

SB 495

FILED

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WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

JEFFREY M. WILSON
SECRETARY OF STATE

COMMITTEE SUBSTITUTE

FOR

ENROLLED

Senate Bill No. 495

(SENATORS KESSLER, LOVE, OLIVERIO AND
PLYMALE, *original sponsors*)

[Passed March 4, 2008; in effect from passage.]

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OF JEROME R. BROWN
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 495

(SENATORS KESSLER, LOVE, OLIVERIO AND
PLYMALE, *original sponsors*)

[Passed March 4, 2008; in effect from passage.]

AN ACT to amend and reenact §3-1-46 of the Code of West Virginia, 1931, as amended, requiring training programs for election officials to be conducted within thirty days before an election.

Be it enacted by the Legislature of West Virginia:

That §3-1-46 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-46. Training program for election officials.

1 (a) The Secretary of State in conjunction with the
2 State Election Commission shall produce one or more
3 audio-visual programs which explain and illustrate the
4 procedures for conducting elections, the duties of the
5 various election officials and the methods of voting on
6 each voting system in use in the state.

7 (b) One copy of the appropriate training program shall
8 be distributed to and kept and preserved by the clerk of
9 the county commission of each county. The program
10 shall be shown to all election officials before each
11 election as part of their instructional program. The
12 clerk of the county commission shall conduct an
13 adequate number of sessions to train all election
14 officials, shall schedule the regular sessions not less
15 than seven days before each election and shall notify all
16 election officials of the exact date, time and place such
17 instructional program will be conducted.

18 (c) No person may serve as an election commissioner
19 or poll clerk in any election unless he or she has
20 attended the instructional program required by
21 subsection (a) of this section within thirty days prior to
22 an election. If an election official fails to attend the
23 instructional program, another person shall be
24 appointed in the election official's place in the same
25 manner as persons are appointed under the provisions
26 of section thirty of this article to replace election
27 officials refusing to serve. The clerk of the county
28 commission shall conduct an additional instructional
29 program within seven days prior to the election for any
30 such person so appointed: *Provided*, That in cases of
31 emergency, when no person who has attended the

32 instructional program for that election is available to
33 fill a vacancy on the election board, the clerk of the
34 county commission may appoint the substituted person
35 as a commissioner or poll clerk notwithstanding that he
36 or she has not received the instruction.

37 (d) The requirements of this section apply to all
38 elections conducted by municipalities, except that the
39 recorder or municipal clerk responsible for the election
40 shall perform the duties of the clerk of the county
41 commission defined in this section. The clerk of the
42 county commission may assist the recorder or municipal
43 clerk in conducting the instructional program.

44 (e) When the instructional program is not being used
45 by the clerk for instructional purposes, it shall be
46 available to any duly organized civic, religious,
47 educational or charitable group without charge, except
48 that the clerk shall require a cash deposit on such use in
49 an amount to be determined by the Secretary of State.

50 (f) The Secretary of State shall cause the instructional
51 program to be amended, edited or reproduced whenever
52 he or she is of the opinion such revision is necessary in
53 light of changes in the election laws of this state.

54 (g) No elected official may appear in any training
55 program either in person or by visual image or by name.

56 (h) Every county clerk shall attend a training, to be
57 conducted by the Secretary of State every two years, for
58 the purpose of reviewing the election official training
59 and receiving updates on election law matters.

Enr. Com. Sub for S. B. No. 495] 4

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


.....
Chairman Senate Committee


.....
Chairman House Committee

Originated in the Senate.

In effect from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this
the 18th Day of April, 2008.


.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 26 2008

Time 10:05 AM