

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1953



ENROLLED

HOUSE BILL No. 3

(By Mr. Robert E. Curtis)



PASSED February 18 1953

In Effect ninety days from Passage



Filed in the Office of the Secretary of State
of West Virginia

FEB 25 1953

D. PITT O'BRIEN,
SECRETARY OF STATE

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House Bill No. 3
(By MR. SEIBERT and MR. CURTIS)

[Passed February 19, 1953; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, two, three and six,
article six, chapter three of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, relating
to elections and to voting by absentee voters.

Be it enacted by the Legislature of West Virginia:

That sections one, two, three and six, article six, chapter
three of the code of West Virginia, one thousand nine hundred
thirty-one, as amended, be amended and reenacted to read as
follows:

Section 1. *Persons Who May Vote by Absent Voters'*
2 *Ballot.*—Any qualified elector of the state of West Vir-
3 ginia, having duly registered, who by reason of the nature
4 of his employment, business, or on account of other un-
5 avoidable causes, expects to be absent from the state on
6 the date of any primary, general or special election, or

7 who by reason of physical disability, illness or injury will
8 be unable to vote in person at the polls at such election
9 as otherwise required by law, may vote at any such elec-
10 tion as hereinafter provided. The provisions of this article
11 shall apply only to electors necessarily absent from the
12 state or from the polls on election day for the reasons
13 specified in this section.

Sec. 2. *Application for Absent Voter's Ballot.*—An elec-
2 tor, as designated in section one of this article, expecting
3 to be absent from the state or from the polls on the day
4 of any primary, general or special election, may, not more
5 than thirty nor less than ten days prior to the date of any
6 such election, make application to the clerk of the circuit
7 court of the county in which his voting precinct is situated
8 for an official absent voter's ballot or ballots to be voted
9 at such election: *Provided*, That for those voters who by
10 reason of physical disability, illness or injury will be un-
11 able to vote in person at the polls at such election as other-
12 wise required by law, the time for application to the
13 clerk of the circuit court shall be not more than thirty or
14 less than ten days prior to the date of any such election.

Sec. 3. *Blanks Furnished by Clerks Oath.*—Application

2 for an absent voter's ballot shall be made in person or
3 by mail, on a blank to be furnished by the clerk of the
4 circuit court of the county in which the applicant is a
5 qualified elector. Such blank shall, upon request, be sent
6 to the applicant by mail by such clerk, or delivered to such
7 applicant in person upon his appearance at the office of
8 such clerk. Application for an absent voter's ballot shall
9 be substantially in the following form, and shall be signed
10 and sworn to by the applicant, as hereinafter provided,
11 before some officer authorized by law to administer oaths,
12 and having an official seal. If the applicant appears in
13 person at the office of the clerk of the circuit court, such
14 clerk shall administer the necessary oath.

15 VERIFIED APPLICATION FOR ABSENT VOTER'S

16 BALLOT

17 State of.....,

18 County of....., to wit:

19 I,, solemnly swear (or affirm)

20 that I am now, or will have been, a resident of the State

21 of West Virginia for twelve months, and of the county

22 of _____, for sixty days, next preceding
23 the date of the ensuing election; that I am now a resident
24 of election precinct No. _____, in the magisterial
25 district of _____, in said county; that I am a
26 duly qualified elector entitled to vote in such election;
27 that I am registered in the precinct of my residence as
28 provided by law; that (as the case may be) I am _____
29 _____ (stating business,) and because of the
30 nature of my business or employment, or for the follow-
31 ing reasons _____ (relating unavoid-
32 able cause of absence), I expect to be absent from the
33 State of West Virginia on the date of such election, or
34 because of physical disability, illness or injury (here
35 state reason, whether physical disability, illness or in-
36 jury) I will be unable to vote in person at such elec-
37 tion, as evidenced below by the statement of a duly
38 licensed physician; and I hereby make application for
39 an official ballot (or ballots if more than one are to
40 be used) to be voted by me at such election; and
41 that I will return such ballot (or ballots) to the officer

42 issuing them not later than four days prior to the day
43 of such election.

44 (If application is made for a primary ballot, the appli-
45 cant shall also designate the party whose candidates he
46 ^{admits to} ~~excepts~~ to vote for:)

47 Signed.....

48 Home address of Applicant.....

49 P. O. Address to which ballot is to be sent.....

50 Subscribed and sworn to before me, as witness my hand

51 and seal this..... day of....., 19.....

52

53 (Official Title)

54 My commission expires

55 The following statement must be executed if the reason
56 stated above is physical disability of the voter:

57 STATEMENT OF PHYSICIAN

58 I,, a physician duly licensed
59 to practice in the State of....., do
60 hereby certify under penalty of false swearing, as pro-
61 vided in section two, article seven, chapter three of the
62 code of West Virginia, as amended, that I have examined

63 _____, the applicant whose signature
64 appears above, and that in my opinion, because of physi-
65 cal disability, illness or injury_____ (here state
66 reason, whether physical disability, illness or injury), he
67 will be unable to vote in person at such election.

68 Signed_____

69 If such absent voter is a person serving in any branch
70 of the armed forces of the United States he may take and
71 subscribe the oath to the above application before any
72 commissioned officer of any branch of the armed services
73 of the United States, under the same provisions and in
74 the same form as required in section twenty-four, article
75 two of this chapter.

Sec. 6. *Ballot Envelopes.*—The clerk of the circuit court
2 of the county shall enclose the ballot or ballots in an
3 envelope, unsealed, to be furnished by such clerk, which
4 envelope shall bear upon the face thereof the name, offi-
5 cial title and post office address of such clerk and upon
6 the other side a printed affidavit in substantially the fol-
7 lowing form:

8 State of.....,

9 County of....., to wit:

10 I,, solemnly swear (or

11 affirm) that I am a resident of precinct No.....of

12 the magisterial district of.....residing

13 at.....in the County of.....

14 and State of West Virginia, and am entitled to vote in

15 such precinct at the election to be held on.....,

16 19.....: that (as the case may be) I am.....

17 (stating business) and because of the nature of my em-

18 ployment, or for the following reasons.....

19 (relating unavoidable cause of absence), I expect to be

20 absent from the State of West Virginia on the date of

21 such election, or because of physical disability, illness

22 or injury....., (here state reason whether

23 physical disability, illness or injury), I will be unable

24 to vote in person at such election. I further swear (or

25 affirm) that I have personally marked the enclosed ballot

26 (or ballots) in secret, and have enclosed the same in this

27 envelope and sealed the same without exhibiting it to any
28 other person.

29 Signed_____

30 I, the undersigned authority, certify that, on this day,
31 the person whose name is signed to the foregoing affidavit
32 made oath (or affirmation) thereto in due form before
33 me. I further do certify that the affiant exhibited the
34 enclosed ballot (or ballots) to me unmarked; that he then
35 in my presence and in the presence of no other person,
36 but in such manner that I could not see how it was done,
37 marked such ballot (or ballots) and enclosed and sealed
38 the same in this envelope, that the affiant was not solicited
39 or advised by me to vote for or against any candidate or
40 measure.

41 Given under my hand and seal, this_____day

42 of_____, 19_____.

43

44

Signature of official.

45

46

(Official Title)

47 My Commission expires_____

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

H. M. Kinley
Chairman Senate Committee

C. H. Ambler
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Howard Meyer
Clerk of the Senate

J. A. Slipp
Clerk of the House of Delegates

Ralph J. Beane
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 25th

day of February, 1953.

William C. Macland
Governor

