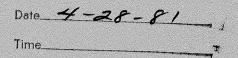
APPROVED AND SIGNED BY THE GOVERNOR

45:00



WEST VIRGINIA LEGISLATURE REGULAR SESSION, 1981

ENROLLED

SENATE BILL NO. 346

(By Mr.....

ASSED <u>april 9</u>, 1981 In Effect <u>minety days</u> from Passage PASSED

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) 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.

5 (2) In primary elections, before a voter is permitted to
6 occupy the voting booth, the election officer representing the
7 party to which the voter belongs shall direct the voter to the
8 vote recording device which will allow the voter to vote only
9 for the candidates who are seeking nomination on the ticket

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10 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.

17 (4) One hour before the opening of the polls the precinct 18 election officers shall arrive at the polling place and set up the 19 voting booths so that they will be in clear view of the election 20officers, open the vote recording devices, place them in the 21 voting booths, and examine them to see that they have the 22correct ballots or ballot labels by comparing them with the sample ballots, and are in proper working order. They shall 2324 open and check the ballots, ballot cards, supplies, records and forms, and post the sample ballots or ballot labels and 2526 instructions to voters.

27 (5) Each voter shall be instructed how to operate the vote28 recording device before he enters the voting booth.

29(6) Any voter who shall spoil, deface or mutilate the ballot 30 or ballot card delivered to him, on returning the same to the 31poll clerks, shall receive another in place thereof. Every 32person who does not vote any ballot or ballot card delivered 33 to him shall, before leaving the election room return such 34 ballot or ballot card to the poll clerks. When a spoiled or 35 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 36 37 the word "spoiled" shall be written across the face of the 38 ballot or ballot card and it shall be placed in an envelope for 39spoiled ballots or ballot cards.

40 Immediately on closing the polls, the election 41 commissioners shall ascertain the number of spoiled ballots or ballot cards during the election and the number of ballots 4243 or ballot cards remaining not voted. The election commissioners shall also ascertain from the poll books the 44 45 number of persons who voted and shall report, over their 46 signatures, to the clerk of the county commission, the number of ballots or ballot cards cast, the number of ballots 47 48 or ballot cards spoiled during the election and the number of 49 ballots or ballot cards unused. All unused ballots or ballot 50 cards shall at the same time be returned to the clerk of the county commission, who shall immediately destroy them by 51 52fire or otherwise.

53 Each commissioner who is a member of an election board 54 which fails to account for every ballot or ballot card delivered to it shall be guilty of a misdemeanor, and, upon conviction 55 56 thereof, shall be fined not more than one thousand dollars or 57 confined in the county jail for not more than one year, or both. 58 The board of ballot commissioners of each county, or the 59 chairman thereof, shall preserve the ballots or ballot cards 60 that are left over in their hands, after supplying the precincts 61 as provided, until the close of the polls on the day of election, and such ballots or ballot cards, shall then be destroyed by 62 63 such board, or the chairman thereof, by fire or otherwise.

64 (7) Where ballot cards are used, the voter, after he has 65 marked his ballot card, shall, before leaving the voting booth, 66 place the ballot card inside the envelope provided for this 67 purpose, with the stub extending outside said envelope, and 68 return it to an election officer who shall remove the stub and 69 deposit the envelope with the ballot card inside in the ballot 70 box, or if manila sleeve envelopes are used, the ballot shall be 71 deposited in the ballot box in such a way that the sleeve 72 envelope remains outside the ballot box while the ballot 73 slides into the ballot box. No ballot from which the stub has 74 been detached shall be accepted by the officer in charge of 75 the ballot box, but it shall be marked "spoiled" and placed 76 with the spoiled ballots.

77 (8) The precinct election officers shall prepare a report in 78 quadruplicate of the number of voters who have voted, as 79 indicated by the poll books, and shall place two copies of this report in the ballot box, which thereupon shall be sealed with 80 81 a paper seal signed by the election officers so that no 82 additional ballots may be deposited or removed from the 83 ballot box. Two election officers of different political parties 84 shall forthwith deliver the ballot box to the counting center or 85 other designated place and receive a signed numbered receipt 86 therefor, and the time of their departure from the polling 87 place shall be noted on the two remaining copies of the 88 report, which shall be immediately mailed to the clerk of the 89 county commission.

90 (9) The poll books, register of voters, unused ballots or
91 ballot cards, spoiled ballots or ballot cards and other records
92 and supplies shall be delivered to the clerk of the county
93 commission.

Enr. S. B. No. 346]

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

nairman Sengte Committee white Chairman House Committee

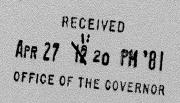
Originated in the Senate.

To take effect ninety days from passage.

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