WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

COMMITTEE SUBSTITUTE
FOR
ENROLLED
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.

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

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

(c) No person may serve as an election commissioner or poll clerk in any election unless he or she has attended the instructional program required by subsection (a) of this section within thirty days prior to an election. If an election official fails to attend the instructional program, another person shall be appointed in the election official's place in the same manner as persons are appointed under the provisions of section thirty of this article to replace election officials refusing to serve. The clerk of the county commission shall conduct an additional instructional program within seven days prior to the election for any such person so appointed: Provided, That in cases of 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.
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.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor
PRESENTED TO THE GOVERNOR

MAR 26 2008

Time 10:05 AM