WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

ENROLLED
Committee Substitute
SENATE BILL NO. 630

(By Mr. [Signature])

PASSED April 13, 1985
In Effect 90 days from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 630

(MR. PALUMBO, original sponsor)

(Originating in the Committee on Government Organization.)

[Passed April 13, 1985; in effect ninety days from passage.]

AN ACT to amend and reenact sections five, twenty-one, twenty-three, twenty-four, twenty-five, twenty-seven, thirty-four, thirty-six and forty-three, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections twenty and forty-one, article two; sections three, four, five, six and eleven, article three; section twelve, twenty-one and twenty-two, article four; sections nine, eleven, twelve, thirteen, sixteen, twenty-two, twenty-three and thirty, article four-a, all of said chapter; to further amend said article four-a by adding thereto a new section designated section ten-a; to amend and reenact sections one, five, seven and nine, article five; sections two, six and nine, article six; sections five, five-a, seven and twelve, article eight, all of said chapter; and to further amend said article eight by adding thereto a new section, designated section five-f, all relating to elections; voting precincts, number of voters in precincts and exceptions relating thereto; precinct maps; preparation of paper ballots and time requirements relating thereto; notification of certain candidates of drawing by lot for ballot
position; duty of county commissions to arrange and equip polling places; minimum number of voting booths; delivery and receipt of election supplies and time requirements relating thereto; delivery of supplies by special messenger; receipt and return of municipal precinct registration records and time requirements relating thereto; procedures for voters to receive, prepare and deposit ballots at the polling place; disposition of spoiled ballots; voters qualified to receive assistance in voting; procedures for rendering assistance to such voters; persons qualified to render assistance to such voters; challenge of ballots cast with assistance; requiring affidavit of person rendering assistance to a voter and oaths to be contained therein; recordation of certain information relation to assisted voters; receipt and preservation of certain election materials by the clerks of the county commissions; penalties for false swearing; penalties for allowing an unqualified voter to receive unchallenged assistance in voting; report on and disposition of ballots spoiled or unused; preservation of unused ballots, penalties for failure to account for all ballots delivered; disposition of certain election papers; procedure for voter registration; procedure for registration and transfer of registration by mail; form required for registration by mail and distribution thereof; information to be provided and excluded from such form; requiring validation of registration by mail and certain exceptions thereto; application and procedures for voting an absent voter's ballot by personal appearance in the offices of the circuit clerks; voters qualified to vote an absent voter's ballot by personal appearance; duties of the clerks of the circuit court in conducting voting of absent voter's ballots by personal appearance; voters qualified to receive assistance in voting an absent voter's ballot by personal appearance; persons qualified to render assistance to such voters; challenge of absent voter's ballots cast with assistance; requiring affidavit of person rendering assistance to a voter voting an absent voter's ballot and oaths to be contained therein; recordation of certain information relating to assisted voters voting an absent voter's ballot; penalties for false swearing; penalties for assistance of a voter by unqualified person; penalties for allowing an unqualified voter to vote an absent voter's ballot; definitions of certain
terms; application and procedures for voting an absent voter's ballot by mail; voters qualified to vote an absent voter's ballot by mail; assistance to voters in voting an absent voter's ballot by mail; requiring affidavit of person rendering assistance to such a voter and oaths to be contained therein; definitions of certain terms; duties of circuit clerks in preparation of absent voter's ballots, handling of ballots received by mail and recordation of information relating thereto; delivering and receipt of election supplies in counties using voting machines and time requirements relating thereto; assistance in voting by voting machine; persons qualified to render assistance in voting by voting machine; affidavits required of such persons and oaths to be contained therein; prohibiting all persons from area about voting machines, certain exceptions thereto and penalties therefor; minimum requirements of electronic voting systems; requiring proportional distribution of voting devices at a primary election; preparation of ballot labels and certain supplies for electronic voting and time requirements relating thereto; ballot label arrangement in vote recording devices; requiring uniform numbering for candidates for certain offices; requiring drawing by lot to determine position of certain candidates on ballot labels; duties of the clerks of the circuit courts and clerks of the county commissions in the preparation of ballot labels; providing for inspection, maintenance, removal and certification of vote recording devices and ballot cards; delivery and receipt of election supplies used in electronic voting and time requirements relating thereto; assistance in voting by electronic voting device; persons qualified to render assistance in voting by electronic voting device; affidavits required of such persons and oaths to be contained therein; prohibiting all persons from area about voting devices, certain exceptions thereto and penalties therefor; voting precincts in counties using electronic voting systems and the maximum number of voters therein; time and place of holding primary elections and hours polls open; announcements of candidacy for county boards of education and time requirements relating thereto; announcements of candidacy for other offices and time requirements for filing thereof; certification and posting of candidacies by the secretary of state and time requirements relating thereto;
preparation and form of general election ballots and information contained thereon; ballot counting procedures; canvas of election returns; declaration and certification procedures for recount of ballots; and preservation and destruction of certain election papers; requiring accounts of financial transactions; filing of reports relating thereto with certain exceptions; time requirements for such filing; definitions of certain terms; information required in reports of financial transactions; prohibiting anonymous contributions and providing for distribution thereof; requiring written loan agreements and reporting thereof; penalties relating to filing reports of financial transactions; prohibiting certain activities related to campaigns and elections; prohibiting any person from soliciting campaign contributions unless such person reveals the compensation to be received if such contribution is successfully collected and penalties therefor.

Be it enacted by the Legislature of West Virginia:

That sections five, twenty-one, twenty-three, twenty-four, twenty-five, twenty-seven, thirty-four, thirty-six and forty-three, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that sections twenty and forty-one, article two; sections three, four, five, six and eleven, article three; sections twelve, twenty-one and twenty-two, article four; sections nine, eleven, twelve, thirteen, sixteen, twenty-two, twenty-three and thirty, article four-a, all of said chapter, be amended and reenacted; that said article four-a be further amended by adding thereto a new section, designated section ten-a; that sections one, five, seven and nine, article five; sections two, six and nine, article six; sections five, five-a, seven and twelve, article eight, all of said chapter, be amended and reenacted; and that said article eight be further amended by adding thereto a new section, designated section five-f, all to read as follows:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-5. Voting precincts and places established; number of voters in precincts; precinct map.

1 The precinct shall be the basic territorial election unit.
2 The county commission shall divide each magisterial
district of the county into election precincts, shall number
the precincts, shall determine and establish the boundaries
thereof, and shall designate one voting place in each
precinct, which place shall be established as nearly as
possible at the point most convenient for the voters of the
precinct. Each magisterial district shall contain at least one
voting precinct and each precinct shall have but one voting
place therein.

Each precinct within any urban center shall contain not
less than three hundred nor more than eight hundred
registered voters. Each precinct in a rural or less thickly
settled area shall contain not less than two hundred nor
more than seven hundred registered voters, unless upon a
written finding by the county commission that
establishment of or retention of a precinct of less than two
hundred voters would prevent undue hardship to the voters,
the secretary of state determines that such precinct be
exempt from the two hundred voter minimum limit. If, at
any time the number of registered voters shall exceed the
maximum number in either case herein specified, it shall be
the duty of the county commission to, and it shall, rearrange
the precincts within the political division so that the new
precincts formed therefrom, or from any part thereof, shall
each contain a number of registered votes within the limits
above provided. If such county commission fails to so act as
herein directed, any qualified voter of the county may apply
for a writ of mandamus to compel the performance of this
duty.

In order to facilitate the conduct of local and special
elections and the use of election registration records
therein, precinct boundaries shall be established to
coincide with the boundaries of any municipality of the
county and with the wards or other political subdivisions of
the municipality except in instances where found by the
county commission to be wholly impracticable so to do.

The provisions of this section shall be subject to the
provisions of section twenty-eight of article four of this
chapter relating to the number of voters in precincts in
which voting machines are used.

The county commission shall keep available at all times
during business hours in the courthouse at a place
convenient for public inspection a map or maps of the
county with the current boundaries of all precincts.

1 It shall be the duty of the board of ballot commissioners for each county to provide printed ballots for every election for public officers in which the voters or any of the voters within the county participate, and cause to be printed, on the appropriate ballot, the name of every candidate, but in no case shall the ballot contain any title, position, rank, degree, or such, including but not limited to, doctor, reverend, PhD., or the equivalent, whose name has been certified to or filed with the clerk of the circuit court of the county in any manner provided for in this chapter. In any case wherein the constitution or statutes limit or prescribe the number of candidates or elected officers to be selected by the voters in any district or other governmental subdivision, the ballot commissioners, in the preparation of such ballots, shall cause to be printed thereon, in plainly worded language, the number of candidates to be voted for in each district or other governmental subdivision.

2 The clerk of the circuit court shall appoint a time at which all candidates for the office of delegate to a political party national convention are to appear in his office for the purpose of drawing by lot to determine where their names will appear on the ballots. The clerk shall give due notice of such time to each such candidate by United States mail, directed to the address given by the candidate in his or her announcement of candidacy. At the time appointed, all such candidates for the office of delegate to a political party national convention shall assemble in the office of such clerk and such candidates shall then proceed to draw by lot to determine where their names shall appear on the ballots. The number so drawn by each such candidate shall determine where his or her name shall appear on the ballots. In the event any candidate or candidates fail to appear at the time appointed, the clerk shall draw for such absent candidate or candidates in the presence of those candidates assembled, if any, and the number so drawn by the clerk shall determine where the name of any absent candidate or candidates shall appear on the ballots.

3 The printing of the ballots, and all other printing caused to be done by the board of ballot commissioners, shall be contracted for with the lowest responsible bidder. Ballots other than those caused to be printed by the respective
boards of ballot commissioners, according to the provisions of this chapter, shall not be cast, received or counted in any election.

For each such election to be held in their county and at least forty-two days before the date of such election, the board of ballot commissioners shall cause to be printed official ballots to not more than one and one-fifth times the number of registered voters in the county. Provisions of article five of this chapter shall govern the printing of ballots for primary elections. The ballots so printed shall be wrapped and tied in packages, one for each precinct in their county, containing ballots to the number of one and one-twentieth times the number of registered voters in such precinct. Each package of ballots shall be sealed with wax, and plainly marked with the number of ballots therein, the name of the magisterial district, and the number of the voting place therein, to which it is intended to be sent. The names of the ballot commissioners shall also be endorsed thereon.

§3-1-23. County commission to arrange polling places and equipment; requirements.

1 The county commission in each county, before each election, shall secure, for each voting precinct in the county, a suitable room or building in which to hold the election, and shall cause the same to be suitably provided with heat, drinking water and light and a sufficient number of booths or compartments, each containing a table, counter or shelf, and furnished with proper supplies for preparing ballots, at or in which voters may conveniently prepare their ballots, so that in the preparation thereof they may be secure from the observation of others. The number of such booths or compartments shall not be less than two. Such room or building shall be located in such precinct: Provided, however, That at upon a determination of the county commission that a suitable room or building in which to hold the election is not reasonably available in such precinct then the county commission may secure a suitable room or building in which to hold the election for such precinct in an adjacent precinct in said county, in a location as near as may be to the territory of the precinct for which such room or building is provided. At any polling place for
which parking spaces are available nearby, at least one parking space shall be reserved for handicapped voters and clearly designated as such.

§3-1-24. Obtaining and delivering election supplies.

It shall be the duty of the board of ballot commissioners to appoint one or more of the commissioners of election at each precinct of the county to attend at the offices of the clerks of the circuit court and county commission, as the case may be, at least one day before each election to receive the ballots, ballot boxes, poll books, registration records and forms and all other supplies and materials for conducting the election at the respective precincts. The clerks shall take a receipt for the respective materials delivered to the above commissioner or commissioners of election, and shall file such receipt in their respective offices. It shall be the duty of such commissioners to receive such supplies and materials from the respective clerks and to deliver the same with the seal of all sealed packages unbroken, at the election precinct in time to open the election.

Such commissioner or commissioners, if they perform such services, shall receive the per diem and mileage rate prescribed by law for this service.

Ballots shall be delivered in sealed packages with seals unbroken. For general and special elections the ballots so delivered shall not be in excess of one and one-twentieth times the number of registered voters in the precinct. For primary elections the ballots for each party shall be in a separately sealed package containing not more than one and one-twentieth times the number of registered voters of such party in the election precinct.

For primary elections one copy of the poll books, including the forms for oaths of commissioners of election and poll clerks written or printed thereon, shall be supplied at each voting precinct for each political party appearing on the primary ballot.

There shall be two ballot boxes for each election precinct for which a receiving and a counting board of election commissioners have been appointed.

§3-1-25. Supplies by special messenger.

In case any commissioner of election so appointed shall
fail to appear at the offices of the clerks of such county and
circuit courts, by the close of the clerk's office on the day
prior to any election, as required by the preceding section,
the board of ballot commissioners, or the chairman thereof,
shall forthwith dispatch a special messenger to the
commissioners of election of each respective precinct with
the ballots, registration records, ballot boxes, poll books
and other supplies for such precinct. Such messenger, if not
a county employee, shall be allowed five dollars for this
service and, even if he be a county employee, twenty cents a
mile for the distance necessary to be traveled by him, and
shall promptly report to the clerks of the circuit court and
county commission, respectively, and file with such clerks
the receipts of the person to whom he delivered such ballots
and other supplies, and his affidavit, stating when and to
whom he delivered them.

