

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3550

By Delegate C. Pritt

[Introduced February 14, 2023; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §3-1-9 and §3-1-11 of the Code of West Virginia, 1931, as amended;
2 to amend and reenact §3-5-2 and §3-5-21 of said code; and to amend and reenact §3-8-2c
3 of said code, all relating to political parties; providing that state executive committee create
4 rules for state, district, and county executive committees; removing ability of courts to
5 review political party rules; providing that political parties may select delegates to the
6 national convention consistent with the national rules of their political party; providing that
7 presidential electors be chosen by state convention or state executive committee; and
8 removing limitation on contributions or expenditures over \$1 million for state or county
9 executive committee headquarters.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-9. Political party committees; how composed; organization.

1 (a) Every fourth year at the primary election, the voters of each political party in each state
2 senatorial district shall elect four members consisting of two male members and two female
3 members of the state executive committee of the party. In state senatorial districts containing two
4 or more counties, not more than two elected committee members shall be residents of the same
5 county: *Provided*, That at each election the votes shall be tallied from highest to lowest without
6 regard to gender or county of residence. The two candidates with the highest votes shall be
7 elected first and the other candidates shall be qualified based on vote tallies, gender, and county of
8 residence. Upon completion of the canvass, the clerk of the county commission from each county
9 shall send the results of the election of members of each state executive committee and
10 certificates of announcement, if any, to the Secretary of State. Upon certification of the election
11 results, the Secretary of State shall make known to each state executive committee the members
12 elected to such committee and the vacancies, if any. The committee, when convened and
13 organized as herein provided, shall appoint three additional members of the committee from the
14 state at large which shall constitute the entire voting membership of the state executive committee:

15 *Provided, however,* That if it chooses to do so, the committee may, by motion or resolution and in
16 accordance with party rules, expand the voting membership of the committee. When senatorial
17 districts are realigned following a decennial census, members of the state executive committee
18 previously elected or appointed shall continue in office until the expiration of their terms.
19 Appointments made to fill vacancies on the committee until the next election of executive
20 committee members shall be selected from the previously established districts. At the first election
21 of executive committee members following the realignment of senatorial districts, members shall
22 be elected from the newly established districts.

23 (b) At the primary election, the voters of each political party in each county shall elect one
24 male and one female member of the party's executive committee of the congressional district, of
25 the state senatorial district and of the delegate district in which the county is situated, if the county
26 is situated in a multicounty state senatorial or delegate district. Upon completion of the canvass,
27 the clerk of the county commission from each county shall send the results of the election of
28 members of each congressional district, state senatorial district and delegate district executive
29 committee of each party to the Secretary of State. Upon certification of the election results, the
30 Secretary of State shall make known to each state executive committee the members elected to
31 each congressional district, state senatorial district and delegate district executive committee and
32 the vacancies, if any. Upon receipt, the state executive committee shall make known any
33 vacancies to the applicable county executive committee for the purpose of filling said vacancies as
34 provided in subsection (f) of this section. When districts are realigned following a decennial
35 census, members of an executive committee previously elected in a county to represent that
36 county in a congressional or multicounty senatorial or delegate district executive committee shall
37 continue to represent that county in the appropriate newly constituted multicounty district until the
38 expiration of their terms: *Provided,* That the county executive committee of the political party shall
39 determine which previously elected members will represent the county if the number of
40 multicounty state senatorial or delegate districts in the county is decreased; and shall appoint

41 members to complete the remainder of the term if the number of districts is increased.

42 (c) At the same time the voters of the county in each magisterial district or executive
43 committee district, as the case may be, shall elect one male and one female member of the party's
44 county executive committee except that in counties having three executive committee districts,
45 there shall be elected two male and two female members of the party's executive committee from
46 each magisterial or executive committee district. Upon completion of the canvass, the clerk of the
47 county commission from each county shall send the results of the election of members of the
48 county executive committee of each party along with the certificates of announcement to the
49 Secretary of State. Upon certification of the election results, the Secretary of State shall make
50 known to each state executive committee the members elected to the county committee and the
51 vacancies, if any. Upon receipt, the state executive committee shall make known any vacancies to
52 the applicable county executive committee for the purpose of filling said vacancies as provided in
53 subsection (f) of this section.

