

# 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

**ENROLLED**  
**House Bill No. 158**  
(By MR. BOOTH, of Cabell)

[Passed February 24, 1959; in effect ninety days from passage.]

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  
2 elector, as designated in section one of this article, ex-  
3 pecting to be absent from the state or from the polls on  
4 the day of any primary, general or special election, may,  
5 not more than thirty nor less than ten days prior to the  
6 date of any such election, make application to the clerk  
7 of the circuit court of the county in which his voting pre-

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

7 tenth day, postage prepaid, to the address named in the  
8 application, an official ballot or ballots (if more than one  
9 are to be voted at such election), or the applicant may  
10 obtain such ballot or ballots by applying personally at the  
11 office of such clerk of the circuit court not more than ten  
12 nor less than four days before such election. The clerk of  
13 the circuit court, on each and every day after said tenth  
14 day until and including the fourth day before the election  
15 at which such absent voter's ballot is to be used, but not  
16 after said fourth day, shall mail to each duly registered  
17 applicant, on the day of the filing of the application an  
18 official ballot or ballots in the manner that the ballots were  
19 mailed on said tenth day. In computing the tenth and the  
20 fourth day before the election day, the date of the election  
21 shall be excluded. Before any ballot is mailed or deliver-  
22 ed, the clerk shall affix his official seal and he and the  
23 other members of the board of ballot commissioners shall  
24 place their signatures near the lower left hand corner on  
25 the back thereof: *Provided*, That the clerk of the circuit  
26 court of the county in which an applicant is a qualified  
27 elector shall mail said absent voter's ballot to all duly

28 registered applicants who are outside the continental  
29 limits of the United States on, but not before the thirtieth  
30 day and not after the fifteenth day prior to the election at  
31 which the absent voter's ballot is to be used: *Provided,*  
32 *further,* That the provisions of this section shall not apply  
33 to absentee voting by members of the armed services.

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

*W. M. Jasper Jr.*  
Chairman Senate Committee

*Eudora Andrews*  
Chairman House Committee

Originated in the House of Delegates

Takes effect *90 days from* passage.

*J. B. Smith*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Ralph Bean*  
President of the Senate

*H. R. Pauley*  
Speaker, House of Delegates

The within *approved* this the *5th*

day of *March*, 1959.

*W. H. Underwood*  
Governor

