

FILED

2012 MAR 30 PM 4: 15

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2012



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 4451**

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



Passed March 10, 2012

To Take Effect Ninety Days From Passage

HB 4451

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**H. B. 4451**

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

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[Passed March 10, 2012; to take effect ninety days from passage.]

AN ACT 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 (a) In each county in the state, the Board of Ballot
- 2 Commissioners shall be comprised of:

3 (1) The clerk of the county commission while holding  
4 office; and

5 (2) Two other persons as follows:

6 (A) One person appointed by the county executive  
7 committee of the political party that cast the largest number  
8 of votes in the state at the last preceding general election; and

9 (B) One person appointed by the county executive  
10 committee of the political party that cast the second largest  
11 number of votes in the state at the last preceding general  
12 election.

13 (b) If the county executive committees do not make the  
14 appointments in a timely manner, then the county clerk shall  
15 make the appointments.

16 (c) The county clerk shall serve as chairman.

17 (d) It shall be the duty of the county clerk to notify the  
18 chairman of the respective county executive committees of  
19 the two parties, at least five days before the time of the  
20 making of the appointments.

21 (e) If at any time after notice is given, and before or on  
22 the day so fixed for making appointments, the chairman of  
23 each of the committees shall designate, in writing, a member  
24 of his or her party as ballot commissioner. Each designee  
25 shall be appointed if he or she meets the qualifications of a  
26 voter: *Provided*, That a ballot commissioner cannot be a  
27 candidate for any office in any election held during the time  
28 he or she is serving as ballot commissioner.

29 (f) Ballot commissioners shall be appointed between the  
30 15th and 30th days of January, in each year in which a

31 general election is to be held, for a term of two years  
32 beginning on February 1 next ensuing.

33 (g) The ballot commissioners shall perform their duties at  
34 all general, special and primary elections held in the county  
35 or any magisterial district thereof during their term of office.

36 (h) A vacancy shall be filled in the same manner as an  
37 original appointment, but immediate notice of a vacancy  
38 shall, where necessary, be deemed compliance with the five-  
39 day notice provision.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
\_\_\_\_\_  
Chairman, House Committee

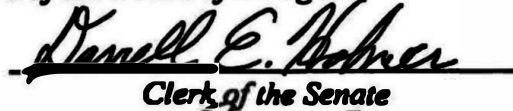
  
\_\_\_\_\_  
Chairman, Senate Committee

Originating in the House.

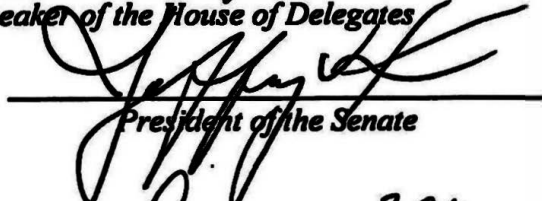
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\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
Clerk of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

The within wrapped this the 30<sup>th</sup>  
day of March, 2012.

  
\_\_\_\_\_  
Governor

**PRESENTED TO THE GOVERNOR**

MAR 27 2012

Time 1:30 pm