54 (d) For the purpose of complying with the provisions of this section, the county commission
55 shall create the executive committee districts. The districts shall not be fewer than the number of
56 magisterial districts in the county, nor shall they exceed in number the following: Forty for counties
57 having a population of 100,000 persons or more; 30 for counties having a population of 50,000 to
58 100,000; 20 for counties having a population of 20,000 to 50,000; and the districts in counties
59 having a population of less than 20,000 persons shall be coextensive with the magisterial districts.

60 (e) The executive committee districts shall be as nearly equal in population as practicable
61 and shall each be composed of compact, contiguous territory. The county commissions shall
62 change the territorial boundaries of the districts as required by the increase or decrease in the
63 population of the districts as determined by a decennial census. The changes must be made within
64 two years following the census.

65 (f) All members of executive committees, selected for each political division as herein
66 provided, shall reside within the county or district from which chosen. The term of office of all

67 members of executive committees elected at the primary election in the year 2010 will begin on
68 July 1, following the primary election and continue for four years thereafter, except as provided in
69 subsection (g) of this section. Vacancies in the state executive committee shall be filled by the
70 members of the committee for the unexpired term. Vacancies in the party's executive committee of
71 a congressional district, state senatorial district, delegate district or county shall be filled by the
72 party's executive committee of the county in which the vacancy exists for the unexpired term.

73 (g) As soon as possible after the certification of the election of the new executive
74 committees, as herein provided, the newly elected executive committee shall convene an
75 organizational meeting within their respective political divisions, on the call of the chair of the
76 corresponding outgoing executive committee or by any member of the new executive committee
77 in the event there is no corresponding outgoing executive committee. During the first meeting the
78 new executive committee shall select a chair, a treasurer and a secretary and other officers as
79 they may desire. Each of the officers shall, for their respective committees, perform the duties that
80 usually appertain to his or her office. The organizational meeting may be conducted prior to July 1,
81 but must occur after the certification of the election of the new executive committees. If the
82 organizational meeting is conducted prior to July 1, the new committee shall serve out the
83 remainder of the outgoing committee's term and is authorized to conduct official business. A
84 current listing of all executive committees' members shall be filed with the Secretary of State by
85 the end of July of each year. Vacancies in any executive committee shall be filled by the
86 appropriate executive committee as provided in subsection (f) of this section no later than 60 days
87 after the vacancy occurs. The chair of each executive committee shall submit an updated
88 committee list to the Secretary of State within 10 days of a change occurring. Executive committee
89 membership lists shall include at least the member's name, full address, employer, telephone
90 number and term information. An appointment to fill a vacancy does not take effect if the executive
91 committee does not submit the updated list to the Secretary of State within the allotted time period.
92 If the executive committee fails to submit the updated list within the allotted time period, it must

93 make another appointment pursuant to the provisions of this section and resubmit the updated list
94 in a timely manner. If a vacancy on an executive committee is not filled within the 60-day period
95 prescribed by this section, the chair of the appropriate executive committee, as provided in
96 subsection (f) of this section, shall name someone to fill the vacancy. If the chair of a county
97 executive committee fails to fill a vacancy in a congressional district, state senatorial district or
98 delegate district executive committee, and the failure to fill such vacancy prohibits said committee
99 from conducting official business, the chair of the party's state executive committee shall fill such
100 vacancy.

101 (h) Any meeting of any political party executive committee shall be held only after public
102 notice and notice to each member is given according to party rules and shall be open to all
103 members affiliated with the party. Meetings shall be conducted according to party rule and minutes
104 shall be maintained and shall be open to inspection by members affiliated with the party.

105 (i) The state executive committee of each party may adopt rules and procedures to govern
106 the election and composition of state, district, and county executives committees, which may
107 conflict with the provisions of this section: *Provided*, That the Chair of the State Executive
108 Committee notify the Secretary of State, in writing, of alternative plans to elect and compose the
109 executive committees of their respective parties not later than November 1 during each odd-
110 numbered year. Should the Chair of the State Executive Committee fail to notify the Secretary of
111 State of the rules and procedures which will govern the election of executive committees for that
112 political party, the provisions of this section shall remain in force for that political party.

