

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 682

By Senators Taylor and Rucker

[Introduced February 20, 2023; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §3-1-29 and §3-1-31 of the Code of West Virginia, 1931, as
 2 amended, relating to requiring municipal elections to be held on the same day as statewide
 3 elections.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-29. Boards of election officials; definitions, composition of boards, determination of number and type.

1 (a) For the purpose of this article:

2 (1) The term "standard receiving board" means those election officials charged with
 3 conducting the process of voting within a precinct and consists of no less than five persons, to be
 4 comprised as follows:

5 (A) Each precinct shall have at least one team of poll clerks, one team of election
 6 commissioners for the ballot box and one additional election commissioner.

7 (B) At the discretion of the county clerk and county commission, any county may add
 8 additional teams of poll clerks and commissioners to any precinct, as necessary to fairly and
 9 efficiently conduct an election;

10 (2) The term "counting board" means those election officials charged with counting the
 11 ballots at the precinct in counties using paper ballots and includes one team of poll clerks, one
 12 team of election commissioners and one additional commissioner;

13 (3) The term "team of poll clerks" or "team of election commissioners" means two persons
 14 appointed by opposite political parties to perform the specific functions of the office: *Provided*, That
 15 no team of poll clerks or team of election commissioners may consist of two persons with the same
 16 registered political party affiliation or two persons registered with no political party affiliation; and

17 (4) The term "election official trainee" means an individual who is sixteen or seventeen
 18 years of age who meets the requirements of subdivisions (2), (3), (4), (5) and (6), subsection (a),
 19 section twenty-eight of this article.

20 (b) For each primary and general election in the county, the county commission shall
 21 designate the number and type of election boards for the various precincts according to the
 22 provisions of this section. At least eighty-four days before each primary and general election the
 23 county commission shall notify the county executive committees of the two major political parties
 24 in writing of the number of nominations which may be made for poll clerks and election
 25 commissioners.

26 ~~(c) For each municipal election held at a time when there is no county or state election:~~

27 ~~(1) The governing body of the municipality shall perform the duties of the county~~
 28 ~~commission as provided in this section; and~~

29 ~~(2) The standard receiving board may, at the discretion of the official charged with the~~
 30 ~~administration of election, consist of as few as four persons, including one team of poll clerks and~~
 31 ~~one team of election commissioners for the ballot box~~

§3-1-31. Days and hours of elections; scheduling of local elections; extension or shortening of terms of certain elected local officials.

1 (a) General elections shall be held in the several election precincts of the state on the
 2 Tuesday next after the first Monday in November of each even year. Primary and special elections
 3 shall be held on the days provided by law therefor: *Provided*, That ~~beginning July 1, 2022~~ all local
 4 municipal elections ~~may~~ shall be held concurrently with a regularly scheduled statewide primary or
 5 general election. In exercising this right, a municipality ~~may~~ shall negotiate an agreement with the
 6 county commission to establish the election date, election officials, registration books to be used,
 7 and other matters pertaining to changing the municipal election to be held on the same day as a
 8 regularly scheduled statewide primary or general election: *Provided, however*, That a municipality
 9 which enters into an agreement with a county commission to hold elections at the same time as a
 10 regularly scheduled statewide primary or general election day pursuant to §8-5-5 of this code shall
 11 share in the administrative costs of holding the election, but which costs shall not exceed the
 12 municipality's pro rata share of voters registered in the municipality compared with the total voters

13 registered in the county: *Provided further*, That the municipality shall also comply with the
14 requirements of §8-5-5 of this code regarding an agreement with the county regarding use of
15 county election officials in municipal elections.

16 (b) At every primary, general, or special election the polls shall be opened in each precinct
17 on the day of the election at 6:30 in the morning and be closed at 7:30 in the evening.

NOTE: The purpose of this bill is to require municipal elections to be held on statewide election days.

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