

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

Senate Bill 582

BY SENATORS CLEMENTS AND MARONEY

[Originating in the Committee on Government

Organization; Reported on February 23, 2018]

1 A BILL to amend and reenact §3-1-28 of the Code of West Virginia, 1931, as amended, relating
2 to eligibility to be appointed or serve as an election official; and permitting candidates for
3 district, county, or state political party executive committee to serve as election officials.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-28. Election officials; eligibility, suspension of eligibility.

1 (a) To be eligible to be appointed or serve as an election official in any state, county, or
2 municipal election held in West Virginia, a person:

3 (1) Must be a registered voter of the county for elections held throughout the county and
4 a registered voter of the municipality for elections held within the municipality: *Provided*, That if
5 the required number of persons eligible to serve as election officials for a municipal election are
6 not available or are not willing to serve as election officials for a municipal election, a registered
7 voter of the county in which the municipality is located may serve as an election official for
8 elections held within the municipality;

9 (2) Must be able to read and write the English language;

10 (3) May not be a candidate on the ballot or an official write-in candidate in the election for
11 any office, other than for district, county, or state political party executive committee;

12 (4) May not be the parent, child, sibling, or spouse of a candidate on the ballot or an official
13 write-in candidate in the precinct where the official serves;

14 (5) May not be a person prohibited from serving as an election official pursuant to any
15 other federal or state statute; and

16 (6) May not have been previously convicted of a violation of any election law.

17 (b) The county commission may, upon majority vote, suspend the eligibility to serve as an
18 election official in any election for four years for the following reasons:

19 (1) Failure to appear at the polling place at the designated time without proper notice and
20 just cause;

- 21 (2) Failure to perform the duties of an election official as required by law;
- 22 (3) Improper interference with a voter casting a ballot or violating the secrecy of the voter's
- 23 ballot;
- 24 (4) Being under the influence of alcohol or drugs while serving as an election official; or
- 25 (5) Having anything wagered or bet on an election.
- 26 (c) The county commission may, upon majority vote, suspend the eligibility to serve as an
- 27 election official in any election for two years upon petition of 25 registered voters of the precinct
- 28 where the official last served and upon presentation of evidence of any of the grounds set forth in
- 29 §31-1-28(b) of this code: *Provided*, That the petition requesting the suspension of the election
- 30 official is filed with the county commission at least 90 days prior to an election date. The names
- 31 of those persons signing the petition must be kept confidential.

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