§3-1-11. Powers of state executive committee; central or subcommittees; party emblems.

1 The state executive committee of each party ~~may~~ shall make such rules for the
2 government of such party. ~~not inconsistent with law, as may be deemed expedient; and it may also~~
3 ~~revoke, alter, or amend, in any manner not inconsistent with law, any present or future rules of~~
4 ~~such party. All~~ No acts of such state, district, or county ~~or other~~ executive committees ~~may~~ shall be
5 reviewable by the courts.

6 ~~Any party executive committee may create and appoint subcommittees, campaign, or~~
7 ~~central committees, and delegate to them such powers and authority in the executive and~~
8 ~~administrative work of the committee as they shall deem advisable; but no power or authority shall~~
9 ~~be delegated to such subcommittee, campaign committee, or central committee, in contravention~~
10 ~~of any law of the state~~

11 The state executive committee shall adopt a party emblem or device for the party to
12 distinguish and identify the party ticket, and shall certify the same to the ballot commissioners, and
13 it shall be printed on the party ticket. The device or emblem of no two parties shall be similar or of
14 such a nature as to mislead or confuse the voter. If two or more parties seek the same device, or
15 similar devices, preference shall be given to the party polling the largest number of votes for the
16 candidate for Governor at the last election for such office.

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-2. Delegates to national conventions; alternate delegates.

1 Each political party shall elect, select, allocate, and bind delegates and alternate delegates
2 to the national convention of their respective political party in a manner not inconsistent with the
3 national rules of their political party.

4 ~~(a) At the primary election to be held in the year one thousand nine hundred ninety-two,~~
5 ~~and in each fourth year thereafter, there shall be elected by the voters of each political party of the~~
6 ~~state, in accordance with a plan adopted by the state party, persons to be delegates to the national~~
7 ~~convention of the party to be held next after the date of such primary.~~

8 ~~(b) The plan adopted by each political party of the state shall state the method, subject to~~
9 ~~compliance with their national party rules and not inconsistent with the provisions of this chapter,~~
10 ~~for the election of persons in each congressional district of the state as delegates to the national~~
11 ~~convention of the party, for the election or selection of persons in each congressional district of the~~
12 ~~state as alternate delegates to the national convention of the party and for the selection of all~~
13 ~~remaining delegates and alternate delegates allocated to the party in their national convention.~~

14 ~~Not less than one hundred twenty days before the primary election to be held in the year one~~
15 ~~thousand nine hundred ninety two, and in every fourth year thereafter, the governing body of each~~
16 ~~political party of the state shall certify the plan adopted by the party under signature of the state~~
17 ~~party chairman and file the plan with the Secretary of State. Any questions regarding whether such~~
18 ~~plan was rightfully adopted by the party shall be resolved by the party based upon party rules.~~

19 ~~(c) The plan adopted by each political party of the state shall, to the extent permissible~~
20 ~~under their national party rules, provide for the following:~~

21 ~~(1) The voters of each political party shall elect in each congressional district the number of~~
22 ~~persons as delegates to the national convention of the party to which the district is entitled.~~

23 ~~(2) If the rules of the national political party do not require the apportionment of delegates~~
24 ~~on the basis of their commitment for president, the persons receiving the highest number of votes~~
25 ~~as delegates in any congressional district to the number to which the district is entitled, shall be~~
26 ~~elected delegates. After the election of delegates in each congressional district to the number to~~
27 ~~which the district is entitled, the persons receiving the next highest votes in each congressional~~
28 ~~district and having qualified, as may be provided in the plan adopted by the party, shall be elected~~
29 ~~as alternate delegates to the number of alternate delegates to which the district is entitled.~~

30 ~~(3) If the rules of the national political party require that the percentage of votes cast for the~~
31 ~~various presidential candidates determine the apportionment of committed candidates to be~~
32 ~~elected as delegates or alternates, regardless of whether such committed candidates received the~~
33 ~~highest number of votes, then the plan adopted by the political party of the state shall prescribe the~~
34 ~~number of delegates and alternates to be elected under such apportionment, the method by which~~
35 ~~the apportionment shall be made, and the method by which the Secretary of State shall determine~~
36 ~~which delegates and alternates are elected. A committed candidate for delegate to national~~
37 ~~convention is one whose preference for particular presidential candidate appears on the ballot.~~