§3-1-27. Municipal precinct registration records.

At least one day prior to every municipal election, it shall
be the duty of the appropriate officer designated by the
municipality to procure from the municipal precinct file in
the office of the clerk of the county commission the
registration records necessary for the conduct of such
election.

Such records shall, within ten days after the date of the
municipal election, be returned to the office of the clerk of
the county commission by the appropriate officer or officers
designated by the municipality.

In case of a contested municipal election, the registration
record of any challenged voter shall be made available by
the clerk of the county commission to the officer or tribunal
empowered to determine the contest. Such record shall be
returned to the office of the clerk of the county commission
within a reasonable time after the contest shall have been
finally decided.

The clerk of the county commission shall acknowledge
the release and return of the registration records under this
section by the issuance of appropriate receipts.

In the event any municipal registration record is lost,
destroyed, defaced, or worn in any way as to warrant
replacement, it shall be the duty of the clerk of the county
commission to prepare a duplicate of such record and it
§3-1-34. Voting procedures generally; assistance to voters; voting records; penalties.

Any person offering to vote in an election shall, upon entering the election room, clearly state his name and residence to one of the poll clerks who shall thereupon announce the same in a clear and distinct tone of voice. If such person is found to be duly registered as a voter at that precinct, he shall be required to sign his name in the space marked "signature of voter" on the pollbook prescribed and provided for the precinct. If such person be physically or otherwise unable to sign his name, his mark shall be affixed by one of the poll clerks in the presence of the other and the name of the poll clerk affixing the voter's mark shall be indicated immediately under such affixation. No ballot shall be given to such person until he so signs his name on the pollbook or his signature is so affixed thereon.

The county clerk shall be authorized, upon verification that the precinct at which such person is registered is not handicap accessible, to transfer such person's registration to the nearest polling place in the county in which is handicap accessible. Requests by such persons for a transfer of registration shall be received by the county clerk no later than thirty days prior to the date of the election.

When the voter's signature is properly on the pollbook, the two poll clerks shall sign their names in the places indicated on the back of the official ballot and shall deliver the ballot to the voter to be voted by him then without leaving the election room. If he returns the ballot spoiled to the clerks, they shall immediately mark such ballot "spoiled" and the same shall be preserved and placed in a spoiled ballot envelope together with other spoiled ballots to be delivered to the board of canvassers and deliver to the voter another official ballot, signed by the clerks on the reverse side as before done. The voter shall thereupon retire alone to the booth or compartment prepared within the election room for voting purposes and there prepare his ballot, using a ballpoint pen not less than five inches in length or other indelible marking device of not less than five inches in length. In voting for candidates in general and
special elections, the voter shall comply with the rules and
procedures prescribed in section five, article six of this
chapter.

It shall be the duty of a poll clerk, in the presence of the
other poll clerk, to indicate by a check mark inserted in the
appropriate place on the registration record of each voter
the fact that such voter voted in the election. In primary
elections the clerk shall also insert thereon a distinguishing
initial or initials of the political party for whose candidates
the voter voted. If a person is challenged at the polls, such
fact shall be indicated by the poll clerks on the registration
record together with the name of the challenger. The
subsequent removal of the challenge shall be recorded on
the registration record by the clerk of the county
commission.

No voter shall receive any assistance in voting unless, by
reason of blindness, disability, advanced age or inability to
read and write, that voter is unable to vote without
assistance.

Any voter qualified to receive assistance in voting under
the provisions of this section may: (1) Declare his or her
choice of candidates to an election commissioner of each
political party who, in the presence of the voter and in the
presence of each other, shall prepare the ballot for voting in
the manner hereinbefore provided, and, on request, shall
read over to such voter the names of candidates on the ballot
as so prepared; or (2) require the election commissioners to
indicate to him or her the relative position of the names of
the candidates on the ballot, whereupon the voter shall
retire to one of the booths or compartments to prepare his
ballot in the manner hereinbefore provided; or (3) be
assisted by any person of the voter's choice: Provided, That
such assistance may not be given by the voter's present or
former employer or agent of that employer or by the officer
or agent of a labor union of which the voter is a past or
present member.

Any voter who requests assistance in voting but who is
believed not to be qualified for such assistance under the
provisions of this section shall nevertheless be permitted to
vote a challenged ballot with the assistance of any person
herein authorized to render assistance.

Any one or more of the election commissioners or poll
clerks in the precinct may challenge such ballot on the ground that the voter thereof received assistance in voting it when in his or their opinion that the person who received assistance in voting is not so illiterate, blind, disabled or of such advanced age as to have been unable to vote without assistance. The election commissioner or poll clerk or commissioners or poll clerks making such challenge shall enter the challenge and reason therefor on the form and in the manner prescribed or authorized by article three of this chapter.

An election commissioner or other person who assists a voter in voting (1) shall not in any manner request, or seek to persuade, or induce the voter to vote any particular ticket or for any particular candidate or for or against any public question, and shall not keep or make any memorandum or entry of anything occurring within the voting booth or compartment, and shall not, directly or indirectly, reveal to any person the name of any candidate voted for by the voter, or which ticket he had voted, or how he had voted on any public question, or anything occurring within the voting booth or compartment or voting machine booth, except when required pursuant to law to give testimony as to such matter in a judicial proceeding; (2) shall sign a written oath or affirmation before assisting such voter on a form prescribed by the secretary of state stating that he or she will not override the actual preference of the voter being assisted, attempt to influence the voter’s choice or mislead the voter into voting for someone other than the candidate of voter’s choice. Such person assisting the voter shall also swear or affirm that he or she believes that the voter is voting free of intimidation or manipulation.

In accordance with instructions issued by the secretary of state, the clerk of the county commission shall provide a form entitled “List of Assisted Voters,” the form of which list shall likewise be prescribed by the secretary of state. The commissioners shall enter the name of each voter receiving assistance in voting the ballot, together with the poll slip number of that voter and the signature of the person or the commissioner from each party who assisted the voter. If no voter shall have been assisted in voting the ballot as herein provided, the commissioners shall likewise make and subscribe to an oath of that fact on such list.
122 After preparing the ballot the voter shall fold the same so
123 that the face shall not be exposed and so that the names of
124 the poll clerks thereon shall be seen. The voter shall then
125 announce his name and present his ballot to one of the
126 commissioners who shall hand the same to another
127 commissioner, of a different political party, who shall
128 deposit it in the ballot box, if such ballot is the official one
129 and properly signed. The commissioner of election may
130 inspect every ballot before it is deposited in the ballot box,
131 to ascertain whether it is single, but without unfolding or
132 unrolling it, so as to disclose its content. When the voter has
133 voted, he shall retire immediately from the election room,
134 and beyond the sixty-foot limit thereof, and shall not
135 return, except by permission of the commissioners.
136 Following the election, the affidavits required by this
137 section from those assisting voters together with the "List
138 of Assisted Voters," shall be returned by the election
139 commissioners to the clerk of the county commission along
140 with the election supplies, records and returns, who shall
141 make such oaths and list available for public inspection and
142 who shall preserve the same for a period of twenty-two
143 months or until disposition is authorized or directed by the
144 secretary of state, or court of record.
145 Any person making an affidavit required under the
146 provisions of this section who shall therein knowingly
147 swear falsely, or any person who shall counsel, or advise,
148 aid or abet another in the commission of false swearing
149 under this section, shall be guilty of a misdemeanor, and,
150 upon conviction thereof, shall be fined not more than one
151 thousand dollars, or imprisoned in the county jail for a
152 period of not more than one year, or both.
153 Any election commissioner or poll clerk who authorizes
154 or provides unchallenged assistance to a voter when such
155 voter is known to such election commissioner or poll clerk
156 not to require assistance in voting shall be guilty of a felony,
157 and, upon conviction thereof, shall be fined not more than
158 five thousand dollars, or imprisoned in the penitentiary for
159 a period of not less than one year nor more than five years,
160 or both fined and imprisoned.

§3-1-36. Report on and disposition of ballots spoiled or not
used.

1 Any voter who shall spoil, deface or mutilate the ballot
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 delivered to him shall, before leaving the election room, return such ballot to the poll clerks. When a spoiled or defaced ballot is returned, the poll clerks shall make a minute of the fact on the pollbooks, at the time, and the word "spoiled" shall be written across the face of the ballot and such ballot shall be placed in an envelope for spoiled ballots.

Immediately on closing the polls, the commissioners of election shall ascertain the number of ballots spoiled during the election and the number of ballots remaining not voted. The commissioners of election shall also ascertain from the pollbooks the number of persons who voted and shall report, over their signatures, to the clerk of the county commission, the number of votes cast, the number of ballots spoiled during the election and the number of ballots not voted. All unused ballots shall at the same time be returned to the clerk of the county commission, who shall separately package the unused ballots from each precinct, mark the name and number of the precinct on the package and retain them securely along with other election materials.

Each commissioner who is a member of an election board which fails to account for every ballot delivered to it is 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 fined and imprisoned.

The board of ballot commissioners of each county, or the chairman thereof, shall preserve the ballots that are left over in their hands, after supplying the precincts as provided, until twenty-two months after the election.

§3-1-43. Disposition of miscellaneous election papers.

At the expiration of twenty-two months after any election, the affidavits taken and returned by any registrar or any election officer, applications for absent voters' ballots, rejected absent voters' ballots, certificates of nominations of candidates, and the written designations of election officers and of ballot commissioners shall be destroyed. If the further preservation of any of the documents mentioned in this section shall be required by
the order of the court, the same shall be destroyed at the expiration of the time fixed for the further preservation thereof by such order.

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-20. Completing registration forms; registration receipts.

Each applicant for voter registration shall fill in and complete only one registration form, except in those cases where a separate record for municipal elections is required, in which cases those registrants who are required to be listed in separate municipal record lists shall fill in and complete two forms. The signature of the applicant on all forms shall be written in ink. Upon the completion of the registration of any person and the presentation of valid identification and proof of age, the registration official shall issue to such person a signed and dated receipt of such registration. The form for such receipt shall be prescribed by the secretary of state.

§3-2-41. Registration and transfer of registration by mail; form to be required and distribution thereof; receipt by county clerk thirty days prior to election before applicant entitled to vote therein; clerk to forward application if applicant outside jurisdiction, but resident of state; application forms to be made widely available by county clerk; form of application and information required.

(a) In addition to any procedures which may be used in effecting the biennial checkup as provided under section twenty-one of this article, central registration and transfer as provided under sections twenty-two and twenty-seven of this article, and the provision with respect to registration of absentee voters under section twenty-three of this article, any qualified person may register or transfer his registration by mail.

(b) Completed applications, when received by any county clerk not later than the forty-two days and by the appropriate county clerk not later than thirty days before the following primary, general or special election, entitle the applicant to vote in such election if he is otherwise qualified. Any county clerk receiving an application from a
person who does not reside in his county but who does reside elsewhere in the state shall forthwith forward such application to the proper county clerk. Each county clerk shall make an entry on such application of the date it is received by such clerk, and the application shall remain on file in the office of the clerk for at least two years from the date it was received.

(c) Applications for use pursuant to this section shall be made available by the county clerk to every adult person of the county, not registered, and to any registered voter of the county upon request. The application for use pursuant to this section shall be a uniform statewide application in a form to be prescribed by the secretary of state and shall include the information required under the form provisions of section nineteen of this article. The form, which shall be self-addressed, is to be as widely and freely distributed as possible and shall be a bifold self-mailer which shall be compatible with local systems of voter registration data collection and storage.

(d) In addition to the information required under the form provisions of section nineteen of this article, the form shall contain such other information as the secretary of state may reasonably require and shall also include the following information:

(1) Notice that those currently registered do not need to reregister unless they have moved or failed to vote at least once during a period covering two statewide primary and two general elections as indicated by their registration records;

(2) Instructions on how to fill out and submit the form and that the form must be received by the appropriate county clerk at least thirty days prior to the election at which the applicant may vote;

(3) Notice that registration or transfer is not complete until the form is received by the appropriate county clerk;

(4) Notice of a voter's right to register centrally;

(5) A warning to the voter that it is a crime to procure a false registration and notice of the felony offenses provided for in section forty-two of this article;

(6) Notice that political party enrollment is optional but, in order to vote in a primary election of a political party, a voter must enroll in that political party;
(7) Notice that the applicant must be a citizen of the United States, at least seventeen years old and will be eighteen years old on or before the next general election, and a resident of the county to which application is made;

(8) Notice that a voter notification form will be mailed to those applicants whose complete form is received;

(9) A space for the applicant to indicate whether or not he has ever been registered before and, if so, his name and address at the time of prior registration;

(10) A space for the applicant to indicate his choice of party, if any, in which space the names of all parties are provided so that the applicant can check one with a clear alternative provided for an applicant to decline to affiliate with any party;

(11) A space for the applicant to indicate his social security number; and

(12) A place for the applicant to execute the application on a line which is clearly labeled “signature of applicant” and contained in the following specific form of oath or affirmation:

"I do solemnly swear or affirm that the information provided in the preceding uniform statewide application is true to the best of my knowledge, information and belief, and I understand that if I willingly provide false information concerning a material matter or thing therein, I shall be deemed guilty of the felony offense of perjury and shall be subject to the penalties for perjury.

