever possible, in~~
31 ~~separate rooms. No two precincts may use the same standard receiving board, except as~~
32 ~~permitted by the provisions of §3-1-30(j) of this code.~~

33 (b) In order to facilitate the conduct of local and special elections and the use of election
34 registration records therein, precinct boundaries shall be established to coincide with the
35 boundaries of any municipality of the county and with the wards or other geographical districts of
36 the municipality, except in instances where found by the county commission to be wholly
37 impracticable so to do. Governing bodies of all municipalities shall provide accurate and current
38 maps of their boundaries to the clerk of any county commission of a county in which any portion
39 of the municipality is located.

40 (c) To facilitate the federal and state redistricting process, precinct boundaries shall be
41 comprised of intersecting geographic physical features or municipal boundaries recognized by
42 the U. S. Census Bureau. For purposes of this subsection, geographic physical features include
43 streets, roads, streams, creeks, rivers, railroad tracks, and mountain ridge lines. The county
44 commission of every county shall modify precinct boundaries to follow geographic physical

features or municipal boundaries recognized by the U.S. Census Bureau and submit changes to the Secretary of State in accordance with this section.

(d) To facilitate the state's receipt of decennial census data from the U.S. Census Bureau which will include tabulation geography that supports the needs of the Legislature during the federal congressional and state legislative redistricting process, and the needs of county commissions during the magisterial district and precinct redistricting process:

(1) The Secretary of State shall serve as the Legislature's agent to the U.S. Census Bureau, the county commissions, and the clerks of the county commissions for purposes of Block Boundary Suggestion Project (Phase I), Voting District Project (Phase II), and Collection of Census Redistricting Plans (Phase IV), or their equivalents, of the U.S. Census Bureau's Redistricting Data Program for the federal decennial census. The Secretary of State may designate and utilize staff within his or her office to perform the technical responsibilities of this role.

(2) Each county commission shall submit on an ongoing basis to the Secretary of State its updated precincts and such other information as is sufficient to participate in the Block Boundary Suggestion Project (Phase I) and Voting District Project (Phase II), or their equivalents, of the Redistricting Data Program, including any verification phases. The Secretary of State shall coordinate with all counties for the submission and verification of such information. The Secretary of State shall compile the information submitted by the counties and shall submit and verify such information to the U.S. Census Bureau in compliance with the deadlines established by the U.S. Census Bureau for the Redistricting Data Program. The Secretary of State shall provide copies of such submission to the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Delegates, and the Minority Leader of the House of Delegates.

(3) Upon the conclusion of any federal congressional or state legislative redistricting process, the Legislature shall provide updated maps and accompanying technical files to the Secretary of State. The Secretary of State shall submit such maps and accompanying technical

files to the U.S. Census Bureau during its Collection of Census Redistricting Plans (Phase IV) of the Redistricting Data Program. The Secretary of State shall keep available at all times on its website, and during business hours in its office at the Capitol at a place convenient for public inspection, all current maps and accompanying technical files submitted by the Legislature. The Secretary of State shall maintain previous maps and technical files submitted by the Legislature in its records.

(e) Each county commission shall keep available at all times during business hours in the courthouse at a place convenient for public inspection a map or maps of the county and municipalities with the current boundaries of all precincts and magisterial districts. Each county commission shall submit current maps and accompanying technical files to the Secretary of State upon updating its precincts and magisterial districts. The Secretary of State shall keep available at all times on its website, and during business hours in its office at the Capitol at a place convenient for public inspection, all current maps and accompanying technical files submitted by the counties. The Secretary of State shall maintain previous maps and accompanying technical files submitted by the counties in its records.

§3-1-29. Boards of election officials; definitions, composition of boards, determination of number and type.

(a) For the purpose of this article:

(1) The term "standard receiving board" means those election officials charged with conducting the process of voting within a ~~precinct~~ polling location and consists of no less than five persons, to be comprised as follows:

(A) Each ~~precinct~~ polling location shall have at least one team of poll clerks, one team of election commissioners for the ballot box, and one additional election commissioner; and

(B) At the discretion of the county clerk and county commission, any county may add additional teams of poll clerks and commissioners to any ~~precinct~~ polling location, as necessary to fairly and efficiently conduct an election;

10 (2) The term "counting board" means those election officials charged with counting the
11 ballots at the ~~precinct~~ polling location in counties using paper ballots and includes one team of
12 poll clerks, one team of election commissioners, and one additional commissioner.

13 (3) The term "team of poll clerks" or "team of election commissioners" means two persons
14 appointed by opposite political parties to perform the specific functions of the office: *Provided*,
15 That no team of poll clerks or team of election commissioners may consist of two persons with
16 the same registered political party affiliation or two persons registered with no political party
17 affiliation; and

18 (4) The term "election official trainee" means an individual who is 16 or 17 years of age
19 who meets the requirements of subdivisions §3-1-28(2–6) of this code.

20 (b) For each primary and general election in the county, the county commission shall
21 designate the number and type of election boards for the various ~~precincts~~ polling locations
22 according to the provisions of this section. At least 84 days before each primary and general
23 election the county commission shall notify the county executive committees of the two major
24 political parties in writing of the number of nominations which may be made for poll clerks and
25 election commissioners.

26 (c) Until July 1, 2032, for each municipal election held at a time when there is no county
27 or state election:

28 (1) The governing body of the municipality shall perform the duties of the county
29 commission as provided in this section; and

30 (2) The standard receiving board may, at the discretion of the official charged with the
31 administration of election, consist of as few as four persons, including one team of poll clerks and
32 one team of election commissioners for the ballot box.