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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4473

(By Delegates Fleischauer, Manypenny, Poore,
Marshall, Iaquina, Skinner and Hamilton)



Passed March 8, 2014

In effect ninety days from passage.

HB 4473

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FOR

H. B. 4473

(BY DELEGATES FLEISCHAUER, MANYPENNY, POORE,
MARSHALL, LAQUINTA, SKINNER AND HAMILTON)

[Passed March 8, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §3-1-5 and §3-1-29 of the Code of West Virginia, 1931, as amended, all relating to establishing voting precincts and changing the composition of standard receiving boards; authorizing the consolidation of certain precincts in certain circumstances; increasing the limit on the size of certain voting precincts to three thousand registered voters in urban areas and one thousand five hundred in rural areas; permitting precincts in urban or rural areas to have fewer than the minimum numbers of registered voters allowed; removing language requiring the West Virginia Office of Legislative Services to consult with county commissions regarding precinct modification; permitting an increase in the size of standard receiving boards; providing an option to have more poll workers and commissioners; and permitting fewer poll workers in precincts during a municipal election where there is no simultaneous state or county election.

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Enr. Com. Sub. For H. B. No. 4473] 2

Be it enacted by the Legislature of West Virginia:

That §3-1-5 and §3-1-29 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

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

10 Each precinct within any urban center shall contain not less
11 than three hundred nor more than one thousand five hundred
12 registered voters. Each precinct in a rural or less thickly settled
13 area shall contain not less than two hundred nor more than seven
14 hundred registered voters. A county commission may permit the
15 establishment or retention of a precinct less than the minimum
16 numbers allowed in this subsection upon making a written
17 finding that to do otherwise would cause undue hardship to the
18 voters. If, at any time the number of registered voters exceeds
19 the maximum number specified, the county commission shall
20 rearrange the precincts within the political division so that the
21 new precincts each contain a number of registered voters within
22 the designated limits: *Provided*, That any precincts with polling
23 places that are within a one mile radius of each other on or after
24 July 1, 2014, may be consolidated, at the discretion of the county
25 clerk and county commission into one or more new precincts
26 that contain not more than three thousand registered voters in
27 any urban center, nor more than one thousand five hundred

28 registered voters in a rural or less thickly settled area: *Provided,*
29 *however,* That no precincts may be consolidated pursuant to this
30 section if the consolidation would create a geographical barrier
31 or path of travel between voters in a precinct and their proposed
32 new polling place that would create an undue hardship to voters
33 of any current precinct.

34 If a county commission fails to rearrange the precincts as
35 required, any qualified voter of the county may apply for a writ
36 of mandamus to compel the performance of this duty: *Provided,*
37 That when in the discretion of the county commission, there is
38 only one place convenient to vote within the precinct and when
39 there are more than seven hundred registered voters within the
40 existing precinct, the county commission may designate two or
41 more precincts with the same geographic boundaries and which
42 have voting places located within the same building. The county
43 commission shall designate alphabetically the voters who are
44 eligible to vote in each precinct so created. Each precinct shall
45 be operated separately and independently with separate voting
46 booths, ballot boxes, election commissioners and clerks, and
47 whenever possible, in separate rooms. No two of the precincts
48 may use the same counting board.

49 (b) In order to facilitate the conduct of local and special
50 elections and the use of election registration records therein,
51 precinct boundaries shall be established to coincide with the
52 boundaries of any municipality of the county and with the wards
53 or other geographical districts of the municipality except in
54 instances where found by the county commission to be wholly
55 impracticable so to do. Governing bodies of all municipalities
56 shall provide accurate and current maps of their boundaries to
57 the clerk of any county commission of a county in which any
58 portion of the municipality is located.