...................................................
Signature of applicant
Subscribed and sworn (or affirmed) to before me, this .................. day of ............... , 19 .... .
which oath or affirmation shall be administered by a person authorized to perform notarial acts under the provisions of article one or one-a, chapter thirty-nine of this code. The person administering the oath or affirmation shall not charge a fee for such act, and the uniform statewide application shall inform the person administering such oath or affirmation that no fee is to be charged.

(e) Any person who has registered or reregistered pursuant to this section shall be required to make his first vote in person at the poll or appear in person at the office of
the clerk of the circuit court to vote an absentee ballot during a period covering two statewide primary elections and two general elections in order to make such registration valid: Provided, That any person who has registered or reregistered pursuant to this section and who has qualified for placement on the special absentee voting list pursuant to section two-b, article three of this chapter, or who has qualified to vote an absent voter's ballot by mail pursuant to paragraph one, two, three or six of the application for voting an absent voter's ballot by mail provided in section five, article three of this chapter, shall not be required to make his first vote in person but shall be required to vote during a period covering two statewide primary elections and two general elections next following his registration in order to make such registration valid.

Any such person required by this section to make his first vote in person but shall be required to vote present valid identification and proof of age to the clerks at the poll or the clerk in the office of the circuit clerk of the county in which he is registered before casting his first ballot.

(f) The uniform statewide application prescribed by this section may refer to various public officials by title or official position (e.g., clerk of the county commission, secretary of state), but in no case may the actual name of the officeholder be printed or otherwise appear on such form: Provided, That nothing contained in this subsection shall prohibit a public official, otherwise qualified, from administering the oath or affirmation in accordance with the provisions of subdivision (12), subsection (d) of this section, and affixing his signature thereto.

(g) It shall be the duty of the secretary of state to create and commence distribution of the forms for the uniform statewide application within six months following the effective date of this section.

ARTICLE 3. VOTING BY ABSENTEES.

§3-3-3. Voting absent voter's ballot by personal appearance.

A person desiring to vote an absent voter's ballot by personal appearance may appeal during regular business hours at the office of the clerk of the circuit court of the
county in which he is registered to vote not more than fifteen days before the election and on any day thereafter up to and including the Saturday next preceding the date of the primary or general election or, in the case of special elections, up to and including the third day next preceding the day of any such special election (in computing such third day, the day of conducting the special election shall be excluded), and upon oral request receive an application for an official absent voter's ballot or ballots to be voted at such election, which application shall be prescribed by the secretary of state and shall be in substantially the following form:

APPLICATION FOR VOTING AN ABSENT VOTER'S BALLOT BY PERSONAL APPEARANCE

KNOWING THAT I CAN BE FINED NOT MORE THAN ONE THOUSAND DOLLARS OR IMPRISONED IN THE COUNTY JAIL FOR A PERIOD OF NOT MORE THAN ONE YEAR OR BOTH SUCH FINE AND IMPRISONMENT FOR KNOWINGLY MAKING A FALSE STATEMENT OR REPRESENTATION HEREBIN,

I, ...................... , hereby declare that I am now, or will have been a resident of the State of West Virginia for twelve months, and of the county of .................. for sixty days, next preceding the date the ensuing election to be held on the .............................., 19......; that I now reside at ...................................., in the magisterial district of ........................ , in said county; that I am a duly qualified voter entitled to vote in such election; that I am registered in the precinct of my residence as provided by law; that I am registered as a ........................................; (state political party if ballot is for primary election) and that (strike out numbered paragraphs not applicable and complete the numbered paragraph which is applicable):

(1) I expect to be absent from the aforementioned county in which I am registered to vote during the entire time the polls are open in such election, and I am (check one applicable):

☐ A member of the armed forces in the active service.
☐ A spouse or dependent of a member of the armed forces in the active service.
☐ A member of the merchant marine of the United States.
☐ A spouse or dependent of a member of the merchant marine of the United States.
☐ A citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia.
☐ A spouse or dependent residing with or accompanying a citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia.

(2) I am required to be absent from the aforementioned county in which I am registered during the entire time the polls are open in such election for the reason or reasons hereafter stated, and I am not in any of the categories referred to in paragraph (1) above: .................... .

(here state specific reason or reasons for required absence)

(3) I anticipate commitment to a hospital, institution or other confinement on or about the .................... day of ................................ , 19 .... , for the following medical reasons ........................................ , as evidenced below by the statement of a duly licensed physician or chiropractor, and by reason thereof will not be able to vote in person at the polls in such election.

(4) I have been appointed .......................................................... (specify whether an election commissioner or poll clerk) in precinct No. . . . . in said election, which precinct is not the precinct in which I am registered to vote.

(5) My regular polling place is precinct No. . . . . is inaccessible to me because of the following disability or disabilities ........................................ .

In consideration of the foregoing qualifications, I hereby make application for an official absent voter's ballot (or ballots if more than one are to be used) to be voted by me at such election.

I hereby declare, under the penalties for false swearing as provided in section three, article nine, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, that the statements and declarations
contained in this application are true and correct to the best
of my knowledge and belief.

Signature of Applicant
(or in case the applicant is illiterate he
shall make his mark and have it witnessed
on the following lines):

Mark of Applicant

Signature of Witness

If the person applying for an absent voter's ballot by
personal appearance be unable to sign his application
because of illiteracy, he shall make his mark on the
signature line above provided for an illiterate applicant
which mark shall be witnessed.
The following declaration must be completed and signed
if the reason specified in the above application for being
unable to vote in person at such election is anticipated
commitment to a hospital, institution or other confinement
for medical reasons.

DECLARATION OF PHYSICIAN (CHIROPRACTOR)

I, ................................... , hereby declare
that I am a physician (chiropractor), duly licensed to
practice in the State of ..................... ; that I last
examined .............. , the applicant whose signature
appears on the application above on the ............... .
day of ............................... , 19 .... ; and that
in my opinion said applicant will, because of

(state medical reasons)

be committed to .................................... ,
(state hospital, institution
or other confinement)
on or about the .......... day of ............ , 19 .... ,
and will because of such reasons not be able to go to the
polls on the .......... day of ............ , 19 .... ,
the date of the election.

Signature of Physician (Chiropractor)
The application shall be completed by the applicant in his
own handwriting, or in the handwriting of the witness to his
mark in the event of illiteracy, in the office of the clerk of the circuit court, in no event shall the applicant remove an application for voting an absent voter’s ballot by personal appearance from said office except when such is necessary to have a physician or chiropractor to complete and sign the declaration of a physician or chiropractor when such is required.

Immediately upon receipt of a completed application for voting an absent voter’s ballot by personal appearance, the clerk of the circuit court shall determine (1) whether such application has been completed as required by law; (2) whether he has evidence that any of the statements or declarations contained in the application are not true; (3) whether the applicant is in fact duly registered in the precinct of his residence as provided by law and insofar as registration is concerned would be permitted to vote at the polls in such election. If the determination of the clerk of the circuit court as to (1) or (3) is in the negative or as to (2) is in the affirmative, the clerk shall, if the applicant insists, permit the applicant to vote an absent voter’s ballot by personal appearance, but the clerk shall challenge the absent voter’s ballot on the basis of such determination.

Upon determination by the clerk of the circuit court that the applicant is entitled to vote an absent voter’s ballot by personal appearance or in case the applicant determines to vote an absent voter’s ballot challenged by the clerk of the circuit court as provided in the immediately preceding paragraph, the clerk of the circuit court shall hand to him the following absentee voting supplies:

(a) One official absent voter’s ballot (or ballots if more than one are to be used) which has been prepared in accordance with law for use in such election; such ballot in the case of a primary election shall be of the party of applicant’s affiliation as indicated on his registration record or in case the applicant is not found to be registered by the clerk but insists upon voting a challenged ballot, the ballot shall be of the party designated by the applicant in his application.

(b) One Absent Voter’s Ballot Envelope No. 1, unsealed, which shall have no writing thereon except the designation “Absent Voter’s Ballot Envelope No. 1.”

(c) One Absent Voter’s Ballot Envelope No. 2, unsealed.
The voter shall thereupon retire alone to the booth or compartment provided in said clerk's office for voting absent voters' ballots and there mark his ballot: Provided, that the voter may have assistance in voting his absent voter's ballot in accordance with the provisions of the next succeeding section of this article. After the voter has voted his absent voter's ballot, he shall (1) enclose the same in Absent Voter's Ballot Envelope No. 1, and seal that envelope; (2) enclose sealed Absent Voter's Ballot Envelope No. 1 in Absent Voter's Ballot Envelope No. 2 and seal that envelope; (3) complete and sign the forms, if any, on Absent Voter's Ballot Envelope No. 2 according to the instructions thereon, and (4) transmit possession of sealed Absent Voter's Ballot Envelope No. 2 to the clerk of the circuit court.

Upon receipt of such sealed envelope, the clerk shall (1) enter onto the envelope such information as may be required of him according to the instructions thereon; (2) enter his challenge, if any, to the absent voter's ballot; (3) enter the required information into a record of persons making an application for and voting an absent voter's ballot by personal appearance or by mail (the form of which record and the information to be entered therein shall be prescribed by the secretary of state); and (4) place such sealed envelope in a secure location in his office, there to remain until delivered to the polling place in accordance with the provisions of this article or in case of a challenged ballot to the county court sitting as a board of canvassers.

§3-3-4. Assistance to voter in voting an absent voter's ballot by personal appearance.

Any duly registered voter, who requires assistance to vote by reason of blindness, disability, advanced age, or inability to read and write, may be given assistance by a person of the voter's choice: Provided, That such assistance may not be given by the voter's present or former employer or agent of that employer or by the officer or agent of a labor union of which the voter is a part or present member.

Any voter who requests assistance in voting an absent voter's ballot but who is determined by the clerk of the circuit court not to be qualified for such assistance under the provisions of this section and section thirty-four, article
one, shall nevertheless be permitted to vote a challenged
absent voter's ballot with the assistance of any person
herein authorized to render assistance. The clerk of the
circuit court shall in such case challenge the absent voter's
ballot on the basis of such determination.

Any one or more of the election commissioners or poll
clerks in the precinct to which an absent voter's ballot has
been sent may challenge such ballot on the ground that the
voter thereof received assistance in voting it when in his or
their opinion (1) of the person who received the assistance in
voting the absent voter's ballot did not require such
assistance, or (2) the person who provided the assistance in
voting did not make an affidavit as required by this section.
The election commissioner or poll clerk or commissioners or
poll clerks making such challenge shall enter the challenge
and reason therefor on the form and in the manner
prescribed or authorized by this article.

Before entering the voting booth or compartment, the
person who intends to provide a voter assistance in voting
shall make an affidavit, the form of which shall be
prescribed by the secretary of state, that he or she will not in
any manner request, or seek to persuade, or induce the voter
to vote any particular ticket or for any particular candidate
or for or against any public question, and that he or she will
not keep or make any memorandum or entry of anything
occurring within the voting booth or compartment, and that
he or she will not, directly or indirectly, reveal to any person
the name of any candidate voted for by the voter, or which
ticket he had voted, or how he had voted on any public
question, or anything occurring within the voting booth or
compartment or voting machine booth, except when
required pursuant to law to give testimony as to such matter
in a judicial proceeding.

In accordance with instructions issued by the secretary of
state, the clerk of the circuit court shall provide a form
entitled "List of Assisted Voters," the form of which list
shall likewise be prescribed by the secretary of state, which
list shall be divided into two parts. Part A shall be entitled
"Unchallenged Assisted Voters" and Part B shall be
entitled "Challenged Assisted Voters." Under Part A the
clerk shall enter the name of each voter receiving
unchallenged assistance in voting an absent voter's ballot,
the address of the voter assisted, the nature of the disability which qualified the voter for assistance in voting an absent voter's ballot, the name of the person providing the voter with assistance in voting an absent voter's ballot, the fact that the person rendering the assistance in voting made and subscribed to the oath required by this section, and the signature of the clerk of the circuit court certifying to the fact that he had determined that the voter who received assistance in voting an absent voter's ballot was qualified to receive such assistance under the provisions of this section.

Under Part B the clerk shall enter the name of each voter receiving challenged assistance in voting, the address of the voter receiving such challenged assistance, the reason for the challenge, and the name of the person providing the challenged voter with assistance in voting. At the close of the period provided for voting an absent voter's ballot by personal appearance, the clerk of the circuit court shall make and subscribe to an oath on such list that the list is correct in all particulars; if no voter shall have been assisted in voting an absent voter's ballot as herein provided, the clerk of the circuit court shall likewise make and subscribe to an oath of that fact on such list. The "List of Assisted Voters" shall be available for public inspection in the office of the clerk of the circuit court during regular business hours throughout the period provided for voting an absent voter's ballot by personal appearance, and unless otherwise directed by the secretary of state, the clerk of the circuit court shall transmit such list, together with the affidavits, applications and absent voters' ballots to the precincts on election day.

Following the election, the affidavits required by this section from persons providing assistance in voting, together with the "List of Assisted Voters," shall be returned by the election commissioners to the clerk of the county court along with the election supplies, records and returns, who shall make such oaths and list available for public inspection and who shall preserve the same for twenty-two months or, if under order of the court, until their destruction or other disposition is authorized or directed by the court.

