

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 4451**

4
5 (By Delegates Overington, Wells, Doyle, Frazier,
6 Hunt, Ellem, Lane, Fragale and Fleischauer)

7 (Originating in the Committee on the Judiciary)

8 [February 20, 2012]

9
10 A BILL to amend and reenact §3-1-19 of the Code of West Virginia,
11 1931, as amended, relating to appointment of ballot
12 commissioners; and authorizing county executive committees of
13 the two largest political parties to make appointments.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §3-1-19 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.**

18 **§3-1-19. Ballot commissioners; selection; duties generally;**
19 **vacancies.**

20 In each county in the state, the Board of Ballot Commissioners
21 shall be comprised of the clerk of the county commission while
22 holding office, and two other persons, one who is appointed by ~~him~~
23 ~~or her one from each of the two political parties which cast the~~
24 ~~largest and second largest number of votes in the state at the last~~
25 ~~preceding general election shall constitute a board of ballot~~
26 ~~commissioners~~ the county executive committee of the political party

1 that cast the largest number of votes in the state at the last
2 preceding general election and one appointed by the county
3 executive committee of the political party that cast the second
4 largest number of votes in the state at the last preceding general
5 election. The clerk shall ~~be~~ serve as chairman. It shall be the
6 duty of the clerk to notify the chairman of the respective county
7 executive committees of the two parties, at least five days before
8 making appointments, the time and place of making the appointments.
9 If at any time after notice is given, and before or on the day so
10 fixed for making appointments, the chairman of each of the
11 committees shall designate, in writing, a member of ~~such~~ his or her
12 party as ballot commissioner. Each designee shall be appointed if
13 he or she meets the qualifications of a voter. Ballot
14 commissioners shall be appointed between the ~~fifteenth~~ 15th and
15 ~~thirtieth~~ 30th days of January, in each year in which a general
16 election is to be held, for a term of two years beginning on
17 February 1 next ensuing. They shall perform the duties of ballot
18 commissioners at all general, special and primary elections held in
19 the county or any magisterial district thereof during their term of
20 office. A vacancy shall be filled in the same manner as an
21 original appointment, but immediate notice of a vacancy shall,
22 where necessary, be deemed compliance with the five-day notice
23 provision.