59 (c) To facilitate the federal and state redistricting process,
60 precinct boundaries shall be comprised of intersecting
61 geographic physical features or municipal boundaries recognized

62 by the U. S. Census Bureau. For purposes of this subsection,
63 geographic physical features include streets, roads, streams,
64 creeks, rivers, railroad tracks and mountain ridge lines. The
65 county commission of every county shall modify precinct
66 boundaries to follow geographic physical features or municipal
67 boundaries and submit changes to the Joint Committee on
68 Government and Finance by June 30, 2007, and by June 30,
69 every ten calendar years thereafter. The county commission shall
70 also submit precinct boundary details to the U.S. Census Bureau
71 upon request.

72 (d) The county commission shall keep available at all times
73 during business hours in the courthouse at a place convenient for
74 public inspection a map or maps of the county and municipalities
75 with the current boundaries of all precincts.

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

1 (a) For the purpose of this article:

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

6 (A) Each precinct shall have at least one team of poll clerks,
7 one team of election commissioners for the ballot box and one
8 additional election commissioner.

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

13 (2) The term "counting board" means those election officials
14 charged with counting the ballots at the precinct in counties
15 using paper ballots and includes one team of poll clerks, one

16 team of election commissioners and one additional
17 commissioner;

18 (3) The term "team of poll clerks" or "team of election
19 commissioners" means two persons appointed by opposite
20 political parties to perform the specific functions of the office:
21 *Provided*, That no team of poll clerks or team of election
22 commissioners may consist of two persons with the same
23 registered political party affiliation or two persons registered
24 with no political party affiliation; and

25 (4) The term "election official trainee" means an individual
26 who is sixteen or seventeen years of age who meets the
27 requirements of subdivisions (2), (3), (4), (5) and (6), subsection
28 (a), section twenty-eight of this article.

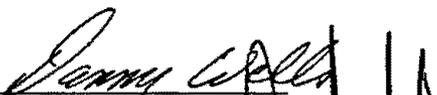
29 (b) For each primary and general election in the county, the
30 county commission shall designate the number and type of
31 election boards for the various precincts according to the
32 provisions of this section. At least eighty-four days before each
33 primary and general election the county commission shall notify
34 the county executive committees of the two major political
35 parties in writing of the number of nominations which may be
36 made for poll clerks and election commissioners.

37 (c) For each municipal election held at a time when there is
38 no county or state election:

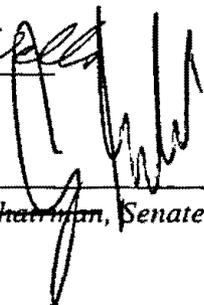
39 (1) The governing body of the municipality shall perform the
40 duties of the county commission as provided in this section; and

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

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



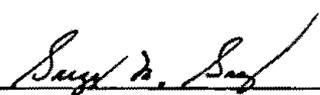
Chairman, House Committee



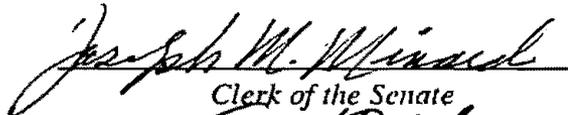
Member ~~Chairman~~, Senate Committee

Originating in the House.

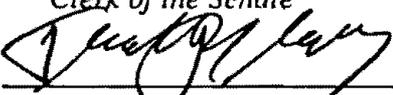
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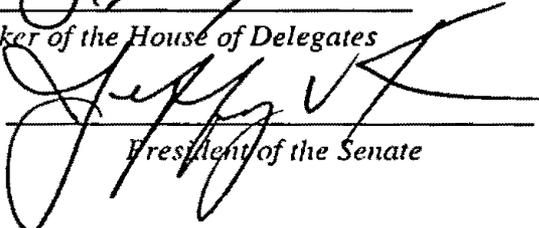
Clerk of the House of Delegates



Clerk of the Senate



Speaker of the House of Delegates



President of the Senate

The within is approved this the 31st
day of March, 2014.



Governor

PRESENTED TO THE GOVERNOR

11/20/2017

Time 10:40 AM