Any person making an affidavit required under the provisions of this section who shall therein knowingly
swear falsely, or any person who shall counsel, or advise, aid or abet another in the commission of false swearing under this section, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars or imprisoned in the county jail for a period of not more than one year, or both such fine and imprisonment.

Any person who provides a voter assistance in voting an absent voter's ballot in the office of the clerk of the circuit court who is not qualified or permitted by this section to provide such assistance shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars or imprisoned in the county jail for a period of not more than one year, or both such fine and imprisonment.

Any clerk of the circuit court, election commissioner or poll clerk who authorizes or allows a voter to receive or to have received unchallenged assistance in voting an absent voter's ballot when such voter is known to the clerk of the circuit court or election commissioner or poll clerk not to be or have been authorized by the provisions of this section to receive or to have received assistance in voting shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars or imprisoned in the county jail for a period of not more than one year, or both such fine and imprisonment.

The term "physical disability" as used in this section shall mean only blindness or such degree of blindness as will prevent the voter from seeing the names on the ballot, or amputation of both hands, or such disability of both hands that neither can be used to make cross marks on the absent voter's ballot.

§3-3-5. Voting an absent voter's ballot by mail.

A person desiring to vote an absent voter's ballot by mail may, not earlier than the first day of January prior to the date of any primary, general or special election in the case of any person outside the continental limits of the United States and not more than eighty-four days prior to the date of any primary, general or special election in the case of any other person, make application by mail to the clerk of the circuit court of the county in which he is registered to vote.
for an official absent voter's ballot or ballots to be voted at
such election, except that the clerk of the circuit court shall
not honor any such application for an absent voter's ballot
received by him after the fourth day next preceding the date
of the election. In computing such fourth day, the day of
conducting the election shall be excluded. The application
to be used by persons who wish to vote an absent voter's
ballot by mail shall be prescribed by the secretary of state
and shall be in substantially the following form:

APPLICATION FOR VOTING AN ABSENT
VOTER'S BALLOT BY MAIL

KNOWING THAT I CAN BE FINED NOT MORE THAN
ONE THOUSAND DOLLARS OR IMPRISONED IN THE
COUNTRY JAIL FOR A PERIOD OF NOT MORE THAN
ONE YEAR OR BOTH SUCH FINE AND
IMPRISONMENT FOR KNOWINGLY MAKING A
FALSE STATEMENT OR REPRESENTATION HEREIN,
I, ........................................, hereby declare that I am
now, or will have been a resident of the state of West
Virginia for twelve months, and of the county of ........,
for sixty days, next preceding the date of the ensuing
election to be held on the ........................................
day of ............................... , 19.... ; that I now reside at
.....................................................
(give full address)
in the magisterial district of .........................., in
said county; that I am a duly qualified voter entitled to vote
in such election; that I am registered in the precinct of my
residence as provided by law; that I am registered as a
............................... ; (state political party if
ballot is for primary election) and that (strike out the
numbered paragraphs not applicable and complete the
numbered paragraph which is applicable):

(1) I will be unable to vote in person at the polls on
election day because of ........................................,
(state particulars of physical disability, illness or injury) as
evidenced below by the statement of a duly licensed
physician or chiropractor.

(2) I anticipate commitment to a hospital, institution or
other confinement on or about the ............... day of
............................... , 19...., for the following
medical reasons ........................................, as evidenced
(3) I expect to be absent from the aforementioned county in which I am registered to vote during the entire time the polls are open in such election, and I am (check one applicable):
- [ ] A member of the armed forces in the active service.
- [ ] A spouse or dependent of a member of the armed forces in active service.
- [ ] A member of the merchant marine of the United States.
- [ ] A spouse or dependent of a member of the merchant marine of the United States.
- [ ] A citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia.
- [ ] A spouse or dependent residing with or accompanying a citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia.

(4) I am required to be absent from the aforementioned county in which I am registered during the entire time the polls are open in such election the reason or reasons hereafter stated; I am not in any of the categories referred to in paragraph three above; I am required to be absent from said county during regular business hours of the clerk of the circuit court of said county throughout the period or throughout the remainder of the period of voting absent voter's ballot by personal appearance at said office 

(state reason or reasons for required absence from county on election.)

(5) I have been appointed ................. (state whether an election commissioner or poll clerk) in precinct No. ................. in said election, which precinct is not the precinct in which I am registered to vote.

(6) I will be incarcerated in the county or city jail or other detention facility located in this county on election
day but am not under sentence of treason, bribery or a felony, as evidenced below by the statement of the county sheriff, chief of police, or authorized deputy.

In consideration of the foregoing qualifications, I hereby make application for an official absent voter's ballot (or ballots if more than one are to be used) to be voted by me at such election, and request that such ballot or ballots be mailed to me at the following address:

(give full address for mailing purposes)

(Complete the following paragraph only if assistance will be needed in voting absent voter's ballot):

I further declare that I will need assistance in voting an absent voter's ballot for the following reasons

(specify illiteracy or exact nature of physical disability, illness or injury)

I hereby declare under the penalties for false swearing as provided in section three, article nine, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, that the statements and declarations contained in this application are true and correct to the best of my knowledge and belief.

Signature of Applicant

(or in case the applicant is illiterate he shall make his mark and have it witnessed on the following lines):

Mark of Applicant

Signature of Witness

If the person applying for an absent voter's ballot by mail be unable to sign his application because of illiteracy, he shall make his mark on the signature line above provided for an illiterate applicant which mark shall be witnessed.

The following declaration must be completed and signed if the reason specified in the above application for being unable to vote in person at such election is physical disability, illness or injury, or is anticipated confinement in a hospital, institution or other place for medical reasons.
STATEMENT OF PHYSICIAN (CHIROPRACTOR)

I, ................................... , hereby declare
that I am a physician (chiropractor) duly licensed to
practice in the state of ........................................ ;
that I last examined ........................................ ,
the applicant whose signature appears on the application
above on the .......... day of ................ , 19.....;
and that in my opinion (strike out numbered paragraph not
applicable and complete the numbered paragraph which is
applicable).

(1) The applicant will, because of ................
(state particulars of physical disability,
illness or injury)
be unable to go to the polls on the ................. ., 19....., the date of the election.

(2) The applicant will, because of ................
(state for what
medical reasons) (specify hospital,
institution or other place)
day of ................. ., 19....., and will because of such
reasons not be able to go to the polls on the ................. ., 19....., the date of the election.

(Complete the following paragraph if applicant for
absent voter's ballot will need assistance in voting such
ballot, based upon physical disability, illness or injury.)
I am of the further opinion that applicant ...........
(will)
............... , because of the aforementioned physical
(will not)
disability, illness or injury need assistance in voting an
absent voter's ballot.

Signature of Physician (Chiropractor)
The following declaration must be completed and signed
if the reason specified in the above application for being
unable to vote in person at the election is incarceration in a
facility within the county for other than conviction of
treason, bribery or a felony.
STATEMENT OF SHERIFF, CHIEF OF POLICE
OR AUTHORIZED DEPUTY

I, .................................., hereby declare that the
applicant whose signature appears on the application
above will be confined in the county or city jail or other
detention facility on the ..............................
day of ...................., 19......, the date of the election,
and is not under conviction of treason, bribery or a felony.

SIGNATURE

TITLE

COUNTY

In lieu of the application for an absent voter’s ballot
provided above, those persons specified in subdivision (2) of
section one of this article may use the application for
absentee ballot form recommended by and issued under
authority of The Federal Voting Assistance Act of 1955, as
amended, and any such federal postcard application does
not have to be executed pursuant to oath or attestation in
the case of a voter outside the continental limits of the
United States. Upon receipt of a properly completed copy of
such form, the clerk of the circuit court shall process it the
same as he would any other application for an absent voter’s
ballot by mail. Any such properly completed copy may be
returned only to the clerk of the circuit court of the county
in which the applicant is a registered voter.

Immediately upon receipt of a completed application for
voting an absent voter’s ballot by mail, the clerk of the
circuit court shall determine (1) whether the application for
voting such ballot has been completed as required by law;
(2) whether he has evidence that any of the statements
contained in the application are not true; and (3) whether
the applicant is in fact duly registered in the precinct of his
residence as provided by law and insofar as registration is
concerned would be permitted to vote at the polls in such
election. If the determination of the clerk of the circuit court
as to (1) or (3) is in the negative or as to (2) is in the
affirmative, the clerk shall notify the applicant at the time
he mails the absent voter’s ballot to him that he will
challenge the applicant’s privilege to vote an absent voter’s
ballot by mail for reasons which he shall indicate and, upon
receipt of the applicant’s absent voter’s ballot, the clerk
shall challenge such ballot.

Upon determination by the clerk of the circuit court that
the applicant is entitled to vote an absent voter’s ballot by
mail or that the applicant will be permitted to vote an
absent voter’s ballot by mail with such ballot to be
challenged by the clerk, the clerk shall between the forty-
second day and the fourth day next prior to the election in
which the absent voter’s ballot is to be used mail to the
applicant the following absentee voting supplies: Provided,
That the clerk mail such voting supplies to an applicant
whose address is shown to be outside the continental limits
of the United States by priority airmail on the same day the
application is received in the clerk’s office or on the next
day thereafter that he has both an application and a ballot:

(a) One official absent voter’s ballot (or ballots if more
than one are to be used) which has been prepared in
accordance with law for use in such election; such ballot in
the case of a primary election shall be of the party of the
applicant’s affiliation as indicated on his registration card
or, in the case the applicant is not found to be registered by
the clerk but votes a ballot challenged by the clerk, the clerk
shall send to the applicant an absent voter’s ballot of the
party designated by the applicant in his application;

(b) One Absent Voter’s Ballot Envelope No. 1, unsealed,
which shall have no writing thereon except the designation
“Absent Voter’s Ballot Envelope No. 1”;

(c) One Absent Voter’s Ballot Envelope No. 2, unsealed;

(d) Notice that an absent voter’s ballot returned from
outside the continental limits of the United States must be
mailed priority airmail; and

(e) Notice that absent voters’ ballots must be received in
the office of the clerk not later than the time of closing of the
polls.

Upon receipt of an absent voter’s ballot by mail, the voter
shall mark the ballot and the voter may have assistance in
voting his absent voter’s ballot in accordance with the
provisions of section six of this article.

After the voter has voted his absent voter’s ballot, he shall
(1) enclose the same in Absent Voter’s Ballot Envelope No.
1, and seal that envelope, (2) enclose sealed Absent Voter’s
Ballot Envelope No. 1 in Absent Voter's Ballot Envelope No. 2 and seal that envelope, (3) complete and sign the forms, if any, on Absent Voter's Ballot Envelope No. 2 according to the instructions thereon, and (4) mail, postage prepaid and, if from outside the continental limits of the United States, by priority airmail, the sealed Absent Voter's Ballot Envelope No. 2 to the clerk of the circuit court of the county in which he is registered to vote.

Upon receipt of such sealed envelope, the clerk shall (1) enter onto the envelope such information as may be required of him according to the instructions thereon; (2) enter his challenge, if any, to the absent voter's ballot; (3) enter the required information into a record of persons making application for and voting an absent voter's ballot by personal appearance or by mail (the form of which record and the information to be entered therein shall be prescribed by the secretary of state); and (4) place such sealed envelope in a secure location in his office, there to remain until delivered to the polling place in accordance with the provisions of this article or, in case of a challenged ballot, to the county commission sitting as a body of canvassers.

§3-3-6. Assistance to voter in voting an absent voter's ballot by mail.

No voter shall receive any assistance in voting an absent voter's ballot by mail unless he or she shall make a declaration at the time he or she makes application for an absent voter's ballot that because of blindness, disability, advanced age or inability to read or write he or she requires assistance in voting an absent voter's ballot.

Upon receipt of an absent voter's ballot by mail, the voter who requires assistance in voting such ballot and who has indicated he or she requires such assistance and the reasons therefor on the application may select any eligible person to assist him or her in voting.

The person providing assistance in voting an absent voter's ballot by mail shall make an affidavit on a form as may be prescribed by the secretary of state, that he will not in any manner request, or seek to persuade, or induce the voter to vote any particular ticket or for any particular candidate or for or against any public question, and that he...
will not keep or make any memorandum or entry of anything occurring within the voting booth or compartment, and that he will not, directly or indirectly, reveal to any person the name of any candidate voted for by the voter, or which ticket he had voted, or how he had voted on any public question, or anything occurring within the voting booth or compartment or voting machine booth, except when required pursuant to law to give testimony as to such matter in a judicial proceeding.

The term “assistance in voting” as used in this section shall mean assistance in physically marking the official absent voter’s ballot for a voter, or reading or directing the voter’s attention to any part of the official absent voter’s ballot.

§3-3-11. Preparation, number and handling of absent voters’ ballots.

Absent voters’ ballots shall be in all respects like other ballots. Not less than seventy days prior to the date on which any primary, general or special election is to be held, the clerks of the circuit courts of the several counties shall estimate and determine the number of absent voters’ ballots of all kinds which will be required in their respective counties for any such election. The ballots for the election of all officers, or the ratification, acceptance or rejection of any measure, proposition or other public question to be voted on by the voters, shall be prepared and printed under the direction of the board of ballot commissioners constituted as provided in article one of this chapter. The several county boards of ballot commissioners shall prepare and have printed, in such number as they shall determine, such absent voters’ ballots as are to be printed under their directions as hereinbefore provided, and such ballots shall be delivered to the clerk of the circuit court of the county not less than forty-two days prior to the day of the election at which they are to be used. Before any ballot is mailed or delivered, the clerk of the circuit court shall affix his official seal and he and the other members of the board of ballot commissioners shall place their signatures near the lower left-hand corner on the back thereof. An absent voter’s ballot not containing such seal and signatures shall
be invalid and shall be subject to challenge by any election commissioner or poll clerk.

