WEST VIRGINIA CODE: §3-1-28

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

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

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

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

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

(4) May not be the parent, child, sibling, or spouse of a candidate on the ballot for any office, other than for district, county, or state political party executive committee, or an official write-in candidate for any office, other than for district, county, or state political party executive committee, in the precinct where the official serves;

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

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

(b) The governing body responsible for appointing election officials may establish a program to permit a student who is a junior or senior student attending a secondary educational institution or being home schooled and who is an election official trainee to be appointed as an election official.

(1) To be eligible to be appointed as an election official under this subsection, a person:

(A) Must meet the requirements of subdivisions two through six of §3-1-28(a) of this code;

(B) Must be a junior or senior student in good standing who is attending a public or private secondary educational institution or being home schooled at the time of the election for which he or she is to be appointed as an election official;

(C) Must have a cumulative grade point average equivalent to at least 3.0 on a 4.0 scale, if attending a public or private secondary educational institution;

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(D) Must have the written approval of his or her parent or legal guardian, as applicable;

(E) Must have the written approval of the principal of the public or private secondary educational institution he or she attends, if

(i) attending a public or private secondary educational institution, and

(ii) if the appointment requires the student to work on a day when school is in session; and

(F) Must have satisfactorily completed the training program for election officials set forth in §3-1-46 of this code.

(2) Only one election official qualifying under this subsection may serve per political party per precinct. Prior to appointment, an election official qualifying under this subsection must certify in writing to the governing body responsible for appointing election officials his or her political party affiliation.

(3) Students appointed as election officials under this subsection shall not be counted as absent from school on the day they serve as election officials.

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

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

(2) Failure to perform the duties of an election official as required by law;

(3) Improper interference with a voter casting a ballot or violating the secrecy of the voter’s ballot;

(4) Being under the influence of alcohol or drugs while serving as an election official; or

(5) Having anything wagered or bet on an election.

(d) The county commission may, upon majority vote, suspend the eligibility to serve as an election official in any election for two years upon petition of 25 registered voters of the precinct where the official last served and upon presentation of evidence of any of the grounds set forth in §31-1-28(b) of this code: *Provided*, That the petition requesting the suspension of the election official is filed with the county commission at least 90 days prior to an election date. The names of those persons signing the petition must be kept confidential.

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