

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

Introduced

### Senate Bill 463

FISCAL  
NOTE

BY SENATORS PALUMBO, GAUNCH, PLYMALE, PREZIOSO,

TAKUBO, TRUMP, WOELFEL AND STOLLINGS

[Introduced February 28, 2017; Referred  
to the Committee on the Judiciary; and then to the  
Committee on Finance]

1 A BILL to repeal §3-12-1, §3-12-2, §3-12-3, §3-12-4, §3-12-5, §3-12-6, §3-12-7, §3-12-8, §3-12-  
2 9, §3-12-10, §3-12-11, §3-12-12, §3-12-13, §3-12-14, §3-12-15 and §3-12-16 of the Code  
3 of West Virginia, 1931, as amended; and to amend and reenact §3-1A-5 of said code,  
4 relating to eliminating the West Virginia Supreme Court of Appeals Public Campaign  
5 Financing Program.

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

1 That §3-12-1, §3-12-2, §3-12-3, §3-12-4, §3-12-5, §3-12-6, §3-12-7, §3-12-8, §3-12-9, §3-  
2 12-10, §3-12-11, §3-12-12, §3-12-13, §3-12-14, §3-12-15 and §3-12-16 of the Code of West  
3 Virginia, 1931, as amended, be repealed; and that §3-1A-5 of said code be amended and  
4 reenacted to read as follows:

## **ARTICLE 1A. STATE ELECTION COMMISSION AND SECRETARY OF STATE.**

### **§3-1A-5. Powers and duties of commission; legislative rules.**

1 (a) The commission has the power and duty to approve or disapprove applications for  
2 approval of any voting machine as provided in section seven, article four of this chapter.

3 (b) The commission also shall serve as a body advisory to the Secretary of State, and, as  
4 such, shall have the following powers and duties:

5 (1) To recommend policies and practices pertaining to the registration of voters and the  
6 conduct of elections generally;

7 (2) To review the work of the office of Secretary of State pertaining to the duties of that  
8 office with respect to elections, and for this purpose to have access at reasonable times to  
9 pertinent records, books, papers and documents;

10 (3) To consider and study the election practices of other jurisdictions, with a view to  
11 determining the techniques used in eliminating fraud in elections and in simplifying election  
12 procedures;

13 (4) To advise or make recommendations to the Governor relative to election practices and  
14 policy in the state; and

15 ~~(5) To advise the Secretary of State on carrying out the duties to which he or she is~~  
16 ~~assigned pursuant to the West Virginia Supreme Court of Appeals Public Campaign Financing~~  
17 ~~Program, established in article twelve of this chapter;~~

18 ~~(6) To carry out the duties assigned to the commission by the West Virginia Supreme~~  
19 ~~Court of Appeals Public Campaign Financing Program, established in article twelve of this~~  
20 ~~chapter; and~~

21 ~~(7)~~ (5) To keep minutes of the transactions of each meeting of the commission, which shall  
22 be public records and filed with the Secretary of State.

23 (c) It is the commission's further duty to prepare and distribute in its name, within available  
24 appropriations and upon the recommendation of the Secretary of State, nonpartisan educational  
25 material to inform voters of the importance of voting, to encourage voters to vote, to inform voters  
26 of election laws and procedures, and to inform voters of the effect of any public question,  
27 constitutional amendment or bond issue that is to be voted upon by all the voters of the state and  
28 that has been authorized to be placed upon the ballot by the Legislature, and manuals to assist  
29 county commissions, ballot commissioners, circuit and county clerks and other election officials  
30 in the proper performance of their duties in the conduct of elections.

31 (d) The commission shall propose for promulgation emergency and legislative rules, in  
32 accordance with article three, chapter twenty-nine-a of this code, as may be necessary to  
33 standardize and make effective the administration of article eight of this chapter, and may propose  
34 for promulgation other rules, in accordance with article three, chapter twenty-nine-a of this code,  
35 relating to the conduct and administration of elections as the commission determines to be  
36 advisable.

37 ~~(e) Meetings of the commission conducted for the purpose of confirming the eligibility of~~  
38 ~~individual candidates to receive public campaign financing under the West Virginia Supreme~~  
39 ~~Court of Appeals Public Campaign Financing Fund are expressly exempted from the public notice~~  
40 ~~and public meeting requirements of article nine-a, chapter six of this code.~~

NOTE: The purpose of this bill is to repeal and otherwise eliminate the West Virginia Supreme Court of Appeals Public Campaign Financing Program.

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