The clerk of the circuit court shall be primarily responsible for the preparation, mailing, receiving, delivering and otherwise handling of all absent voters' ballots. He shall keep such record, as may be prescribed by the secretary of state, of all ballots so delivered for the purpose of absentee voting, as well as all ballots, if any, marked before him, and shall deliver to the commissioner of election to whom the ballots for the precinct are delivered and at the time of the delivery of such ballots a certificate stating the number of ballots delivered or mailed to absent voters, and those marked before him, if any, and the names of the voters to whom such ballots have been delivered or mailed, or by whom they have been marked, if marked before him.

ARTICLE 4. VOTING MACHINES.

§3-4-12. Inspection of machines; duties of county court, ballot commissioners and election commissioners; keys and records relating to machines.

When the clerk of the county commission has completed the preparation of the voting machines, as provided in the next preceding section, and not later than seven days before the day of the election, he shall notify the members of the county court and the ballot commissioners that the machines are ready for use. Thereupon the members of the county court and the ballot commissioners shall convene at the office of the clerk, or at such other place wherein the voting machines are stored, not later than five days before the day of the election, and shall examine the machines to determine whether the requirements of this article have been met. Any candidate, and one representative of each political party having candidates to be voted on at the election, may be present during such examination. If the machines are found to be in proper order, the members of the county commission and the ballot commissioners shall endorse their approval in the book in which the clerk entered the numbers of the machines opposite the numbers of the precincts. The clerk shall then deliver the keys to the voting machines to the ballot commissioners who shall give
a receipt for the keys, which receipt shall contain identification of such keys. Not later than one day before the election the election commissioner of each precinct who shall have been previously designated by the ballot commissioners, shall attend at the office of the clerks of the circuit court and county commission of such county to receive the key or keys to the device covering the registering counters and such other keys as may be necessary for the operation of the machine in registering votes, and to receive the other necessary election records, books, and supplies required by law. Such election commissioners shall receive the per diem mileage rate prescribed by law for this service. Such election commissioners shall give the ballot commissioners a receipt for such keys, records, books and supplies, and such receipt shall contain identification of such keys. The master key and all other keys shall remain in the possession of the clerk of the county court.

The term "assistance in voting," as used in this section, means assistance in physically marking the official ballot for a voter, or reading or directing the voter's attention to any part of the official ballot, or physically operating the voting machine.

§3-4-21. Assistance to illiterate and disabled voters.

(a) Any duly registered voter, who requires assistance to vote by reason of blindness, disability, advanced age, or inability to read and write, may be given assistance by one of the following means:

(1) By a person of the voter's choice: Provided, That such assistance may not be given by the voter's present or former employer or agent of that employer or by the officer or agent of a labor union of which the voter is a part or present member; or

(2) If no person of the voter's choice be present at the polling place, the voter may request such assistance from the poll clerks or ballot commissioners present at the polling place, whereupon such assistance may be given by any two of such election officers of opposite political party affiliation to whom such voter shall thereupon declare his choice of candidates and his or her position on public questions appearing on the ballot labels. Such election officers, in the presence of the voter and in the presence of the voter's choice, or in the presence of the poll clerks or ballot commissioners, may give assistance of the kind described in this subsection.
each other, shall thereupon cause such voter's declared choices to be registered by the voting machine as votes.

(b) A person other than an election officer who assists a voter in voting under the provisions of this section shall sign a written oath or affirmation before assisting such voter, stating that he or she will not override the actual preference of the voter being assisted or mislead the voter into voting for someone other than the candidate of the voter's choice. Such person assisting the voter shall also swear or affirm that he or she believes that the voter is voting free of intimidation or manipulation.

§3-4-22. Persons prohibited about voting machines; penalties.

Excepting the election officials acting under authority of sections eighteen, nineteen, twenty and twenty-one of this article in the conduct of the election, and qualified persons assisting voters pursuant to the provisions of section twenty-one of this article no person other than the voter alone may be in, about or within five feet of the voting machine during the time such voter is in the process of voting at any election, and, during such time, no person may communicate in any manner with the voter and the voter may not communicate with any other person or persons. Any conduct or action of an election official about or around the voting machine while the voter is in the process of voting, in excess of the authority vested in such official by provisions of this article, shall constitute a violation of the provisions hereof. Any person violating any provision or provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not exceeding one thousand dollars or be sentenced to imprisonment in the county jail for a period not exceeding twelve months, or, in the discretion of the court, shall be subject to both such fine and imprisonment.

ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.

§3-4A-9. Minimum requirements of electronic voting systems.

An electronic voting system of particular make and design shall not be approved by the state election commission or be purchased, leased or used, by any county commission unless it shall fulfill the following requirements:
(1) It shall secure or ensure the voter absolute secrecy in the act of voting, or, at the voter's election, shall provide for open voting;
(2) It shall be so constructed that no person except in instances of open voting, as herein provided for, can see or know for whom any voter has voted or is voting;
(3) It shall permit each voter to vote at any election for all persons and offices for whom and which he is lawfully entitled to vote, whether or not the name of any such person appears on a ballot label as a candidate; and it shall permit each voter to vote for as many persons for an office as he is lawfully entitled to vote for; and to vote for or against any question upon which he is lawfully entitled to vote. The automatic tabulating equipment used in such electronic voting systems shall reject choices recorded on any ballot card or paper ballot if the number of such choices exceeds the number to which a voter is entitled;
(4) It shall permit each voter to deposit, write in, or affix upon devices to be provided for that purpose, ballots containing the names of persons for whom he desires to vote whose names do not appear upon the ballot labels;
(5) It shall permit each voter to change his vote for any candidate and upon any question appearing upon the ballot labels up to the time when his ballot or ballot card is deposited in the ballot box;
(6) It shall contain a program deck consisting of cards that are sequentially numbered and capable of tabulating all votes cast in each election;
(7) It shall contain two standard validation test decks approved as to form and testing capabilities by the state election commission;
(8) It shall correctly record and count accurately all votes cast for each candidate and for and against each question appearing upon the ballots or ballot labels;
(9) It shall permit each voter at any election other than primary elections, by one mark or punch to vote a straight party ticket, and by one mark or punch to vote for all candidates of one party for presidential electors; and to vote a mixed ticket selected from the candidates of any and all parties and from independent candidates; and it shall permit the proper counting, to the fullest extent possible, of all votes cast for all candidates: Provided, That, in the event
of cross-over voting from a straight party ticket, the system shall not discard any vote on the straight ticket, unless (i) a candidate in a single selection contest opposite the discarded vote on the straight ticket has been clearly chosen by the voter, or (ii) the voter, by mark or punch has clearly indicated which choices on each ticket, not in excess of the total number permitted, the voter has made, or (iii) the choices made by the voter are so contradictory that the voter's choice is indiscernible, in which event, all votes for the candidates for such office shall be discarded;

(10) It shall permit each voter in primary elections to vote only for the candidates of the party with which he has declared his affiliation, and preclude him from voting for any candidate seeking nomination by any other political party, permit him to vote for the candidates, if any, for nonpartisan nomination or election, and permit him to vote on public questions;

(11) It shall be provided with means for sealing the vote recording device to prevent its use and to prevent tampering with ballot labels, both before the polls are open or before the operation of the vote recording device for an election is begun and immediately after the polls are closed or after the operation of the vote recording device for an election is completed;

(12) It shall have the capacity to contain the names of candidates constituting the tickets of at least nine political parties, and to accommodate the wording of at least fifteen questions;

(13) It shall be durably constructed of material of good quality and in a workmanlike manner and in a form which shall make it safely transportable;

(14) It shall be so constructed with frames for the placing of ballot labels and with suitable means for the protection of such labels, that the labels on which are printed the names of candidates and their respective parties, titles of offices, and wording of questions shall be so reasonably protected from mutilation, disfigurement or disarrangement;

(15) It shall bear a number that will identify it or distinguish it from any other machine;

(16) It shall be so constructed that a voter may easily learn the method of operating it and may expeditiously cast
his vote for all candidates of his choice, and upon any public question; and

(17) It shall be accompanied by a mechanically operated instruction model which shall show the arrangement of ballot labels, party columns or rows, and questions.

§3-4A-10a. Proportional distribution of voting recording devices.

The county commission of each county shall, upon the close of registration, review the total number of registered voters and the number of registered voters of each party in each precinct. Prior to each election, the commission shall determine the number of voting devices needed to accommodate voters without long delays and shall assign an appropriate number to each precinct. For the purposes of the primary election, the commission shall assign the number of vote recording devices in each precinct to be prepared for each party based as nearly as practicable on the proportion of registered voters of each party to the total: Provided, That a minimum of one vote recording device per party be provided, except for “independent” voters, which shall be determined under section twenty of this article.

§3-4A-11. Ballot labels, instructions and other supplies; vacancy changes; procedure and requirements.

The ballot commissioners of any county in which an electronic voting system is to be used in any election shall cause to be printed for use in such election the ballots or ballot labels, as appropriate, for the electronic voting system. The ballot labels so printed shall total in number one and one-half times the total number of vote recording devices to be used in the several precincts of the county in such election. All such labels shall be delivered to the clerk of the county commission at least forty-two days prior to the day of the election in which such labels are to be used. The labels shall contain the name of each candidate, but in no case shall the ballot contain any title, position, rank, degree, or such, including but not limited to “doctor,” “reverend,” “PhD.,” or the equivalent, and each question to be voted upon and shall be clearly printed or typed in black ink on clear white material of such size as will fit the vote recording devices. Arrows may be printed on the ballot
The titles of offices may be arranged on the ballot in vertical columns or in a series of separate pages, and shall be printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected. In case there are more candidates for an office than can be printed in one column or on one ballot label page, the ballot label shall be clearly marked that the list of candidates is continued on the following column or page, and so far as possible, the same number of names shall be printed on each column or page. The names of candidates for each office shall be printed in vertical columns or on separate pages, grouped by the offices which they seek.

In elections in which voters are authorized to vote for persons whose names do not appear on the ballot card, a separate write-in ballot, which may be in the form of a paper ballot or card, shall be provided if required to permit voters to write in the title of the office and the names of persons whose names are not on the ballot, for whom he wishes to vote. The manner of voting for write-in candidates upon electronic voting devices shall be as prescribed by rules and regulations of the secretary of state.

One set of ballot labels shall be inserted in the vote recording device prior to the delivery of such device to the polling place. The remainder of such ballot labels for each device shall be retained by the clerk of the county commission for use in the event the set so inserted in such device becomes lost, mutilated or damaged.

In addition to all other equipment and supplies required by the provisions of this article, the ballot commissioners shall cause to be printed a supply of instruction cards, sample ballots, facsimile diagrams of the vote recording device ballot and official printed ballots or ballot cards adequate for the orderly conduct of the election in each precinct in their county. In addition they shall provide all other materials and equipment necessary to the conduct of the election, including voting booths, appropriate facilities for the reception and safekeeping of ballot cards, the ballots of absent voters and of challenged voters and of such "independent" voters who shall, in primary elections cast their votes on nonpartisan candidates and public questions submitted to the voters.
§3-4A-12. Ballot label arrangement in vote recording devices; when uniform numbering required; drawing by lot to determine position of candidates on ballots or ballot labels; sealing of devices; record of identifying numbers.

