

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961

## ENROLLED

SENATE BILL NO. 94

(By Mr. Hedrick)

PASSED February 27th, 1961

In Effect ninety days from Passage

Filed in Office of the Secretary of State  
of West Virginia March 8, 1961

JOE F. BURDETT

SECRETARY OF STATE

94

**ENROLLED**  
**Senate Bill No. 94**  
**(By MR. HEDRICK)**

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[Passed February 27, 1961; in effect ninety days from passage.]

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AN ACT to amend and reenact sections twenty-one, twenty-two and twenty-three, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the conducting of elections and particularly to the giving of assistance to blind voters.

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

That sections twenty-one, twenty-two and twenty-three, article five, 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 21. *Assistance to Voter Unable to Write.*—Any  
2 person whose registration record indicates his inability to

3 write may declare his choice of candidates to the poll  
4 clerks who, in the presence of the voter and in the pres-  
5 ence of each other, shall prepare the ballot for voting in  
6 the manner hereinbefore provided, and, on request, shall  
7 read over to such voter the names of candidates on the  
8 ballot as so prepared; or such voter may require the poll  
9 clerks to indicate to him the relative position of the names  
10 of the candidates on the ballot, whereupon the voter shall  
11 retire to one of the booths or compartments to prepare his  
12 ballot in the manner hereinbefore provided, or may re-  
13 quest the poll clerks to mark the ballot as he directs.

14 If the voter is unable to mark his ballot because of blind-  
15 ness and the voter presents a doctor's certificate as to such  
16 blindness, and if he shall so elect, said poll clerks shall  
17 both withdraw, and permit the voter to be assisted by  
18 any person designated by such voter.

*Sec. 22. Number of Persons in Booths; Time for Voting.*

2 —Not more than one person shall be permitted to occupy  
3 any booth or compartment at one time; and no person  
4 shall remain in or occupy a booth or compartment longer  
5 than may be necessary to prepare his ballot, and in no

6 event longer than five minutes. No voter, or person offer-  
7 ing to vote, shall hold any conversation or communication  
8 with any person other than the poll clerks or commission-  
9 ers of election, while in the election room. This section  
10 shall not apply to persons rendering assistance to blind  
11 voters as provided in section twenty-one of this article.

Sec. 23. *Number of Voters Allowed in Election Room;*  
2 *Persons Not Permitted Within Five Feet of Booth or Bal-*  
3 *lot Box.*—Not more than one voter for each compartment  
4 or booth at the precinct shall be allowed in the election  
5 room at one time, and no person shall approach nearer  
6 than five feet to any booth or compartment while the elec-  
7 tion is being held, except the voters to prepare their bal-  
8 lot, or the poll clerks when called on by a voter to assist  
9 in the preparation of his ballot, and no person, other than  
10 election officers and voters engaged in receiving, prepar-  
11 ing and depositing their ballots, shall be permitted to be  
12 within five feet of any ballot box, except by authority of  
13 the board of election commissioners, and then only for the  
14 purpose of keeping order and enforcing the law. This sec-  
15 tion shall not apply to persons rendering assistance to blind  
16 voters as provided in section twenty-one of this article.

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

James Davis, Jr.  
Chairman Senate Committee

Mrs. H. M. Withrow  
Chairman House Committee

Originated in the Senate.

Takes effect ninety days from passage.

Howard Rogers  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard Roberson  
President of the Senate

Julius W. Singleton Jr.  
Speaker House of Delegates

The within approved this the eight  
day of March, 1961.

W. M. Barron  
Governor