38 ~~(4) In the event the number of persons elected in the primary election in a congressional~~
39 ~~district is less than the number to which the district is entitled as delegates and alternate delegates~~

40 ~~to the national convention of the political party, the governing body of the political party of the state~~
41 ~~shall appoint persons from the congressional district to serve as delegates or alternate delegates~~
42 ~~to the national convention of the party unless the rules of the party otherwise provide.~~

43 ~~(5) The number of persons which each of the congressional districts in the state are~~
44 ~~entitled to elect as delegates to the national convention of the political party shall be apportioned~~
45 ~~among the congressional districts in the same proportion to the total number of delegates to the~~
46 ~~party's national convention elected in all congressional districts in the state as the population of the~~
47 ~~congressional district bears to the total population of the state based upon the census of~~
48 ~~population taken by the bureau of the census of the United States Department of Commerce in the~~
49 ~~year one thousand nine hundred ninety, and in every tenth year thereafter.~~

50 ~~(d) The official primary ballot at the primary election to be held in the year one thousand~~
51 ~~nine hundred ninety two, and in every fourth year thereafter shall, following the names of all~~
52 ~~candidates for delegates to the national convention of the party, contain the words "For election in~~
53 ~~accordance with the plan adopted by the party and filed with the Secretary of State."~~

54 ~~(e) Unless and until a political party of the state has adopted and certified a plan for the~~
55 ~~election of delegates to the national convention of the party and filed the plan with the Secretary of~~
56 ~~State, there shall be elected by the voters of the political party of the state at the primary election to~~
57 ~~be held in the year one thousand nine hundred ninety two, and in each fourth year thereafter, the~~
58 ~~number of persons to which the party is entitled as delegates at large, and by the voters of each~~
59 ~~political party in each congressional district in the state the number of delegates to which the~~
60 ~~district is entitled. The persons receiving the highest number of votes in the state as delegates at~~
61 ~~large, to the number to which the state is entitled, shall be elected delegates. The persons~~
62 ~~receiving the highest number of votes as delegates in any congressional district, to the number to~~
63 ~~which the district is entitled, shall be elected delegates. Each delegate so elected shall then~~
64 ~~appoint an individual to serve as alternate delegate, and shall by registered letter notify the~~
65 ~~Secretary of State of such appointment within forty days after the primary election~~

§3-5-21. Party conventions to nominate presidential electors; candidates; organization; duties.

1 Presidential electors shall be nominated by a state convention or by the state executive
2 committee of each political party in a manner governed and prescribed by the rules of that state
3 executive committee.

4 ~~Candidates for presidential electors shall be nominated by the delegated representatives~~
5 ~~of the political party assembled in a state convention to be held during the months of June, July or~~
6 ~~August next preceding any general election at which presidential electors are to be elected. The~~
7 ~~state executive committee of the political party, by resolution, shall designate the place and fix the~~
8 ~~date of the convention, shall prescribe the number of delegates thereto, and shall apportion the~~
9 ~~delegates among the several counties of the state in proportion to the vote cast in the state for the~~
10 ~~party's candidate for Governor at the last preceding general election at which a Governor was~~
11 ~~elected. The state executive committee shall also ascertain and designate all offices for which~~
12 ~~candidates are to be nominated at the convention.~~

13 ~~At least sixty days prior to the date fixed for holding any state convention, the chairman of~~
14 ~~the party's state executive committee shall cause to be delivered to the party's county executive~~
15 ~~committee in each county of the state a copy of the resolutions fixing the time and place for holding~~
16 ~~the state convention and prescribing the number of delegates from each county to the convention.~~
17 ~~Within ten days after receipt of the copy of the resolutions, the party executive committee of each~~
18 ~~county shall meet and, by resolution, shall apportion the delegates to the state convention among~~
19 ~~the several magisterial districts of the county, on a basis of the vote received in the county by the~~
20 ~~candidate of the party for Governor at the last preceding general election at which a Governor was~~
21 ~~elected, but in such apportionment of county delegates each magisterial district shall be entitled to~~
22 ~~at least one delegate to the state convention. The party's county executive committee shall call a~~
23 ~~meeting of the members of the political party in mass convention in the county, which meeting shall~~
24 ~~be held at least thirty days prior to the date fixed for the state convention and at which meeting the~~