1 When the ballot labels are printed and delivered to the clerk of the county commission, he shall place them in the vote recording devices in such manner as will most nearly conform to the arrangement prescribed for paper ballots, and as will clearly indicate the party designation or emblem of each candidate. Each column, row or page containing the names of the office and candidates for such office shall be so arranged as to clearly indicate the office for which the candidate is running. The names of the candidates for each office indicated shall be placed on the ballot label. The ballot label and the arrangement of the ballot shall conform as nearly as practicable to the plan herein given:

<table>
<thead>
<tr>
<th>Democratic Ticket</th>
<th>Republican Ticket</th>
</tr>
</thead>
<tbody>
<tr>
<td>For House of Delegates</td>
<td>For House of Delegates</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>▶69</td>
</tr>
<tr>
<td></td>
<td>▶70</td>
</tr>
<tr>
<td></td>
<td>▶71</td>
</tr>
<tr>
<td></td>
<td>▶72</td>
</tr>
<tr>
<td></td>
<td>▶73</td>
</tr>
<tr>
<td></td>
<td>▶74</td>
</tr>
<tr>
<td></td>
<td>▶75</td>
</tr>
<tr>
<td></td>
<td>▶76</td>
</tr>
</tbody>
</table>

13 The secretary of state shall assign a uniform number applicable to all counties using electronic voting for all
straight party tickets and for all candidates running for offices to be voted upon by all of the voters of the state. The number so designated by the secretary of state shall be used by all counties using electronic voting systems irrespective of the fact that in one or more such counties the number or numbers so designated may result in other than strict sequential ballot arrangement. After taking into account the numbers so assigned by the secretary of state to straight party tickets and all candidates for offices to be voted upon by all the voters of the state, the clerk of the circuit court shall appoint a time at which all candidates whose ballot positions are to be determined by drawing by lot are to appear before the clerk for such drawing. Candidates whose ballot positions are to be determined by drawing by lot are those candidates for an office for which the voters will elect more than one person to represent the electoral districts, including but not limited to House of Delegates contests in multi-delegate districts, judges in multi-judge circuits, contests for the office of county board of education, magistrate and delegate to a political party national convention. The clerk shall give due notice of such time to each candidate by United States mail, directed to the address given by the candidate in his announcement of candidacy. It shall be the duty of the secretary of state to provide to each circuit clerk with a list of names and addresses of candidates running for office in such clerk's county who have filed their announcement of candidacy with the secretary of state, and who are candidates whose ballot positions are to be determined by drawing by lot. At the time appointed, all such candidates whose ballot positions are to be determined by lot shall assemble in the office of such clerk and such candidates shall then proceed to draw by lot to determine where their names shall appear on the ballots or ballot labels. The number so drawn by each such candidate shall determine where his or her name shall appear on the ballots or ballot labels. In the event any candidate or candidates fail to appear at the time appointed, the clerk shall draw for such absent candidate or candidates in the presence of those candidates assembled, if any, and the number so drawn by the clerk shall determine where the name of any absent candidate or candidates shall appear on the ballots or ballot labels. The circuit clerk shall
record the number drawn by each candidate and his name in an appropriate book. The ballot commissioners shall proceed to have the ballot labels printed according to the provisions of this article. After receiving the printed ballot labels, the clerk of the circuit court shall ascertain their accuracy and the clerk of the county commission shall proceed to have the ballot labels placed in the vote recording devices. The clerk of the county commission shall then seal the vote recording devices so as to prevent tampering with ballot labels, and enter in an appropriate book, opposite the number of each precinct, the identifying or distinguishing number of the specific vote recording device or devices to be used in that precinct.

§3-4A-13. Inspection of vote recording devices and ballot cards; duties of county commission, ballot commissioners and election commissioners; records relating to vote recording devices.

1 When the clerk of the county commission has completed the preparation of the vote recording devices as provided in section twelve of this article and the ballot cards as provided in section twenty-one, article one of this chapter, and not later than seven days before the day of the election, he shall notify the members of the county commission and the ballot commissioners that the devices are ready for use. Thereupon the members of the county commission and the ballot commissioners shall convene at the office of the clerk or at such other place wherein the vote recording devices and ballot cards are stored, not later than five days before the day of the election, and shall inspect the devices and the ballot cards to determine whether the requirements of this article have been met. Notice of the place and time of such inspection shall be published, no less than three days prior thereto, as a Class I-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the county involved. Any candidate, and one representative of each political party on the ballot may be present during such examination. If the devices and ballot cards are found to be in proper order, the members of the county commission and the ballot commissioners shall endorse their approval in the book in which the clerk
entered the numbers of the devices opposite the numbers of
precincts. The devices and the ballot cards shall then be
secured in double lock rooms. The county clerk and the
president or president pro tempore of the county
commission shall each have a key. The rooms shall be
unlocked only in their presence and only for the removal of
the devices and the ballot cards for transportation to the
polls. Upon such removal of the devices, the county clerk
and president or president pro tempore of the county
commission shall certify in writing signed by them that the
devices were found to be sealed when removed for
transportation to the polls.
Not later than one day before the election the election
commissioner of each precinct, who shall have been
previously designated by the ballot commissioners, shall
attend at the office of the clerks of the circuit court and
county commission of such county to receive the necessary
election records, books and supplies required by law. Such
election commissioners shall receive the per diem mileage
rate prescribed by law for this service. Such election
commissioners shall give the ballot commissioners a
sequentially numbered written receipt, on a printed form,
provided by the clerk of the county commission, for such
records, books and supplies. Such receipt shall be prepared
in duplicate. One copy of the receipt shall remain with the
clerk of the county commission and one copy shall be
delivered to the president or president pro tempore of the
county commission.
§3-4A-16. Delivery of vote recording devices; time,
arrangement for voting.
1 The clerk of the county commission shall deliver or cause
to be delivered each vote recording device and the package
of ballot cards to the polling place where they are to be
employed. Such delivery shall be made not less than one
hour prior to the opening of the polls and shall be made in
the presence of the precinct election commissioners. At the
time of the delivery of the vote recording device and the
ballot cards, the device shall be sealed in such a way to
prevent its use prior to the opening of the polls and any
tampering with the ballot labels and the ballot cards shall
be packaged and sealed in such a way to prevent any
tampering with the ballots. Immediately prior to the opening of the polls on election day, the sealed packages of ballot cards shall be opened, and the seal of the vote recording device shall be broken in the presence of the precinct election commissioners, who shall certify in writing signed by them to the clerk of the county commission, that the devices and the ballot cards have been delivered in their presence, that the devices and packages of ballot cards were found to be sealed upon such delivery, and that the seals have been broken and the devices opened in their presence. The election commissioners shall then cause the vote recording device to be arranged in the voting booth in such manner that the front of the vote recording device on which the ballot labels appear will not be visible when the vote recording device is being operated to any person other than the voter if the voter shall elect to close the curtain, screen or hood to the voting booth.

§3-4A-22. Assistance to illiterate and disabled voters.

(a) Any duly registered voter, who requires assistance to vote by reason of blindness, disability, advanced age, or inability to read and write, may be given assistance by one of the following means:

1. By a person of the voter's choice: Provided, That such assistance may not be given by the voter's present or former employer or agent of that employer or by an officer or agent of a labor union of which the voter is a past or present member; or

2. If no person of the voter's choice be present at the polling place, the voter may request such assistance from the poll clerks or ballot commissioners present at the polling place, whereupon such assistance may be given by any two of such election officers of opposite political party affiliation to whom such voter shall thereupon declare his or her choice of candidates and his or her position on public questions appearing on the ballot or ballot labels. Such election officers, in the presence of the voter and in the presence of each other, shall thereupon cause such voter's declared choices to be recorded on the vote recording device as votes.

(b) A person other than an election officer who assists a voter in voting under the provisions of this section shall sign
47 [Enr. Com. Sub. for S. B. No. 630

24 a written oath or affirmation before assisting such voter,
25 stating that he or she will not override the actual preference
26 of the voter being assisted or mislead the voter into voting
27 for someone other than the candidate of voter's choice. Such
28 person assisting the voter shall also swear or affirm that he
29 or she believes that the voter is voting free of intimidation or
30 manipulation.

§3-4A-23. Persons prohibited about voting booths; penalties.

1 Excepting the election officials acting under authority of
2 sections nineteen, twenty, twenty-one and twenty-two of
3 this article in the conduct of the election, and qualified
4 persons assisting voters pursuant to section twenty-two of
5 this article, no person other than the voter alone may be in,
6 about or within five feet of the voting booth during the time
7 such voter is in the process of voting at any election, and,
8 during such time, no person may communicate in any
9 manner with the voter and the voter may not communicate
10 with any other person or persons. Any conduct or action of
11 an election official about or around the voting booth while
12 the voter is in the process of voting, in excess of the
13 authority vested in such official by provisions of this article,
14 shall constitute a violation of the provisions hereof. Any
15 person violating any provision or provisions of this section
16 shall be guilty of a misdemeanor, and, upon conviction
17 thereof, shall be fined not exceeding one thousand dollars
18 or be sentenced to imprisonment in the county jail for a
19 period not exceeding twelve months, or, in the discretion of
20 the court, shall be subject to both such fine and
21 imprisonment.

§3-4A-30. Adjustments in voting precincts where electronic
voting system used.

1 The provisions of section five, article one of this chapter,
2 relating to the number of registered voters in each precinct,
3 shall apply to and control in precincts in counties in which
4 electronic voting systems have been adopted, except that
5 the maximum number of registered voters shall be one
6 thousand per precinct. The county commissions of such
7 counties, subject to other provisions of this chapter with
8 respect to the altering or changing of the boundaries of
9 voting precincts, may change the boundaries of precincts or
Enr. Com. Sub. for S. B. No. 630] 48

10 consolidate precincts as practicable, to achieve the
11 maximum advantage from the use of electronic voting
12 systems.
13 The county commission may in the urban centers of any
14 county adopting an electronic voting system, designate a
15 voting place without the limits of a precinct, provided such
16 voting place is in a public building, and in an adjoining
17 precinct. In such event more than one precinct may vote in
18 any such public building.

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-1. Time and place of holding primary elections in the year
one thousand nine hundred eighty and thereafter, hours polls open.

1 Primary elections shall be held at the voting place in each
2 of the voting precincts in the state, for the purposes set forth
3 in this article, on the second Tuesday in May in the year one
4 thousand nine hundred eighty-six and in each second year
5 thereafter.
6 At such election the polls shall be opened and closed at
7 the hours provided for opening and closing the polls in a
8 general election.

§3-5-5. Candidates for county board of education.

1 Any person who is eligible to hold office as a member of a
2 county board of education may file a certificate with the
3 clerk of the circuit court of the county, declaring himself a
4 candidate for election to such office. Such certificate shall
5 be substantially in the following form:
6 I, .................................... , hereby certify
7 that I am a candidate for nonpartisan election to
8 membership on the ..................................
9 County Board of Education, and desire my name printed on
10 the ballot to be voted at the primary election to be held on
11 the .............. day of ...... , 19 .... ; that I am a
12 legally qualified voter of the County of .....................,
13 State of West Virginia; that the address of my residence in
14 ................ County is ................ ; that I am
15 eligible to hold the office; and that I am a candidate therefor
16 in good faith.
17 ................................................
18 Candidate
Signed and acknowledged before me this ..................

day of ................................., 19....

Signature and official title

of certifying officer.

Such announcement shall be signed and acknowledged
by the candidate before some officer qualified to administer
oaths, who shall certify the same.

In the year one thousand nine hundred eighty-six and
each two years thereafter, such certificate shall be filed
with the clerk of the circuit court not earlier than the second
Monday in January next preceding the primary election
day, and not later than the first Saturday of February next
preceding the primary election day and must be received by
the clerk before midnight, eastern standard time, of that
day, or, if mailed, shall be postmarked before that hour.

§3-5-7. Filing announcements of candidacies; requirements;
when section applicable.

Any person who is eligible to hold and seeks to hold an
office (including that of member of any political party
executive committee) shall file with the secretary of state, if
it be an office to be filled by the voters of more than one
county, or with the clerk of the circuit court, if it be for an
office to be filled by the voters of a county or subdivision
less than a county, a certificate declaring himself a
candidate for the nomination for such office, which
certificate shall be in form or effect as follows:

I, ................................., hereby certify that I am a
candidate for the nomination for the office of ...........
to represent the .......... Party, and desire my name
printed on the official ballot of said party to be voted at the
primary election to be held on the ..................

day of ................................., 19....; that I am

a legally qualified voter of the County of .................,
State of West Virginia; that my residence is number ....

of ............. Street in the City (or Town) of .........
in ............................... County in said State;

that I am eligible to hold the said office; that I am a member
of and affiliated with said political party; that I am a
candidate for said office in good faith.

Candidate
Any candidate for delegate to the national convention of any political party shall provide, on a form prescribed by the secretary of state, the information required in the certificate hereinbefore described and shall also provide the name of the person he prefers as the presidential nominee of his party upon the first convention ballot, or if he has no preference, a statement that he is uncommitted:

Provided, That any candidate for delegate may change his statement of presidential preference by notifying the secretary of state by registered letter, at least seventy-seven days prior to the day fixed for the primary election.

Such announcement shall be signed and acknowledged by the candidate before some officer qualified to administer oaths, who shall certify the same. Any person who knowingly provides false information on said certificate shall be guilty of an offense and shall be punished as set forth in section twenty-three, article nine of this chapter.

Such certificate shall be filed with the secretary of state or the clerk of the circuit court, as the case may be, not earlier than the second Monday in January next preceding the primary election day, and not later than the first Saturday of February next preceding the primary election day, and must be received before midnight, eastern standard time, of that day or, if mailed, shall be postmarked before that hour.

The provisions of this section shall apply to the primary election held in the year one thousand nine hundred eighty-six and every primary election held thereafter.

§3-5-9. Certification and posting of candidacies.

By the eighty-fourth day next preceding the day fixed for the primary election, the secretary of state shall arrange the names of all candidates, who have filed announcements with him, as provided in this article, and who are entitled to have their names printed on any political party ballot, in accordance with the provisions of this chapter, and shall forthwith certify the same under his name and the lesser seal of the state, and file the same in his office.
Such certificate of candidates shall show (1) the name and residence of each candidate, (2) the office for which he is a candidate, (3) the name of the political party of which he is a candidate, (4) upon what ballot his name is to be printed, and (5) in the case of a candidate for delegate to the national convention of any political party, the name of the person the candidate prefers as the presidential nominee of his party, or if he has no preference, the word "uncommitted."

The secretary of state shall post a duplicate of such certificate in a conspicuous place in his office and keep the same posted until after the primary election. Immediately upon completion of such certification, the secretary of state shall ascertain therefrom the candidates whose names are to appear on the primary election ballots in the several counties of the state and shall certify to the clerk of the circuit court in each county the certificate relating to each of the candidates whose names are to appear on the ballot in each county. He shall transmit such certificate to the several clerks by registered or certified mail, but, in emergency cases, he may resort to other reliable and speedy means of transmission which may be available so that such certificates shall reach the several clerks by the seventieth day next preceding such primary election day.

