

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1975



ENROLLED

SENATE BILL NO. 83

(By Mr. Benson.....)



PASSED April 8,..... 1975

In Effect ninety days from Passage  


**ENROLLED**  
**Senate Bill No. 83**  
(By MR. BENSON)

[Passed March 8, 1975; in effect ninety days from passage.]

AN ACT to amend article three, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section two-b, relating to establishment of a special absentee voting list for persons who are permanently physically disabled.

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

That article three, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section two-b, to read as follows:

**ARTICLE 3. VOTING BY ABSENTEES.**

**§3-3-2b. Special absentee voting list.**

1 Notwithstanding the provisions contained in section  
2 twenty-five, article two of this chapter, any person who is  
3 registered and otherwise qualified to vote and who is  
4 permanently and totally physically disabled and who is  
5 unable to vote in person at the polls in an election, may  
6 apply to the office of the circuit clerk to have such per-  
7 son's name placed upon a special absentee voting list.  
8 The special absentee voting list shall be kept by the  
9 circuit clerk in a bound book maintained for such pur-  
10 pose.

11 An application shall be prescribed by the secretary of  
12 state and shall be in substantially the following form:

13 APPLICATION TO BE PLACED UPON SPECIAL  
14 ABSENTEE VOTING LIST.

15 Date \_\_\_\_\_  
 16 I, \_\_\_\_\_, hereby declare that I am a permanent  
 17 resident of the State of West Virginia and of the County  
 18 of \_\_\_\_\_, with permanent address as follows:  
 19 \_\_\_\_\_,

20 Street City State  
 21 in the magisterial district of \_\_\_\_\_,  
 22 in said County; that I am registered in the precinct of  
 23 my residence as provided by law.

24 I declare further that I am permanently and totally  
 25 disabled physically and am unable to vote in person at the  
 26 polls in an election, and do hereby request that my name  
 27 be placed upon the special absentee voting list.

28 \_\_\_\_\_  
 29 Signature of Applicant  
 30 (or in case the applicant is illiterate  
 31 he shall make his mark and have it  
 32 witnessed on the following lines):

33 \_\_\_\_\_  
 34 Mark of Applicant

35 \_\_\_\_\_  
 36 Signature of Witness

37 STATEMENT OF PHYSICIAN

38 I, \_\_\_\_\_, hereby declare that I am  
 39 a physician, duly licensed to practice in the State  
 40 of \_\_\_\_\_; that I examined \_\_\_\_\_ the  
 41 applicant, whose signature appears upon the above appli-  
 42 cation on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; and  
 43 that in my opinion such person is permanently and totally  
 44 disabled physically and would be unable to vote in person  
 45 at the polls in an election.

46 \_\_\_\_\_  
 47 Signature of Physician

48 Upon receipt of such application, properly completed,  
 49 the circuit clerk shall enter the name of such person  
 50 upon the special absentee voting list and the appli-  
 51 cation shall be filed. The person's name shall remain  
 52 on such list (1) until such person requests in writing  
 53 that his name be removed, or (2) for a period cov-  
 54 ering two statewide and county general elections, or

55 (3) until the death of such person, if such death  
56 sooner occurs.

57 Each person whose name is contained on the special  
58 absentee voting list may make application for voting an  
59 absent voter's ballot by mail as provided in section five of  
60 this article, but such person shall not be required to  
61 produce a statement of a physician at the time of such  
62 application so long as such person's name remains on  
63 the special absentee voting list.

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

*James L. Davis*

Chairman Senate Committee

*Clarence C. Christian Jr.*

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*J. Dellinger*

Clerk of the Senate

*V. Blankenship*

Clerk of the House of Delegates

*W. B. Robertson*

President of the Senate

*Lewis H. McManus*

Speaker House of Delegates

The within *disapproved* this the *24th*  
day of *March*, 1975.

*Arthur A. Chandler*

Governor

PRESENTED TO THE  
GOVERNOR

Date 3/18/75

Time 4:55pm