25 ~~members of the political party in each magisterial district shall elect the number of delegates to~~
26 ~~which the district is entitled in the state convention.~~

27 ~~The meeting place in the county shall be as central and convenient as can reasonably be~~
28 ~~selected, and all recognized members of the political party shall be entitled to participate in any~~
29 ~~mass convention and in the selection of delegates. Notice of the time and place of holding the~~
30 ~~county mass convention and of the person who shall act as temporary chairman thereof shall be~~
31 ~~given by publication as a Class II-O legal advertisement in compliance with the provisions of article~~
32 ~~three, chapter fifty-nine of this code, and the publication area for the publication shall be the~~
33 ~~county. The first publication shall be made not more than fifteen days and the second publication~~
34 ~~shall be made not less than five days prior to the date fixed for holding the convention. The notice~~
35 ~~published shall specify the number of delegates which each magisterial district in the county is~~
36 ~~entitled to elect to the state convention.~~

37 ~~Upon assembling, the mass convention of the county, shall choose a chairman and a~~
38 ~~secretary, who, within five days after the holding of the convention, shall certify to the chairman of~~
39 ~~the state executive committee of the political party and the chairman of the county committee of~~
40 ~~the political party, the names and addresses of the parties selected as delegates to the state~~
41 ~~convention.~~

42 ~~If, after the election, a vacancy exists for a delegate from any magisterial district, the~~
43 ~~party's county executive committee, within ten days after the mass convention, shall appoint a~~
44 ~~member of the political party in the magisterial district to fill the vacancy, and shall certify the~~
45 ~~appointment to the chairman of the state executive committee of the political party.~~

46 ~~All contests over the selection of delegates to conventions shall be heard and determined~~
47 ~~by the party executive committee of the county from which the delegates are chosen, and the~~
48 ~~county executive committee shall, upon written petition of any contest, meet for a hearing and~~
49 ~~make a determination within ten days after the holding of a county mass convention. The circuit~~
50 ~~court of the county and the Supreme Court of Appeals of the state shall have concurrent original~~

51 jurisdiction to review, by mandamus or other proper proceeding, the decision of a county executive
52 committee in any contest.

53 ~~The delegates chosen and certified by and from the several magisterial districts in the state
54 and, in the event of any contest, those prevailing in the contest, shall make up the state
55 convention. The number present of those entitled to participate in any convention shall cast the
56 entire vote to which the county is entitled in the convention, and it shall require a majority vote to
57 nominate any candidate for office.~~

58 ~~All nominations made at state conventions shall be certified within fifteen days thereafter,
59 by the chairman and the secretary of the convention, to the Secretary of State, who shall certify
60 them to the clerk of the circuit court of each county concerned, and the names of the persons so
61 nominated shall be printed upon the regular ballot to be voted at the ensuing general election,
62 except that the names of the presidential elector candidates shall not be printed thereon.~~

63 ~~The delegates to any state convention may formulate and promulgate the party platform or
64 declaration of party principles as to them shall seem advisable~~

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-2c. Party headquarters committee; detailed accounts and verified financial statements; funding for headquarters; limitations; reporting requirements.

1 (a) Notwithstanding the definitions contained in section one-a of this article, for purposes of
2 this section:

3 (1) "Contribution" means a gift, subscription, loan, assessment, payment for services,
4 dues, advance, donation, pledge, contract, agreement, forbearance or promise of money or other
5 tangible thing of value, whether conditional or legally enforceable, or, a transfer of money or other
6 tangible thing of value to a person, made for the purpose of funding the rental, purchase,
7 construction or financing of the lease, purchase or construction of a party headquarters, and for
8 the utilities, maintenance, furniture, fixtures, and equipment for the party headquarters. An offer or
9 tender of a contribution is not a contribution if expressly and unconditionally rejected or returned. A

10 contribution does not include volunteer personal services provided without compensation:
11 *Provided*, That a nonmonetary contribution is to be considered at fair market value for reporting
12 requirements and contribution limitations.