The provisions of this section shall apply to the primary election held in the year one thousand nine hundred eighty-six and every primary election held thereafter.

ARTICLE 6. CONDUCT AND ADMINISTRATION OF ELECTIONS.

§3-6-2. Preparation and form of general election ballots.

All ballots prepared under the provisions of this article shall be printed in black ink on number two white book paper sufficiently thick so that the printing cannot be distinguished from the back, and shall contain the names of every candidate whose nomination for any office to be voted for at the election has been certified and filed according to law, and no others, except that if it shall appear to the satisfaction of the ballot commissioners that a person has been legally nominated as a candidate for an office and is lawfully entitled to have his name upon the ballot and no certificate of the nomination has been received by the clerk
of the circuit court, they shall print the name of such
candidate upon the ballot in its proper place.

The tickets, except the heading, which shall be in display
type, shall be printed in eight point type; the name or
designation of the office and the residence and county of
residence of the candidate in lower case letters, and the
name of the candidate in capital letters. The name and
residence of the candidate may be printed in the same line.
The name of each candidate shall be printed in a space
defined by ruled lines, and with a black square on its left
enclosed by heavy dark lines. If, upon any ticket, there be no
candidate or candidates for a designated office, a blank
space equal to the space that would be occupied by such
name or names, if they were printed thereon, with the blank
space herein provided for, shall be left. The heading of each
party ticket including the name of the party and the device
or emblem above and the large circle between the device or
emblem and such name, shall be separated from the rest of
the ticket by heavy lines and the circle above the names of
the party in which the voter is to place the cross mark, if he
desires to vote the straight ticket, shall be defined by
heavier lines than the lines defining the blank spaces before
the name of candidates, and such circle shall be surrounded
by the following words printed in heavy face six point type:
“For a straight ticket mark within this circle.” Once,
immediately below the circles for straight ticket voting, the
following instructions shall be printed in eight point type:
“STRAIGHT TICKET VOTERS: If you decide to split your
straight party vote, remember — (1) For offices where you
are asked to choose one candidate, if you vote for a
candidate in another party, the candidate for that office in
this party will NOT receive a vote. (2) For offices where you
are asked to choose more than one, if you vote for any
candidate in another party YOU MUST MARK EACH OF
YOUR CHOICES for that office, EVEN THOSE IN YOUR
STRAIGHT TICKET PARTY. “Each party ticket shall be
separated from other party tickets and bordered on either
side by a heavy border, or a broad solid line, at least one-
sixteenth of an inch wide, and the edges of the ballot on
either side trimmed off to within one-half inch of the border
or solid line described.
The names of the candidates shall be arranged on the
ballot in tickets or lists, in separate columns under the respective party or political or other designation certified, each column or ticket containing the names of candidates nominated by the same political party and no others. In elections for presidential electors, the names of candidates for electors of any political party or group of petitioners, shall not be placed on the ballot, but shall, after nomination, be filed with the secretary of state. In place of their names, there shall be printed first on the ballots the names of the candidates for president and vice president, respectively, of each such party or group of petitioners, and they shall be arranged under the title of the office. Before the names of such candidates for president and vice president of each party, or group, a single square shall be printed, in front of a brace in which the voter shall place the cross mark for the candidate of his choice for such offices. A vote for any of such candidates shall be a vote for the electors of the party by which such candidates were named, and whose names have been filed with the secretary of state. The names of the candidates on each ticket shall be arranged in groups, with a heading over each group printed in heavy faced eight point type to indicate the political divisions in which such group is to be voted for. The arrangement of the ballot shall conform as nearly as practicable to the plan here given:

<table>
<thead>
<tr>
<th>Device</th>
<th>Device</th>
<th>Device</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="" alt="Republican Ticket" /></td>
<td><img src="" alt="Democratic Ticket" /></td>
<td><img src="" alt="Prohibition Ticket" /></td>
</tr>
</tbody>
</table>

STRAIGHT TICKET VOTERS: If you decide to split your straight party vote, remember — (1) For offices where you are asked to choose one candidate, if you vote for a candidate in another party, the candidate for that office in this party will NOT receive a vote. (2) For offices where you are asked to choose more than one, if you vote for any
Enr. Com. Sub. for S. B. No. 630] 54

85 candidate in another party YOU MUST MARK EACH OF
86 YOUR CHOICES for that office, EVEN THOSE IN YOUR
87 STRAIGHT TICKET PARTY.

<table>
<thead>
<tr>
<th>For Governor</th>
<th>For Governor</th>
<th>For Governor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Name</td>
<td>Name</td>
</tr>
</tbody>
</table>

88 Provided, That the arrangement of the portion of the ballot
89 for offices for which more than one seat is to be filled shall
90 conform as nearly as practicable to the following plan:

<table>
<thead>
<tr>
<th>For House of Delegates (Choose two)</th>
<th>For House of Delegates (Choose two)</th>
<th>For House of Delegates (Choose two)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Name</td>
<td>Name</td>
</tr>
</tbody>
</table>

91 The tickets of the several political parties shall be printed
92 on the ballot in parallel columns, each ticket in a separate
93 column headed by the chosen device, and the tickets in such
94 order on the ballot and the names of the office in such order
95 on the ticket as the secretary of state shall direct,
96 preference, however, being given to the political party
97 which cast the highest number of votes for the head of the
98 ticket at the last preceding presidential election, and so on.
99 No ticket or list of candidates shall be printed under the
100 name of any party containing more candidates for any
101 office than are to be elected.
102 In those delegate districts set forth in subsection (d),
103 section two, article two, chapter one of this code which
104 embrace more than one county and in which there is a
105 prohibition regarding the number of delegates to be elected
106 or appointed who are residents of any single county within
107 the district, there shall be printed on the ballot, including,
108 but not limited to, voting machines and electronic voting
109 system ballots, in bold type, immediately preceding the
110 names of candidates for the House of Delegates, a clear
111 explanation of such prohibition. In those delegate districts
112 which embrace more than one county, the county of
55 [Enr. Com. Sub. for S. B. No. 630]

113 residence of each candidate for the House of Delegates shall
114 be printed beneath the name of each such candidate on the
115 ballot, including, but not limited to, voting machines and
116 electronic voting system ballots.
117 The ballot shall be so printed as to give each voter a clear
118 opportunity to designate by a cross mark in a large, blank,
119 circular space, three-quarters of an inch in diameter, below
120 the device and above the name of the party at the head of the
121 ticket or list of candidates, his choice of a party ticket and
122 desire to vote for each and every candidate thereon; and by
123 a cross mark, in a blank, enclosed space on the left side and
124 before the name of each candidate, his choice of particular
125 candidates.
126 For any office or offices for which there is to be more than
127 one candidate elected, that section of the ballot relating to
128 said office shall be printed in such a manner so as to provide
129 for the rotation of names in order to assure that each
130 candidate from each party for said office occupies a given
131 position in the order of the candidates an equal number of
132 times. If any party fails to nominate or to fill a ballot
133 vacancy for as many candidates as there are persons to be
134 elected to said office, then the ballot shall be printed in such
135 a manner so as to provide that the space created by the
136 vacancy shall be rotated in the same manner as the names of
137 each of the candidates for said office.
138 On the back of the ballot shall be printed or stamped in
139 black ink the words “Official Ballot,” with the date of the
140 election, and underneath shall be two blank lines, followed
141 by the words “Poll Clerks.”

§3-6-6. Ballot counting procedures.

1 When the polls are closed in an election precinct where
2 two election boards have served, both the receiving and
3 counting boards shall conclude the counting of the votes
4 cast, the tabulating and summarizing of the number of the
5 votes cast, unite in certifying and attesting to the returns of
6 the election, and join in making out the certificates of the
7 result of the election provided for in this article. They shall
8 not adjourn until the work shall be completed.
9 In all election precincts wherein the election shall be
10 conducted by a single election board, immediately on
11 closing the polls the commissioners and clerks shall proceed
to ascertain the result of the election in the following manner: The ballot box shall then be opened, and one of the commissioners taking therefrom one ballot at a time, in the presence of all the other officers, shall read therefrom the designations of the offices to be filled, and the names of the persons voted for, for each office, and hand the ballot to another of such commissioners, differing in politics from himself, who, if satisfied that it was correctly read, shall string it on a thread. The contents of the ballots, as they are read, shall be entered by the poll clerks, under the supervision of the commissioners, on tally sheets for the purpose, by suitable marks, in ink, made opposite to or under the name of each person voted for, so as to show the number of votes received by every person, for any office to be filled. The ballots shall be counted as they are strung upon the thread and whenever the number counted shall be equal to the number of votes entered upon the poll books, the excess, if any, remaining in the ballot box shall, without unfolding or unrolling the same, or allowing anyone to examine or know the contents thereof, be counted and strung on a second thread along with a card marked "excess ballots." The number, if any, of excess ballots found in the ballot box and not included in the tally of votes shall be reported on the tally sheets. They shall not adjourn until all of the votes are counted and certificates of the result made and signed by them. In precincts wherein there are double boards, the counting boards, in counting the ballots, shall proceed in the manner prescribed in this section.

§3-6-9. Canvass of returns; declaration of results; recounts; record keeping.

1 The commissioners of the county commission shall be ex officio a board of canvassers, and, as such, shall keep in a well-bound book, marked "election record," a complete record of all their proceedings in ascertaining and declaring the results of every election in their respective counties. They shall convene as the canvassing board at the courthouse on the fifth day (Sundays excepted) after every election held in their county, or in any district thereof, and the officers in whose custody the ballots, pollbooks, registration records, tally sheets and certificates have been
placed shall lay them before the board for examination. They may, if considered necessary, require the attendance of any of the commissioners, poll clerks or other persons present at the election, to appear and testify respecting the same, and make such other orders as shall seem proper, to procure correct returns and ascertain the true results of the election in their county; but in this case all the questions to the witnesses and all the answers thereto, and evidence, shall be taken down in writing and filed and preserved. All orders made shall be entered upon the record. They may adjourn from time to time, but no longer than absolutely necessary, and, when a majority of the commissioners are not present, their meeting shall stand adjourned until the next day, and so from day to day, until a quorum is present. All meetings of the commissioners sitting as a board of canvassers shall be open to the public. The board shall proceed to open each sealed package of ballots so laid before them, and, without unfolding them, count the number in each package and enter the number upon their record. The ballots shall then be again sealed up carefully in a new envelope, and each member of the board shall write his name across the place where the envelope is sealed. After canvassing the returns of the election, the board shall publicly declare the results of the election; however, they shall not enter an order certifying the election results for a period of forty-eight hours after the declaration.

(a) Within the forty-eight-hour period, a candidate voted for at the election may demand the board to open and examine any of the sealed packages of ballots, and recount them; but in such case they shall seal the ballots again, along with the envelope above named, and the clerk of the county commission and each member of the board shall write his name across the places where it is sealed, and endorse in ink, on the outside: “Ballots of the election held at precinct No. ......, in the district of .............., and county of ........................................, on the .............. day of ...............”

In computing the forty-eight-hour period as used in this section, Saturdays, Sundays and legal holidays shall be excluded: Provided, That at the end of the forty-eight-hour period, an order shall be entered certifying all election
results except for those offices in which a recount has been
demanded.

(b) If a recount has been demanded, the board shall have
an additional twenty-four hours after the end of the forty-
eight-hour period, in which to send notice to all candidates
who filed for the office in which a recount has been
demanded, of the date, time and place where the board will
convene to commence the recount. The notice shall be
served under the provisions of subdivision (c) of this
section. The recount shall be set for no sooner than three
days after the serving of the notice: Provided, That after the
notice is served, candidates so served shall have an
additional twenty-four hours in which to notify the board,
in writing, of their intention to preserve their right to
demand a recount of precincts not requested to be
recounted by the candidate originally requesting a recount
of ballots cast: Provided, however, That there shall be only
one recount of each precinct, regardless of the number of
requests for a recount of any precinct. A demand for the
recount of ballots cast at any precinct may be made during
the recount proceedings only by the candidate originally
requesting the recount and those candidates who notify the
board, pursuant to this subdivision, of their intention to
preserve their right to demand a recount of additional
precincts.

(c) Any sheriff of the county in which the recount is to
occur shall deliver a copy thereof in writing to the candidate
in person; or if the candidate is not found, by delivering the
copy at the usual place of abode of the candidate, and giving
information of its purport, to the spouse of the candidate or
any other person found there who is a member of his family
and above the age of sixteen years; or if neither the spouse of
the candidate nor any other person be found there, and the
candidate is not found, by leaving the copy posted at the
front door of the place of abode. Any sheriff, thereto
required, shall serve a notice within his county and make
return of the manner and time of service; for a failure so to
do, he shall forfeit twenty dollars. The return shall be
evidence of the manner and time of service.

(d) Every candidate who demands a recount shall be
required to furnish bond in a reasonable amount with good
sufficient surety to guarantee payment of the costs and the
expenses of such recount in the event the result of the
election is not changed by the recount; but the amount of
the bond shall in no case exceed three hundred dollars.

