WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 11

(By Mr. President, and Mr. Floyd)

PASSED March 7, 1969

In Effect

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-12-69
AN ACT to amend and reenact section five, article three, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to elections; marking of ballots; addresses where ballots are to be mailed; time; obtaining ballot; and voting in person.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3. VOTING BY ABSENTEES.

§3-3-5. Mailing of ballots; time; applicant may obtain ballot and vote in person.

1 Between the thirtieth day and the fourth day next prior to the election in which the absent voter's ballot
is to be used, the clerk of the circuit court of the county
in which an applicant is a qualified voter shall mail,
postage prepaid, to each duly registered applicant who
has executed and filed his application, to the address
shown therein, an official ballot or ballots (if more than
one are to be voted at such election), except that the
clerk shall not, after the fifteenth day next prior to such
election, mail any such ballot to an applicant whose
address is shown to be outside the continental limits
of the United States of America. All absentee ballots
mailed upon the basis of applications therefor made on
federal standard form number seventy-six, issued by
the federal government under authority of Public Law
No. 296, or any revision or replacement of such form,
whether designated in the same or a different manner,
shall be mailed by the clerk in envelopes embossed with
the words “Official Election Balloting Material Via Air
Mail,” printed in red, with the notation in the upper
right-hand corner, “Free of U. S. Postage Including Air
Mail.” The clerk shall, without delay, mail all such
absent voter ballots as soon after the thirtieth day next
prior to the election as he shall have in his office properly executed applications therefor.

The applicant may obtain the absent voter ballot or ballots by applying personally at the office of the clerk of the circuit court during regular business hours not more than fifteen days before such election and on any day thereafter up to and including the Saturday next preceding the date of the primary or general election or, in the case of special elections, up to and including the third day next preceding the day of any such special election, and shall at the time of applying personally vote such ballot or ballots in the clerk's office.

In computing the thirtieth, fifteenth, fourth and third day before the election day, the day of election shall be excluded. Before any ballot is mailed or delivered 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tonge
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Ryan
Clerk of the Senate

E.A. Blankenship
Clerk of the House of Delegates

Lloyd P. Jones
President of the Senate

Joe F. Brandley
Speaker House of Delegates

The within approved this the 17th day of March, 1969.

Arch A. Shaw, Jr.
Governor
PRESENTED TO THE
GOVERNOR

Date 3/12/69
Time 2:45 p.m.