

No. 1027

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OFFICE OF THE GOVERNOR

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984

— ● —

# ENROLLED

Com. Sub. for  
HOUSE BILL No. 1027

(By ~~the~~ Delegate McKinley )

— ● —

Passed February 29, 1984

In Effect From Passage



**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**

**H. B. 1027**

(By DELEGATE MCKINLEY)

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[Passed February 29, 1984; in effect from passage.]

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AN ACT to amend and reenact section thirty-seven, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to restrictions on presence and conduct at polls; additional time to vote for disabled persons.

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

That section thirty-seven, article one, 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 1. GENERAL PROVISIONS AND DEFINITIONS.**

**§3-1-37. Restrictions on presence and conduct at polls.**

1 No person, except the election officers and voters while  
2 going to the election room to vote and returning therefrom,  
3 shall be or remain within sixty feet of such room while the  
4 polls are open; but this section shall not apply to persons  
5 living or carrying on business within that distance of the  
6 election room, while in the discharge of their legitimate

7 business, or to persons whose business requires them to pass  
8 and repass within sixty feet of such room.

9 Not more than one voter for each compartment or booth at  
10 the precinct shall be allowed in the election room at one  
11 time, and no person shall approach nearer than five feet to  
12 any booth or compartment while the election is being held,  
13 except the voters to prepare their ballots, or the poll clerks  
14 when called on by a voter to assist in the preparation of  
15 his ballot, and no person, other than election officers and  
16 voters engaged in receiving, preparing, and depositing their  
17 ballots, shall be permitted to be within five feet of any  
18 ballot box, except by authority of the board of election  
19 commissioners, and then only for the purpose of keeping  
20 order and enforcing the law.

21 Not more than one person shall be permitted to occupy  
22 any booth or compartment at one time. No person shall  
23 remain in or occupy a booth or compartment longer than may  
24 be necessary to prepare his ballot, and in no event longer  
25 than five minutes, except that any person who claims a dis-  
26 ability pursuant to section thirty-four of this article shall  
27 have additional time up to ten additional minutes to prepare  
28 his ballot. No voter, or person offering to vote, shall hold any  
29 conversation or communication with any person other than the  
30 poll clerks or commissioners of election, while in the election  
31 room.

32 The provisions of this section shall not apply to persons  
33 rendering assistance to blind voters as provided in section  
34 thirty-four of this article.

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

*James L. Davis*  
Chairman Senate Committee

*Arnold Beall*  
Chairman House Committee

Originating in the House.

Takes effect from passage.

*Paul C. Hutto*  
Clerk of the Senate

*Donald L. Stopp*  
Clerk of the House of Delegates

*Warren R. McBrayer*  
President of the Senate

*W. M. Lee, Jr.*  
Speaker House of Delegates

The within *is approved* this the *7*  
day of *March*, 1984.

*John D. Dyer*  
Governor

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SECY. OF STATE