

COMMITTEE SUBSTITUTE

FOR

H. B. 4451

(BY DELEGATES OVERINGTON, WELLS, DOYLE, FRAZIER,
HUNT, ELLEM, LANE, FRAGALE AND FLEISCHAUER)

(Originating in the Committee on the Judiciary)
[February 20, 2012]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

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

- 1 In each county in the state, the Board of Ballot
- 2 Commissioners shall be comprised of the clerk of the county

3 commission while holding office, and two other persons, one
4 who is appointed by ~~him or her~~ one from each of the two
5 ~~political parties which cast the largest and second largest~~
6 ~~number of votes in the state at the last preceding general~~
7 ~~election shall constitute a board of ballot commissioners~~ the
8 county executive committee of the political party that cast
9 the largest number of votes in the state at the last preceding
10 general election and one appointed by the county executive
11 committee of the political party that cast the second largest
12 number of votes in the state at the last preceding general
13 election. The clerk shall ~~be~~ serve as chairman. It shall be
14 the duty of the clerk to notify the chairman of the respective
15 county executive committees of the two parties, at least five
16 days before making appointments, the time and place of
17 making the appointments. If at any time after notice is given,
18 and before or on the day so fixed for making appointments,
19 the chairman of each of the committees shall designate, in
20 writing, a member of ~~such~~ his or her party as ballot

21 commissioner. Each designee shall be appointed if he or she
22 meets the qualifications of a voter. Ballot commissioners
23 shall be appointed between the ~~fifteenth~~ 15th and ~~thirtieth~~
24 30th days of January, in each year in which a general election
25 is to be held, for a term of two years beginning on February
26 1 next ensuing. They shall perform the duties of ballot
27 commissioners at all general, special and primary elections
28 held in the county or any magisterial district thereof during
29 their term of office. A vacancy shall be filled in the same
30 manner as an original appointment, but immediate notice of
31 a vacancy shall, where necessary, be deemed compliant with
32 the five-day notice provision.