

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969

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**ENROLLED**

SENATE BILL NO. 11

(By Mr. Jackson, Mr. President,  
and Mr. Floyd)

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PASSED March 7, ..... 1969

In Effect Ninety Days from Passage

FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE  
THIS DATE 3-17-69

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**ENROLLED**  
**Senate Bill No. 11**

(By MR. JACKSON, MR. PRESIDENT, and MR. FLOYD)

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[Passed March 7, 1969; in effect ninety days from passage.]

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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
- 2 prior to the election in which the absent voter's ballot

3 is to be used, the clerk of the circuit court of the county  
4 in which an applicant is a qualified voter shall mail,  
5 postage prepaid, to each duly registered applicant who  
6 has executed and filed his application, to the address  
7 shown therein, an official ballot or ballots (if more than  
8 one are to be voted at such election), except that the  
9 clerk shall not, after the fifteenth day next prior to such  
10 election, mail any such ballot to an applicant whose  
11 address is shown to be outside the continental limits  
12 of the United States of America. All absentee ballots  
13 mailed upon the basis of applications therefor made on  
14 federal standard form number seventy-six, issued by  
15 the federal government under authority of Public Law  
16 No. 296, or any revision or replacement of such form,  
17 whether designated in the same or a different manner,  
18 shall be mailed by the clerk in envelopes embossed with  
19 the words "Official Election Balloting Material Via Air  
20 Mail," printed in red, with the notation in the upper  
21 right-hand corner, "Free of U. S. Postage Including Air  
22 Mail." The clerk shall, without delay, mail all such  
23 absent voter ballots as soon after the thirtieth day next

24 prior to the election as he shall have in his office prop-  
25 erly executed applications therefor.

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

36 In computing the thirtieth, fifteenth, fourth and  
37 third day before the election day, the day of election  
38 shall be excluded. Before any ballot is mailed or delivered  
39 the clerk shall affix his official seal and he and the other  
40 members of the board of ballot commissioners shall place  
41 their signatures near the lower left-hand corner on the  
42 back thereof.

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

*William Toupin*  
Chairman Senate Committee

*Clayton C. Davidson*  
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

*Howard Meyer*  
Clerk of the Senate

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

*Lynd B. Jordan*  
President of the Senate

*Sam F. Brantley*  
Speaker House of Delegates

The within *approved* this the *17<sup>th</sup>*  
day of *March*, 1969.

*Arch A. Shouse, Jr.*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/12/69

Time 2:45 p.m.