WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED

HOUSE BILL No. 158

(By Mr. Booth, of Cabell)

PASSED Feb 24 1959

In Effect 90 days from Passage

Filed in Office of the Secretary of State of West Virginia MAR 5 1959
JOE F. BURDETT
SECRETARY OF STATE
AN ACT to amend and reenact sections two and five, article six, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to absentee voting.

Be it enacted by the Legislature of West Virginia:

That sections two and five, 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 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 pre-
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8 cinct is situated for an official absent voter's ballot or bal-
9 lots to be voted at such election: Provided, That for those
10 voters who by reason of physical disability, illness or
11 injury will be unable to vote in person at the polls at such
12 election as otherwise required by law, the time for appli-
13 cation to the clerk of the circuit court shall be not more
14 than thirty or less than ten days prior to the date of any
15 such election: Provided, further, That for those voters
16 who are beyond the continental limits of the United States,
17 the time for making application to the clerk of the circuit
18 court of the county in which his voting precinct is situated
19 shall be not more than forty-five days nor less than twenty
20 days prior to the date of any such election: Provided,
21 further, That the provisions of this section shall not apply
22 to absentee voting by members of the armed services.

Sec. 5. Mailing of Ballots.—The clerk of the circuit
2 court of the county in which an applicant is a qualified
3 elector, on the tenth day prior to the election at which the
4 absent voter's ballot is to be used, but not before said tenth
5 day, shall mail to all duly registered applicants who have
6 executed and filed their applications on or before said
tenth day, postage prepaid, to the address named in the
application, an official ballot or ballots (if more than one
are to be voted at such election), or the applicant may
obtain such ballot or ballots by applying personally at the
office of such clerk of the circuit court not more than ten
nor less than four days before such election. The clerk of
the circuit court, on each and every day after said tenth
day until and including the fourth day before the election
at which such absent voter's ballot is to be used, but not
after said fourth day, shall mail to each duly registered
applicant, on the day of the filing of the application an
official ballot or ballots in the manner that the ballots were
mailed on said tenth day. In computing the tenth and the
fourth day before the election day, the date of the election
shall be excluded. Before any ballot is mailed or deliver-
ed, the clerk shall affix his official seal and he and the
other members of the board of ballot commissioners shall
place their signatures near the lower left hand corner on
the back thereof: Provided, That the clerk of the circuit
court of the county in which an applicant is a qualified
elector shall mail said absent voter's ballot to all duly
registered applicants who are outside the continental limits of the United States on, but not before the thirtieth day and not after the fifteenth day prior to the election at which the absent voter's ballot is to be used: Provided,

further, That the provisions of this section shall not apply to absentee voting by members of the armed services.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker, House of Delegates

The within approved this the 5th day of March, 1959.

[Signature]
Governor