

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 558

BY SENATOR AZINGER

[Introduced February 8, 2019; Referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §3-7-6 of the Code of West Virginia, 1931, as amended, relating to
2 requiring state and federal elections to be contested before the next election.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. CONTESTED ELECTIONS.

§3-7-6. County and district contests; notices; time.

1 In all cases of contested elections, the county commission shall be the judge of the
2 election, qualifications and returns of their own members and of all county and district officers:
3 *Provided*, That a member of the county commission whose election is being contested may not
4 participate in judging the election, qualifications and returns: *Provided, however, That state and*
5 *federal elections must be contested before the next election.*

6 A person intending to contest the election of another to any county or district office,
7 including judge of any court or any office that shall hereafter be created to be filled by the voters
8 of the county or of any magisterial or other district therein, shall, within 10 days after the result of
9 the election is certified, give the contestee notice in writing of such intention and a list of the votes
10 he or she will dispute, with the objections to each, and of the votes rejected for which he or she
11 will contend. If the contestant objects to the legality of the election or the qualification of the person
12 returned as elected, the notice shall set forth the facts on which such objection is founded. The
13 person whose election is so contested shall, within 10 days after receiving such notice, deliver to
14 the contestant a like list of the votes he or she will dispute, with the objections to each, and of the
15 rejected votes for which he or she will contend; and, if he or she has any objection to the
16 qualification of the contestant, he or she shall specify in writing the facts on which the objection is
17 founded. Each party shall append to his or her notice an affidavit that ~~he~~ the party verily believes
18 the matters and things set forth to be true. If new facts be discovered by either party after he or
19 she has given notice as aforesaid, he or she may, within 10 days after such discovery, give an
20 additional notice to his the party's adversary, with the specifications and affidavit prescribed in
21 this section.

22 The provisions of this section apply to all elections, including municipal elections, except
23 that the governing body of the municipality is the judge of any contest of a municipal election.

NOTE: The purpose of this bill is to require state and federal elections to be contested before the next election.

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