When they have made their certificates and declared the
results as hereinafter provided, they shall deposit the sealed
packages of ballots, absent voter ballots, registration
records, pollbooks, tally sheets and precinct certificates
with the clerks of the county commissions and circuit courts
from whom they were received, who shall carefully preserve
them for twenty-two months, and if there is no contest
pending as to any election, and their further preservation is
not required by any order of a court, the ballots, pollbooks,
tally sheets and certificates shall be destroyed by fire or
otherwise, without opening the sealed packages of ballots;
and if there is a contest pending, then they shall be so
destroyed as soon as the contest is ended.

If the result of the election is not changed by the recount,
the costs and expenses thereof shall be paid by the party at
whose instance the recount was made.

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-5. Detailed accounts and verified financial statements
required.

Every candidate, financial agent, person and association
of persons, organization of any kind, including every
corporation, directly or indirectly, supporting a political
committee established pursuant to paragraph (C),
subdivision (1), subsection (b), section eight of this article or
engaging in other activities permitted by said section eight
of this article and also including the treasurer or equivalent
officer of such association or organization; advocating or
opposing the nomination, election or defeat of any
candidate, or the passage or defeat of any issue, thing or
item to be voted upon, and the treasurer of every political
party committee shall keep detailed accounts of every sum
of money or other thing of value received by him, including
all loans of money or things of value, and of all expenditures
and disbursements made, liabilities incurred, by such
candidate, financial agent, person, association or
organization or committee, for political purposes, or by any
of the officers or members of such committee, or any person
acting under its authority or on its behalf.
Every person or association of persons required to keep detailed accounts under this section shall file with the officers hereinafter prescribed a detailed itemized statement, subscribed and sworn to before an officer authorized to administer oaths, according to the following provisions and times:

(a) On the last Saturday in March or within fifteen days thereafter next preceding the primary election day whenever the total of all financial transactions relating to an election exceed five hundred dollars a statement which shall include all financial transactions which have taken place by the date of that statement, subsequent to any previous statement filed within the previous five years under this section, or if no previous statement was filed, all financial transactions made within the preceding five years; and

(b) Not less than seven nor more than ten days preceding each primary or other election, a statement which shall include all financial transactions which have taken place by the date of such statement, subsequent to the previous statement, if any; and

(c) Not less than twenty-five nor more than thirty days after each primary or other election, a statement which shall include all financial transactions which have taken place by the date of such statement, subsequent to the previous statement; and

(d) On the first day of July, one thousand nine hundred eighty-five, and thereafter on the last Saturday in March or within fifteen days thereafter annually, whenever contributions or expenditures relating to an election exceed five hundred dollars or whenever any loans are outstanding, a statement which shall include all financial transactions which have taken place by the date of such report, subsequent to any previous report.

Financial transactions shall include all contributions or loans received and all repayments of loans or expenditures made to promote the candidacy of any person by any candidate or any organization advocating or opposing the nomination, election or defeat of any candidate or to promote the passage or defeat of any issue, thing or item to be voted on.

Every person who shall announce as a write-in candidate
for any elective office and his financial agent or election
organization of any kind, shall comply with all of the
requirements of this section after public announcement of
such person's candidacy has been made.

§3-8-5a. Information required in financial statement.

1. Each financial statement as required by this article shall
   show the following information:

2. (a) The first name, middle initial, if any, and last name,
    residence and mailing address and telephone number of
    each candidate, financial agent, treasurer or person, and
    the full name, address and telephone number of each
    association, organization or committee filing a financial
    statement.

3. (b) The balance of cash and any other sum of money on
    hand at the beginning and the end of the period covered by
    the financial statement.

4. (c) The first name, middle initial, if any, and the last
    name in the case of an individual, and the full name of each
    firm, association or committee, and the amount of such
    contribution of such individual, firm, association or
    committee, and, if the aggregate of the sum or sums
    contributed by any one such individual, firm, association or
    committee exceeds two hundred fifty dollars there shall
    also be reported the residence and mailing address and, in
    the case of an individual, the major business affiliation and
    occupation. A contribution totaling more than fifty dollars
    by any one contributor is prohibited unless it is by money
    order or by check, and a violation of this provision is subject
    to section five-d of this article. As used herein, the term
    "check" shall have the meaning ascribed to that term in
    section one hundred four, article three, chapter forty-six of
    this code.

5. (d) The total amount of contributions received during
    the period covered by the financial statement.

6. (e) The first name, middle initial, if any, and the last
    name, residence and mailing address in the case of an
    individual or the full name and mailing address of each
    firm, association or committee making or cosigning a loan
    and the amount of any loan received, the date and terms of
    the loan, including interest and repayment schedule, along
    with a copy of the loan agreement.
(f) The first name, middle initial, if any, and the last name, residence and mailing address in the case of an individual or the full name and mailing address of each firm, association or committee having previously made or cosigned a loan for which payment is made or a balance is outstanding at the end of the period, together with the amount of repayment on the loan made during the period and the balance at the end of the period.

(g) The total outstanding balance of all loans at the end of the period.

(h) The first name, middle initial, if any, and the last name, residence and mailing address in the case of an individual, or the full name and mailing address of each firm, association or committee to whom each expenditure was made or liability incurred, together with the amount and purpose of each expenditure or liability incurred and the date of each transaction.

When any lump sum payment is made to any advertising agency or other disbursing person who does not file a report of detailed accounts and verified financial statements as required herein, such lump sum expenditures shall be accounted for in the same manner as provided herein.

(i) The total expenditure for the nomination, election or defeat of a candidate or any person or organization advocating or opposing the nomination, election or defeat of any candidate, or the passage or defeat of any issue, thing or item to be voted upon, in whose behalf an expenditure was made or a contribution was given for the primary or other election.

(j) The total amount of expenditures made during the period covered by the financial statement.

(k) Any unexpended balance at the time of making the financial statements herein provided for, shall be properly accounted for in that financial statement and shall appear as a balance in the next following financial statement.

(l) Each financial statement required by this section shall contain a separate section setting forth the following information for each fund-raising event held during the period covered by the financial statement:

1. The type of event, date held, and address and name, if any, of the place where the event was held.
(2) All of the information required by subdivision (c) of this section.
(3) The total of all moneys received at the fund-raising event.
(4) The expenditures incident to the fund-raising event.
(5) The net receipts of the fund-raising event.

For the purpose of this section the term "fund-raising event" means an event such as a dinner, reception, testimonial, cocktail party, auction or similar affair through which contributions are solicited or received by such means as purchase of a ticket, payment of an attendance fee or through purchase of goods or services.

(m) Any contribution or expenditure made by or on behalf of a candidate for public office, to any other candidate, or committee for a candidate for any public office in the same election shall comply with the provisions of this article.

(n) No person, firm, association or committee shall make any contribution except from his own funds, unless such person, firm, association or committee discloses in writing to the person required to report under this section the first name, middle initial, if any, and the last name in the case of an individual, or the full name in case of a firm, association or committee, residence and mailing address; the major business affiliation and occupation of the person, firm, association or committee which furnished the funds to such contributor. All such disclosures shall be included in the statement required by this section.

(o) Any firm, association, committee or fund permitted by section eight of this article to be a political committee shall disclose on the financial statement its corporate or other affiliation.

(p) No contribution may be made, directly or indirectly, in a fictitious name, anonymously or by one person through an agent, relative or other person so as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment of the contributor's identity.

(q) No person, association or committee may accept any contribution for the purpose of influencing the nomination, election or defeat of a candidate or for the passage or defeat
of any issue or thing to be voted upon unless the identity of
the donor and the amount of the contribution is known and
reported.

(r) When any candidate, organization, committee or
person receives any anonymous contribution which cannot
be returned because the donor cannot be identified, that
contribution shall be donated to the general revenue fund of
the state. Any anonymous contribution shall be recorded as
such on the candidate's financial statement, but may not be
expended for election expenses. At the time of filing, the
financial statement shall include a statement of
distribution of anonymous contributions, which total
amount shall equal the total of all anonymous contributions
received during the period.

§3-8-5£. Loans to candidates, organizations or persons for
election purposes.

Every candidate, financial agent, person or association of
persons or organization advocating or opposing the
nomination or election of any candidate or the passage or
defeat of any issue or item to be voted upon who receives
money or any other thing of value as a loan toward election
expenses shall execute, in writing, an agreement with the
individual, lending institution or organization making the
loan. Such agreement shall state the date and amount of the
loan, the terms, including interest and repayment schedule,
and a description of the collateral, if any, and the full names
and addresses of all parties to the agreement. A copy of the
agreement shall be filed with the financial statement next
required after the loan is executed.

§3-8-7. Failure to file statement; penalty.

Any candidate, financial agent, or treasurer of a political
party committee, who fails to file a sworn, itemized
statement as in this article provided, within the time
required, or who willfully files a grossly incomplete or
inaccurate statement, shall be guilty of a misdemeanor,
and, upon conviction, shall be fined not less than five
hundred dollars, or imprisoned in the county jail for not
more than one year, or both, in the discretion of the court.
Forty days after any such primary of other election, the
secretary of state, or county clerk, as the case may be, shall
give notice of any failure to file such statement by any
candidate, financial agent or treasurer of such committee, to the prosecuting attorney of the county where such delinquent resides. No candidate nominated at a primary election, who has failed to make a sworn statement as required by this article, shall have his name placed on the official ballot for the ensuing election, unless there has been filed by or on behalf of such candidate, or by his financial agent, if any, the financial statement relating to nominations required by this article. It shall be unlawful to issue a commission or certificate of election, or to administer the oath of office, to any person elected to any public office who has failed to file a sworn statement as required by this article, and no such person shall enter upon the duties of his office until he has filed such statement, nor shall he receive any salary or emolument for any period prior to the filing of such statement.

§3-8-12. Additional acts forbidden; circulation of written matter; newspaper advertising; solicitation of contributions; intimidation and coercion of employees; promise of employment or other benefits; limitations on contributions; public contractors; penalty.

(a) No person shall publish, issue or circulate, or cause to be published, issued or circulated, any anonymous letter, circular, placard, or other publication tending to influence voting at any election;

(b) No owner, publisher, editor or employee of a newspaper or other periodical shall insert, either in its advertising or reading columns, any matter, paid for or to be paid for, which tends to influence the voting at any election whatever, unless directly Designating it as a paid advertisement and stating the name of the person authorizing its publication and the candidate in whose behalf it is published;

(c) No person shall, in any room or building occupied for the discharge of official duties by any officer or employee of the state or a political subdivision thereof, solicit orally or by written communication delivered therein, or in any other manner, any contribution of money or other thing of value for any party or political purpose whatever, from any postmaster or any other officer or employee of the federal
government, or officer or employee of the state, or political
subdivision thereof. No officer, agent, clerk or employee of
the federal government, or of this state, or any political
subdivision thereof, who may have charge or control of any
building, office or room, occupied for any official purpose,
shall knowingly permit any person to enter the same for the
purpose of therein soliciting or receiving any political
assessments from, or delivering or giving written
solicitations for, or any notice of, any political assessments
to, any officer or employee of the state, or a political
subdivision thereof;
(d) Except as provided in section eight of this article no
person entering into any contract with the state or its
subdivisions, or any department or agency thereof, either
for rendition of personal services or furnishing any
material, supplies or equipment or selling any land or
building to the state, or its subdivisions, or any department
or agency thereof, if payment for the performance of such
contract or payment for such material, supplies, equipment,
land or building is to be made in whole or in part from
public funds shall, during the period of negotiation for or
performance under such contract or furnishing of
materials, supplies, equipment, land or buildings, directly
or indirectly make any contribution to any political party,
committee or candidate for public office or to any person for
political purposes or use; nor shall any person or firm solicit
any contributions for any such purpose during any such
period;
(e) No person shall, directly or indirectly, promise any
employment, position, work, compensation or other benefit
provided for, or made possible, in whole or in part by act of
the Legislature, to any person as consideration, favor or
reward for any political activity for the support of or
opposition to any candidate, or any political party in any
election;
(f) No person shall, directly or indirectly, make any
contribution in excess of the value of one thousand dollars
in connection with any campaign for nomination or election
to or on behalf of any statewide or national elective office,
or in excess of the value of one thousand dollars, in
connection with any other campaign for nomination or
election to or on behalf of any other elective office in the
state or any of its subdivisions, or in connection with or on behalf of any committee or other organization or person engaged in furthering, advancing or advocating the nomination or election of any candidate for any such office; and

(g) No person shall solicit any contribution from any nonelective salaried employee of the state government or of any of its subdivisions or coerce or intimidate any such employee into making such contribution. No person shall coerce or intimidate any nonsalaried employee of the state government or any of its subdivisions into engaging in any form of political activity. The provisions hereof shall not be construed to prevent any such employee from making such a contribution or from engaging in political activity voluntarily, without coercion, intimidation or solicitation; and

(h) No person shall solicit a contribution from any other person without informing such other person at the time of such solicitation of the amount of any commission, remuneration or other compensation that the solicitor or any other person will receive or expect to receive as a direct result of such contribution being successfully collected. Nothing in this subsection shall be construed to apply to solicitations of contributions made by any person serving as an unpaid volunteer.

Any person violating any provision of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars, or confined in jail for not more than one year, or, in the discretion of the court, be subject to both such fine and imprisonment.
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.

In 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.........................1985

Governor