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House, Senate differ on special election date

Some support a different timetable than acting gov.

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The Dominion Post

CHARLESTON — The House and Senate both expect to pass bills today authorizing a special primary and secondary gubernatorial election.

But they differ on the election



dates. The Senate bill, SB 261, sticks to acting Gov. Earl Ray Tomblin's proposed dates: June 20 and Oct. 4.

The House bill, HB 2853, moves both up by several weeks: To May 14 and Sept. 13.

"In offering the earlier dates for the election," House Speaker Rick Thompson said in a press

HOUSE, SENATE give Gen. Tackett standing ovation, take action on several bills. **Page 9-A**

conference, "we have taken to heart the Supreme Court's order that the election take place 'as soon as practicable,' as opposed to as late as possible."

He cited two other reasons for moving it up: County clerks told his office they'd prefer a May primary, and he thinks more voters will turn out on a May Saturday than on that June Monday — a state

holiday, West Virginia Day, when families will be on vacation.

Senate Finance passed its version Monday and will report it to the floor today. House Judiciary passed its version and will do the same. Both chamber leaders — Thompson and acting Senate President Jeff Kessler — expect to suspend their three-day reading rules and pass their versions of the bills today.

Unless the Senate adopts the House changes, the bills would

SEE **ELECTION**, 2-A

ELECTION

FROM PAGE 1-A

likely go to conference committee — either under some form of new joint rules likely coming out of the Senate today, or under the Jeffersonian rules used by Congress and in effect while the Legislature has no joint rules.

Thompson said members considered the cost savings of a convention to nominate candidates — about \$3.5 million based on the secretary of state's estimates — but decided people deserve the right to select their party nominees.

Delegates of both parties surrounded Thompson during the conference, and Minority Leader Tim Armstead said GOP members support the changes to the bill.

Secretary of State Natalie Tennant told House Judiciary members on Monday that the Legislature would need to pass a bill into law by Feb. 14 in order to give her office the 90 days it would need to prepare for a May 14 primary.

Thompson isn't worried. "Hopefully we'll get this issue resolved in the next couple of days." OPEB, firefighters' worker's compensation and Marcellus regulation are all hovering out there for action.

The early primary date may inconvenience some legislators running for governor, including Thompson, but he said that wasn't an issue. "This bill is not about anyone's intention to run for office." It's about complying with the Supreme Court's order.

So far, four candidates have filed to run for governor in the special election, according to the secretary of state's office: Tennant, Thompson, Tomblin, all

Democrats; and former Secretary of State Betty Ireland, a Republican.

Kessler offered mixed reviews of the House's action. He's encouraged that the delegates who favored party conventions abandoned that, but isn't clear why they changed the dates.

"I haven't really thought about it. I'll have to see what the rationale is," he said.

While the House Judiciary counsel said the Legislature has the right to change the governor's proclaimed general election date and have him issue another proclamation, Kessler isn't sure that's correct.

As far as the primary date, he said, he suggested June 20 to Tomblin, and thinks the turnout would be better that day. "I can't think of a better way to celebrate West Virginia than to celebrate your fundamental freedom of the right to vote.

"Now all we have to do is pass a bill," he added. "We'll see where the twain shall meet."

The Senate Finance Committee also approved SB 342, authorizing \$8 million to be channeled to the Governor's Contingency Fund to pay for the primary and general elections. The House version, HB 2952 is still in House Finance.

Other legislators comment on House date changes

Local Delegates Mike Manypenny, Mike Caputo, Linda Longstreth and Barbara Evans Fleischauer all sit on the Judiciary Committee and voted to pass the election bill with the revised dates.

Manypenny, D-Taylor, said he had no preference regarding a primary or convention, but his constituents

want a primary. "The sooner the better. I just want to get this water under the bridge and start with our new governor as soon as possible so we can take care of the business of the people."

Caputo, D-Marion and House majority whip, said, "I'm going to support this bill. I believe a caucus could work, but obviously that's not what the majority of my constituents want."

He was disappointed some folks in his home district were making calls Monday accusing him of "standing in the way of electing a governor." He called the accusations "half truths and downright lies," and wants to be on the record supporting the bill.

Longstreth, D-Marion, said she wanted to be sure that military and out-of-state voters had time to vote in the timeline set out by the bill. Since the secretary of state said the May 14 date is workable, "I'm fine with all that."

Fleischauer said the state is making do with an acting governor elected by the voters of only 3 1/2 counties. "I think it makes sense to have the election as soon as possible."

Senate Minority Leader Mike Hall, R-Putnam, said, "I don't think it's a major change." The June 20 date might have cost less, but "changing it doesn't matter a whole lot."

Senate Finance Chair Roman Prezioso, D-Marion, also isn't concerned with the date change. "Personally I don't have any problem as long as we have a primary election. ... I say accept it, get it to the secretary of state, get this thing moving and get it behind us.

We've got a lot of important work we need to do."