

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4477**

BY DELEGATES REYNOLDS, MCGEEHAN, SHAFFER AND

FOLK

[Introduced February 10, 2016; Referred  
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §3-1-8 of the Code of West Virginia, 1931, as amended, relating to  
 2 recognition of a group as a political party; expanding the definition of political party to  
 3 include an affiliation of voters who polled at least one percent of the vote for certain federal  
 4 and state offices in the preceding election or has a certain number of registered voters.

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

1 That §3-1-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
 2 to read as follows:

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

**§3-1-8. Political party defined; parties or groups that may participate in municipal primary elections.**

1 Any affiliation of voters representing any principle or organization which, at the last  
 2 preceding general election, polled for its candidate for Governor, Secretary of State, Treasurer,  
 3 Auditor, Attorney General, Commissioner of Agriculture, U.S. President, or U.S. Senate at least  
 4 one per cent of the total number of votes cast for all candidates for ~~that office in the state~~ any one  
 5 of those aforementioned statewide or federal public offices, or any affiliation of voters that register  
 6 under article two, chapter three of this code at least one tenth of one percent, but not less than  
 7 one thousand in number, of all voters registered as of the date of the last general election, shall  
 8 be a political party, within the meaning and for the purpose of this chapter: *Provided*, That such  
 9 political party status, once achieved, shall take effect on the Wednesday immediately following  
 10 the final canvassing of the qualifying election and shall be valid through the next two regular  
 11 general election cycles. Failure of a qualified political party to poll the one percent minimum for  
 12 any statewide candidate in any intervening special or midterm election shall not disqualify or  
 13 remove any existing political party status. Notwithstanding the foregoing provisions of this section,  
 14 the governing body of any municipality may, by ordinance adopted by the affirmative vote of at  
 15 least three fourths of the members of such governing body by recorded vote, provide that  
 16 municipal political parties or groups within such municipality that do not meet the requirements of

17 this section for classification as a political party may participate in the primary elections of any  
18 such municipality. Any such ordinance shall contain provisions implementing the foregoing  
19 proviso, which implementing provisions shall conform as nearly as practicable to any general  
20 provisions of law relating to municipal primary elections.

NOTE: The purpose of this bill is to expand the definition of political party to include an affiliation of voters who polled at least one percent of the vote for certain federal and state offices in the preceding election or has a certain number of registered voters.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.