

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2456**

BY DELEGATES KUMP, MCGEEHAN AND WILSON

[Introduced January 16, 2019; 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 the definition of a political party for all state and local elections; providing official ballot  
 3 status to a political party that has received at least one percent of the votes in the  
 4 preceding general election for a statewide office or has at least 5,000 voters registered as  
 5 members of that party; and making the definition applicable to municipalities.

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

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

**§3-1-8. Political party defined; parties or groups that may participate in ~~municipal primary~~  
all state and local 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 at least one per cent of the total  
 3 number of votes cast for all candidates for that office in the state, ~~shall be~~ or which has a minimum  
 4 of 5,000 voters registered in it, statewide, is a political party, within the meaning and for the  
 5 purpose of this chapter. ~~Provided, That notwithstanding the foregoing provisions of this section,~~  
 6 ~~the governing body of any municipality may, by ordinance adopted by the affirmative vote of at~~  
 7 ~~least three fourths of the members of such governing body by recorded vote, provide that~~  
 8 ~~municipal political parties or groups within such municipality that do not meet the requirements of~~  
 9 ~~this section for classification as a political party may participate in the primary elections of any~~  
 10 ~~such municipality. Any such ordinance shall contain provisions implementing the foregoing~~  
 11 ~~proviso, which implementing provisions shall conform as nearly as practicable to any general~~  
 12 ~~provisions of law relating to municipal primary elections~~

NOTE: The purpose of this bill is to change the definition of a political party for all state and local elections by providing official ballot status to a political party that has received at least one percent of the votes in the preceding general election for a statewide office or has at least 5,000 voters registered as members. The bill also makes the definition applicable to municipalities.

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