

No. 1682

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985

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SECRETARY OF STATE

1985 MAY -3 AM 10:42

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## ENROLLED

Com. Sub. for  
HOUSE BILL No. 1682

(By Mr. Del. Brown + Del. Shepherd)

Passed April 13, 1985

In Effect 90 Days From Passage



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 1682**

(By DELEGATE BROWN and DELEGATE SHEPHERD)

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[Passed April 13, 1985; in effect ninety days from passage.]

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AN ACT to amend and reenact section forty-six, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to training films for election officials; requiring the clerk of the county commission to conduct instructional programs including training films at least fifteen days prior to every primary and general election and to notify all election officials of such programs; prohibiting any election official from serving in an election without attending such instructional program; providing for removal and replacement of officials who fail to attend with certain exceptions; and requiring instructional programs for persons appointed as replacements for such officials.

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

That section forty-six, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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

**§3-1-46. Training film for election officials.**

- 1 The secretary of state in conjunction with West Virginia
- 2 board of regents shall produce a motion picture film which
- 3 shall explain and illustrate the procedures for conducting

4 elections, the duties of the various election officials and the  
5 methods of voting both on paper ballots and machines.

6 One copy of such film shall be distributed to the clerk of  
7 the county commission of each county to be kept and  
8 preserved by him. Such film shall be shown to all election  
9 officials before each primary or general election as part of their  
10 instructional program. The clerk of the county commission  
11 shall conduct such instructional program not less than fifteen  
12 days before each primary and general election and shall notify  
13 all election officials of the exact date, time and place such  
14 instructional program will be conducted.

15 No person shall serve as an election commissioner or poll  
16 clerk in any election unless he or she has attended such  
17 instructional program. A person to replace any election official  
18 who fails to attend the instructional program shall be  
19 appointed in the same manner as persons are appointed under  
20 the provisions of section twenty-eight of this article to replace  
21 election officials refusing to serve, and the clerk of the county  
22 commission shall conduct an instructional program prior to  
23 the election for any such person or persons so appointed:  
24 *Provided*, That in cases of emergency which prevent a person  
25 from attending the instructional program, the county  
26 commission may appoint such person as a commissioner or  
27 poll clerk notwithstanding that such person has not received  
28 the instruction.

29 While such film is not being used by the clerk for  
30 instructional purposes, it shall be available to any duly  
31 organized civic, religious, educational or charitable group  
32 without charge, except that the clerk shall require a cash  
33 deposit on such use in an amount to be determined by the  
34 secretary of state.

35 The secretary of state shall cause such film to be amended,  
36 edited or reproduced whenever he is of the opinion such  
37 revision is necessary in light of changes in the election laws  
38 of this state.

39 No office holder or person seeking election to any office  
40 shall appear in such film either in person or by visual image  
41 or by name.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Harrell E. Holmes*  
Chairman Senate Committee

*Floyd Fulmer*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Isaac C. Wells*  
Clerk of the Senate

*Donald L. Hopp*  
Clerk of the House of Delegates

*Dan Tinklenberg*  
President of the Senate

*Joseph P. Albright*  
Speaker of the House of Delegates

The within *approved* this the *2<sup>nd</sup>*  
day of *May*, 1985.

*Richard R. Pearson*  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/29/85

Time 2:34 p.m.