WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED
SENATE BILL NO. 346

(By Mr. Palumbo)

PASSED April 9, 1981
In Effect ninety days from Passage
AN ACT to amend and reenact section nineteen, article four-a, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to conducting electronic voting system elections generally; duties of election officers; deposit of ballot in ballot box.

Be it enacted by the Legislature of West Virginia:

That section nineteen, article four-a, 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 4A. ELECTRONIC VOTING SYSTEMS.

§3-4A-19. Conducting electronic voting system elections generally; duties of election officers.

1 (1) The election officers shall constantly and diligently maintain a watch in order to see that no person votes more than once and to prevent any voter from occupying the voting booth for more than three minutes.

2 (2) In primary elections, before a voter is permitted to occupy the voting booth, the election officer representing the party to which the voter belongs shall direct the voter to the vote recording device which will allow the voter to vote only for the candidates who are seeking nomination on the ticket of the party with which the voter is affiliated.
(3) The election officers shall issue to each voter when he
signs the poll book a card or ticket numbered to correspond
to the number on the poll book of such voter, and in the case
of a primary election, indicating the party affiliation of such
voter, which numbered card or ticket shall be presented to
the election officer in charge of the vote recording device.

(4) One hour before the opening of the polls the precinct
election officers shall arrive at the polling place and set up the
voting booths so that they will be in clear view of the election
officers, open the vote recording devices, place them in the
voting booths, and examine them to see that they have the
correct ballots or ballot labels by comparing them with the
sample ballots, and are in proper working order. They shall
open and check the ballots, ballot cards, supplies, records and
forms, and post the sample ballots or ballot labels and
instructions to voters.

(5) Each voter shall be instructed how to operate the vote
recording device before he enters the voting booth.

(6) Any voter who shall spoil, deface or mutilate the ballot
or ballot card delivered to him, on returning the same to the
poll clerks, shall receive another in place thereof. Every
person who does not vote any ballot or ballot card delivered
to him shall, before leaving the election room return such
ballot or ballot card to the poll clerks. When a spoiled or
defaced ballot or ballot card is returned, the poll clerks shall
make a minute of the fact on the poll books, at the time, and
the word “spoiled” shall be written across the face of the
ballot or ballot card and it shall be placed in an envelope for
spoiled ballots or ballot cards.

Immediately on closing the polls, the election
commissioners shall ascertain the number of spoiled ballots
or ballot cards during the election and the number of ballots
or ballot cards remaining not voted. The election
commissioners shall also ascertain from the poll books the
number of persons who voted and shall report, over their
signatures, to the clerk of the county commission, the
number of ballots or ballot cards cast, the number of ballots
or ballot cards spoiled during the election and the number of
ballots or ballot cards unused. All unused ballots or ballot
cards shall at the same time be returned to the clerk of the
county commission, who shall immediately destroy them by
fire or otherwise.
Each commissioner who is a member of an election board which fails to account for every ballot or ballot card delivered to it shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars or confined in the county jail for not more than one year, or both.

The board of ballot commissioners of each county, or the chairman thereof, shall preserve the ballots or ballot cards that are left over in their hands, after supplying the precincts as provided, until the close of the polls on the day of election, and such ballots or ballot cards, shall then be destroyed by such board, or the chairman thereof, by fire or otherwise.

(7) Where ballot cards are used, the voter, after he has marked his ballot card, shall, before leaving the voting booth, place the ballot card inside the envelope provided for this purpose, with the stub extending outside said envelope, and return it to an election officer who shall remove the stub and deposit the envelope with the ballot card inside in the ballot box, or if manila sleeve envelopes are used, the ballot shall be deposited in the ballot box in such a way that the sleeve envelope remains outside the ballot box while the ballot slides into the ballot box. No ballot from which the stub has been detached shall be accepted by the officer in charge of the ballot box, but it shall be marked “spoiled” and placed with the spoiled ballots.

(8) The precinct election officers shall prepare a report in quadruplicate of the number of voters who have voted, as indicated by the poll books, and shall place two copies of this report in the ballot box, which thereupon shall be sealed with a paper seal signed by the election officers so that no additional ballots may be deposited or removed from the ballot box. Two election officers of different political parties shall forthwith deliver the ballot box to the counting center or other designated place and receive a signed numbered receipt therefor, and the time of their departure from the polling place shall be noted on the two remaining copies of the report, which shall be immediately mailed to the clerk of the county commission.

(9) The poll books, register of voters, unused ballots or ballot cards, spoiled ballots or ballot cards and other records and supplies shall be delivered to the clerk of the county commission.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ___________ this the __________ day of ______________, 1981.

Governor