

Election Laws

The League followed all bills on elections and redistricting during the 2022 session of the West Virginia Legislature,¹ which ended March 12 at midnight. An overview of the bills was published in *The Voter*, Spring 2022. Legislators introduced nearly 60 bills related to elections. We reviewed and classified each of them by their potential – Good, Bad, Ugly. Outcomes of the session:

- 5 of 35 “Good” bills made it across the finish line. While classified as “Good”, none of these bills was designed to make voting easier or more accessible, a League priority.
- 5 of 16 “Bad” bills made it through. The best thing about these bills is they are likely to accomplish little.
- 7 “Ugly” bills were introduced. NONE made it through.

Some Highlights from LWVWV Legislative Priorities

Four bills — SB 200, SB 240, HB 2928, HB 4468 — would have enacted into law universal absentee voting modeled after the successful 2020 elections. Of these, only HB 4468 had been modified for timely implementation for 2022 elections. None of these bills was considered by their various committees, however.

With the 2021 Redistricting process just completed, legislation to amend the process of redistricting was relevant and timely. SB 253 passed but will not significantly alter the Legislature’s redistricting process. Otherwise, the Legislature chose not to consider any of the bills or resolutions introduced.

Call to Action on Legislative Priorities

The 2022 legislative session did not accomplish much to improve voting in West Virginia, but many bills that could have done great harm failed. One message gleaned from this experience is that success next year depends on advocacy that starts earlier and is more focused and strategic. Our current strategy, which concentrates advocacy within the window of time immediately preceding and during the 60-day legislative maelstrom, is unlikely to succeed.

¹ For anyone who missed it, our Legislative Forum on Democracy and Social Justice is available on YouTube at https://youtu.be/w_8M2MFsZCo

A proposal to establish a new team – tentatively, the League Legislative Action Workgroup (LLAW) – has been placed on the Council agenda for consideration. We welcome feedback and/or approval.

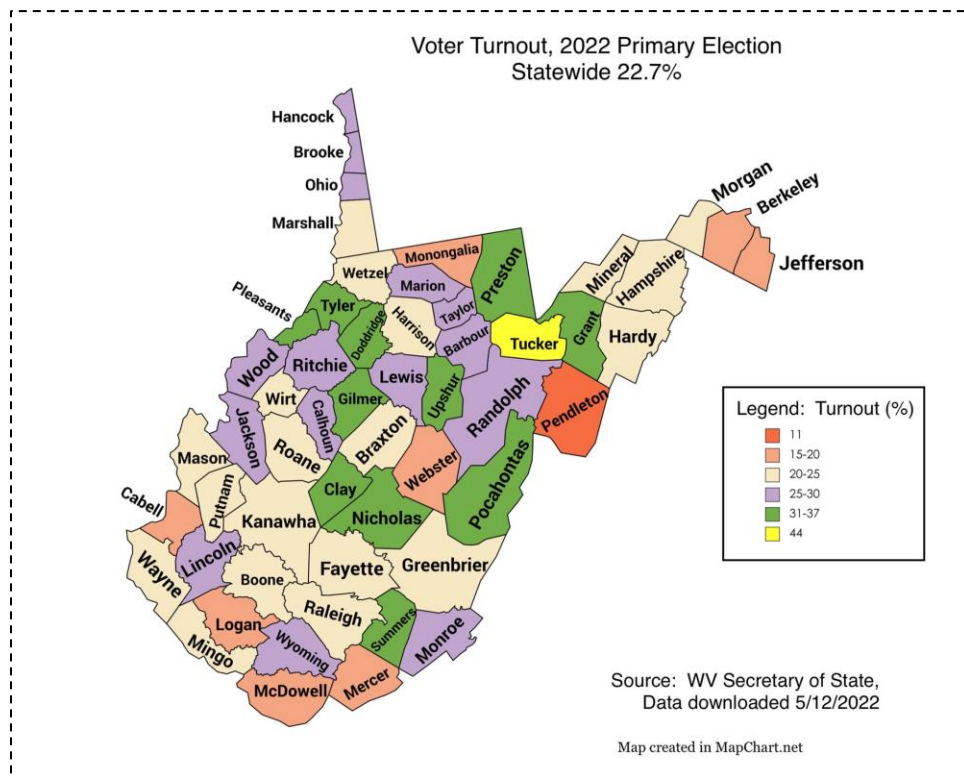
2022 Primary Election, May 10, 2022

Improving voter participation by reducing barriers is a key priority for LWVWV. In 2020, the Secretary of State removed most existing barriers in response to the pandemic. That natural experiment was apparently successful under extraordinary circumstances. Despite this, the barriers removed in 2020 remain in WV law, so they went back up for the 2022 Primary.

On May 11, 2022, the Secretary of State’s office reported a statewide voter turnout of 22.73%, based on 258,077 Ballots Cast from 1,135,647 Registered Voters.

Secretary of State Mac Warner characterized the turnout as typical: "We didn't have the best turnout ever, but it was average for an off-year election. I think we had about 25% turnout across the state, and interestingly that's about what you have in the off-year election."²

A closer examination of the 2022 turnout revealed the (sometimes surprising) variation across counties. Tucker County stood out with the highest turnout (44%). Pendleton County recorded the lowest turnout (11%). The bottom tier also included Berkeley, Mercer, Logan, Webster, Monongalia, McDowell, Cabell, and Jefferson Counties.



² WCHSTV.com, [W.Va. voter 22% turnout Tuesday average for midterm election, secretary of state says](#), May 11, 2022.

For context, we looked at statewide voter turnout from prior off-year elections.³ Turnout results from Presidential years were deemed to be unreliable comparators for off-years.

Election Year	Turnout in Primary	Turnout in General
2022	22.7%	?
2018	26.1%	47.9%
2014	20.0%	37.8%
2010	23.9%	44.0%

While turnout in the 2022 Primary may have been low, interest in this information appears to be high. To date (5/16/2022), more than 800 Facebook users have viewed the turnout map embedded above, with more than 50 likes, comments, and shares.

Finally, there is a caveat to keep in mind on the turnout results. All the turnout data reported so far represent preliminary, pre-canvass numbers. Until the official canvass is complete and election results are certified, the number of absentee and provisional ballots will not be known. The breakdown of Early vs. Election-Day ballots is not available either.

³ WV SOS, [Historical Voter Turnout](#), Accessed 5/14/2022.