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# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



# ENROLLED

## House Bill No. 2387

(By Delegates Jenkins, Johnson,  
Leach, Hubbard and Underwood)



Passed March 14, 1998

In Effect Ninety Days from Passage

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**ENROLLED**

**H. B. 2387**

(BY DELEGATES JENKINS, JOHNSON,  
LEACH, HUBBARD AND UNDERWOOD)

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[Passed March 14, 1998; in effect ninety days from passage.]

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AN ACT to amend and reenact section two, article four-a, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to electronic voting systems and permitting the recording of ballots on a computer disc.

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

That section two, article four-a, 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 4A. ELECTRONIC VOTING SYSTEMS.**

**§3-4A-2. Definitions.**

1 As used in this article, unless otherwise specified:

2 (a) "Automatic tabulating equipment" means all  
3 apparatus necessary to electronically count votes recorded  
4 on ballots and tabulate the results;

5 (b) "Ballot" means a tabulating card or paper on which  
6 votes may be recorded by means of perforating or  
7 marking with electronically sensible ink or pencil;

8 (c) "Ballot labels" means the cards, papers, booklet,  
9 pages or other material showing the names of offices and

10 candidates and the statements of measures to be voted on,  
11 which are placed on the vote recording device used for  
12 recording votes by means of perforating;

13 (d) "Central counting center" means a facility  
14 equipped with suitable and necessary automatic tabulating  
15 equipment, selected by the county commission, for the  
16 electronic counting of votes recorded on ballots;

17 (e) "Electronic voting system" is a means of  
18 conducting an election whereby votes are recorded on  
19 ballots by means of an electronically sensible marking ink,  
20 by perforating or are recorded on equipment that registers  
21 votes on a computer disc, and votes are subsequently  
22 counted by automatic tabulating equipment at the central  
23 counting center;

24 (f) "Program deck" means the actual punch card deck  
25 or decks, or a computer program disk, diskette, tape or  
26 other programming media, containing the program for  
27 counting and tabulating the votes, including the  
28 "application program deck";

29 (g) "Application program deck" means the punch card  
30 deck or equivalent capacity in other program medias as  
31 provided, containing specific options used and necessary  
32 to modify the program of general application, to conduct  
33 and tabulate a specific election according to applicable  
34 law;

35 (h) "Standard validation test deck" means a group of  
36 ballots wherein all voting possibilities which can occur in  
37 an election are represented; and

38 (i) "Vote recording device" means equipment in which  
39 ballot labels and ballots are placed to allow a voter to  
40 record his or her vote by perforating.

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

*Randy Schooner*  
Chairman Senate Committee

*Nick Fantasia*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Carroll Adams*  
Clerk of the Senate

*Gary W. Gray*  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
President of the Senate

*How*  
Speaker of the House of Delegates

The within *approved* this the *27<sup>th</sup>*  
day of *March*, 1998.

*Jeff Dunderman*  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/98

Time 10:07am