

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4865

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

[By Request of the Secretary of State]

[Introduced January 28, 2026; referred to the
Committee on the Judiciary]

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 enrolled in a public or private secondary
24 school;

25 (C) Must have a cumulative grade point average equivalent to at least 3.0 on a 4.0 scale;

26 (D) Must have the written approval of the principal of the secondary school he or she
27 attends at the time of appointment;

28 (E) Must have the written approval of his or her parent or legal guardian; and

29 (F) Must have satisfactorily completed the training program for election officials set forth in
30 §3-1-46 of this code.

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

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

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

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

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

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

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

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

46 ~~(e)~~ (d) The county commission may, upon majority vote, suspend the eligibility to serve as
47 an election official in any election for two years upon petition of 25 registered voters of the precinct

48 where the official last served and upon presentation of evidence of any of the grounds set forth in
49 §31-1-28(b) of this code: *Provided*, That the petition requesting the suspension of the election
50 official is filed with the county commission at least 90 days prior to an election date. The names of
51 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.