WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1953

ENROLLED

HOUSE BILL No. 3

(By Mr. )

PASSED February 18, 1953

In Effect sixty days from Passage

FEB 25 1953
O. FITT O'BRIEN,
SECRETARY OF STATE
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' Ballot.—Any qualified elector of the state of West Virginia, having duly registered, who by reason of the nature of his employment, business, or on account of other unavoidable causes, expects to be absent from the state on the date of any primary, general or special election, or
who by reason of physical disability, illness or injury will be unable to vote in person at the polls at such election as otherwise required by law, may vote at any such election as hereinafter provided. The provisions of this article shall apply only to electors necessarily absent from the state or from the polls on election day for the reasons specified in this section.

Sec. 2. Application for Absent Voter's Ballot.—An elector, as designated in section one of this article, expecting to be absent from the state or from the polls on the day of any primary, general or special election, may, not more than thirty nor less than ten days prior to the date of any such election, make application to the clerk of the circuit court of the county in which his voting precinct is situated for an official absent voter's ballot or ballots to be voted at such election: Provided, That for those voters who by reason of physical disability, illness or injury will be unable to vote in person at the polls at such election as otherwise required by law, the time for application to the clerk of the circuit court shall be not more than thirty or less than ten days prior to the date of any such election.
Sec. 3. Blanks Furnished by Clerks Oath.—Application for an absent voter’s ballot shall be made in person or by mail, on a blank to be furnished by the clerk of the circuit court of the county in which the applicant is a qualified elector. Such blank shall, upon request, be sent to the applicant by mail by such clerk, or delivered to such applicant in person upon his appearance at the office of such clerk. Application for an absent voter’s ballot shall be substantially in the following form, and shall be signed and sworn to by the applicant, as hereinafter provided, before some officer authorized by law to administer oaths, and having an official seal. If the applicant appears in person at the office of the clerk of the circuit court, such clerk shall administer the necessary oath.

VERIFIED APPLICATION FOR ABSENT VOTER’S BALLOT

State of ________________________________,

County of ________________________________, to wit:

I, ______________________________________, solemnly swear (or affirm) that I am now, or will have been, a resident of the State of West Virginia for twelve months, and of the county
of ________________ , for sixty days, next preceding
the date of the ensuing election; that I am now a resident
of election precinct No. ________________ , in the magisterial
district of ________________ , in said county; that I am a
duly qualified elector entitled to vote in such election;
that I am registered in the precinct of my residence as
provided by law; that (as the case may be) I am ________________
(stating business,) and because of the
nature of my business or employment, or for the follow-
ing reasons ________________ (relating unavoidable-
able cause of absence), I expect to be absent from the
State of West Virginia on the date of such election, or
because of physical disability, illness or injury (here
state reason, whether physical disability, illness or in-
jury) I will be unable to vote in person at such elec-
tion, as evidenced below by the statement of a duly
licensed physician; and I hereby make application for
an official ballot (or ballots if more than one are to
be used) to be voted by me at such election; and
that I will return such ballot (or ballots) to the officer
issuing them not later than four days prior to the day
of such election.

(If application is made for a primary ballot, the appli-
cant shall also designate the party whose candidates he
excepts to vote for:)

Signed

Home address of Applicant

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

Subscribed and sworn to before me, as witness my hand
and seal this day of, 19

(Official Title)

My commission expires

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

STATEMENT OF PHYSICIAN

I, a physician duly licensed
to practice in the State of, do
hereby certify under penalty of false swearing, as pro-
vided in section two, article seven, chapter three of the
code of West Virginia, as amended, that I have examined
the applicant whose signature appears above, and that in my opinion, because of physical disability, illness or injury (here state reason, whether physical disability, illness or injury), he will be unable to vote in person at such election.

Signed

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

Sec. 6. Ballot Envelopes.—The clerk of the circuit court of the county shall enclose the ballot or ballots in an envelope, unsealed, to be furnished by such clerk, which envelope shall bear upon the face thereof the name, official title and post office address of such clerk and upon the other side a printed affidavit in substantially the following form:
State of ........................................,

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

I, .................................................., solemnly swear (or affirm) that I am a resident of precinct No. ............... of the magisterial district of ........................................ residing at ........................................ in the County of .................................

and State of West Virginia, and am entitled to vote in such precinct at the election to be held on .............., 19........: that (as the case may be) I am ................................ (stating business) and because of the nature of my em-
ployment, or for the following reasons ........................................ (relating unavoidable cause of absence), I expect to be absent from the State of West Virginia on the date of such election, or because of physical disability, illness or injury ............................ (here state reason whether physical disability, illness or injury), I will be unable to vote in person at such election. I further swear (or affirm) that I have personally marked the enclosed ballot (or ballots) in secret, and have enclosed the same in this
envelope and sealed the same without exhibiting it to any
other person.

Signed ____________________ 

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

Given under my hand and seal, this ____________ day
of ____________, 19___.

__________________________________

Signature of official.

__________________________________

(Official Title)

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

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect immediately from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 25th day of February, 1953.

Governor