13 (2) "Party headquarters" means a physical structure or structures that is the physical
14 location of the office of a state executive committee of a political party.

15 (3) "Party headquarters committee" includes any person, organization or group of persons
16 soliciting or receiving contributions for the purpose of funding the lease, purchase, construction or
17 financing of the lease, purchase, or construction of a party headquarters, including utilities,
18 maintenance, furniture, fixtures, and equipment for the party headquarters, or for a county
19 executive committee's headquarters.

20 (4) "County executive committee" means the executive committee of a political party, as
21 defined by §3-1-8 of this code, which is situate in, and responsible for, the conduct of that party's
22 business in one of the constituent counties of the state.

23 (b) A political party, or a county executive committee of a political party, may establish a
24 party headquarters committee to solicit and receive contributions for the exclusive purpose of the
25 purchase, construction or lease of an office building or financing of the lease, purchase, or
26 construction of a party headquarters, including utilities, maintenance, furniture, fixtures, and
27 equipment, to be used as a state political party's headquarters, or, as a county executive
28 committee's headquarters.

29 (c) Contributions received pursuant to this section may not be expended for:

30 (1) The purchase, construction or lease of satellite offices or other facilities;

31 (2) Utilities, maintenance, furniture, fixtures, equipment, or signage for satellite offices or
32 other facilities; or

33 (3) Political purposes.

34 (d) A party headquarters committee may not accept contributions in excess of \$10,000, in
35 the aggregate, from any person for the purposes of this section.

36 ~~(e) A party headquarters committee may not receive contributions or make expenditures~~
37 ~~for the purpose of funding the rental, purchase, construction, or financing of a state executive~~
38 ~~committee headquarters, or a county executive committee's headquarters, which are in excess of~~
39 ~~\$1 million~~

40 (f) ~~(e)~~(1) A party headquarters committee, financial agent, or any person or officer acting
41 on behalf of the committee, that is subject to the provisions of this section, shall file a verified
42 financial statement with the Secretary of State, on a form prescribed by the secretary, within 90
43 days of any contribution or expenditure in excess of \$250.

44 (2) Each financial statement shall contain, but is not limited to, the following information:

45 (A) The name, residence, and mailing address and telephone number of the party
46 headquarters committee, financial agent, or any person or officer acting on behalf of the
47 committee, who is filing the financial statement.

48 (B) The balance of cash, and any other sum of money, on hand at the beginning and the
49 end of the period covered by the financial statement.

50 (C) The name of any person making a contribution, the amount of the contribution, and the
51 residence and mailing address of the contributor.

52 (D) The total amount of contributions received during the period covered by the financial
53 statement.

54 (E) The name, residence, and mailing address of any individual or the name and mailing
55 address of each lending institution making a loan, the amount of any loan received, the date and
56 terms of the loan, including the interest and repayment schedule, and a copy of the loan
57 agreement.

58 (F) The name, residence, and mailing address of any individual, or the name and mailing
59 address of each partnership, firm, association, committee, organization, or group having
60 previously made or cosigned a loan for which payment is made or a balance is outstanding at the
61 end of the period, together with the amount of repayment on the loan made during the period and

62 the balance at the end of the period.

63 (G) The total outstanding balance of all loans at the end of the period.

64 (H) The name, residence, and mailing address of any person to whom each expenditure
65 was made, or liability incurred, together with the amount and purpose of each expenditure or
66 liability incurred, and the date of each transaction.

67 (I) The total amount of expenditures made during the period covered by the financial
68 statement.

69 (3) The Secretary of State shall file and retain the statements as public records for not less
70 than six years.

71 ~~(g)~~ (f) Contributions received by a party headquarters committee may be contributed to any
72 educational, cultural, or charitable organization.

73 ~~(h)~~ (g) The Secretary of State shall propose rules for legislative approval in accordance
74 with §29A-3-1 *et seq.* of this code to effectuate the provisions of this section.

NOTE: The purpose of this bill is to provide that state executive committee create rules for state, district, and county executive committees; to remove ability of courts to review political party rules; to provide that political parties may select delegates to the national convention consistent with the national rules of their political party; to provide that presidential electors be chosen by state convention or state executive committee; and to remove limitation on contributions or expenditures over \$1 million for state or county executive committee headquarters.

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