WEST VIRGINIA LEGISLATURE

REGULAR SESSION. 1986

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ENROLLED

HOUSE BILL No. J.3.41......

(By Mr. Del Hamilton & Del Moore)

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Passed .................................. March 7, 1986

In Effect ................................ Passage

C.-N.
ENROLLED

H. B. 1341

(By Delegate Hamilton and Delegate Moore)

[Passed March 7, 1986; in effect from passage.]

AN ACT to amend and reenact section thirty-seven, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections six and nine, article nine of said chapter, all relating to elections generally; restrictions upon the persons present and their conduct at polls; removing the restrictions upon the number of persons allowed in the election room; permitting only certain persons to enter the polling places; prohibiting electioneering within three hundred feet of the polling places; and providing penalties for violations.

Be it enacted by the Legislature of West Virginia:

That section thirty-seven, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that sections six and nine, article nine of said chapter be amended and reenacted, all to read as follows:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

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

1 No person, except the election officers and voters
2 while going to the election room to vote and returning
3 therefrom, may be or remain within three hundred feet
4 of the outside entrance to the building housing the
5 polling place while the polls are open; but this section
6 does not apply to persons living or carrying on business
within that distance of the election room, while in the
discharge of their legitimate business, or to persons
whose business requires them to pass and repass within
three hundred feet of such entrance.

A person who is delivering a voter to a polling place
by motor vehicle may drive such vehicle to a convenient
and accessible location to discharge the voter, notwith­
standing that the location is within three hundred feet
of the outside entrance to the building housing the
polling place. Upon discharging such voter from the
vehicle, the person shall remove the vehicle from within
three hundred feet of the entrance until such time as the
voter is to be transported from the polling place or
another voter delivered: Provided, That vehicles deliv­
ering voters who require assistance by reason of
blindness, disability or advanced age may remain within
three hundred feet of the entrance until such time as the
voter is to be transported from the polling place.

The election commission shall limit the number of
voters in the election room so as to preserve order. No
person may approach nearer than five feet to any booth
or compartment while the election is being held, except
the voters to prepare their ballots, or the poll clerks
when called on by a voter to assist in the preparation
of his ballot, and no person, other than election officers
and voters engaged in receiving, preparing and depos­
itng their ballots, may be permitted to be within five
feet of any ballot box, except by authority of the board
of election commissioners, and then only for the purpose
of keeping order and enforcing the law.

Not more than one person may be permitted to occupy
any booth or compartment at one time. No person may
remain in or occupy a booth or compartment longer than
may be necessary to prepare his ballot, and in no event
longer than five minutes, except that any person who
claims a disability pursuant to section thirty-four of this
article shall have additional time up to ten additional
minutes to prepare his ballot. No voter, or person
offering to vote, may hold any conversation or commun­
ication with any person other than the poll clerks or
commissioners of election, while in the election room.
The provisions of this section do not apply to persons rendering assistance to blind voters as provided in section thirty-four of this article.

ARTICLE 9. OFFENSES AND PENALTIES.

§3-9-6. Unauthorized presence in election room; three hundred-foot limit; penalties.

If any person, not herein authorized so to do, enters or attempts to enter the election room, except upon a lawful errand and for a proper purpose, or remains within three hundred feet of the outside entrance to the building housing the polling place, contrary to the provisions of this chapter, he shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars, or confined in the county jail for not more than thirty days.

Excepting those individuals provided for expressly in this or other sections of the code, only full-time employees of the Secretary of State's office or full-time employees of the respective county offices of the county clerk or the county prosecutor may enter or otherwise disturb the polling place.

§3-9-9. Other unlawful acts at polling places; penalties.

No officer of election may disclose to any person the name of any candidate for whom a voter has voted. No officer of election may do any electioneering on election day. No person may do any electioneering on election day within any polling place, or within three hundred feet of the outside entrance to the building housing the polling place. No person may apply for or receive any ballot in any polling place, other than that in which he is entitled to vote, nor may any person examine a ballot which any voter has prepared for voting, or solicit the voter to show the same, nor ask, nor make any arrange-ment, directly or indirectly, with any voter, to vote an open ballot. No person, except a commissioner of election, may receive from any voter a ballot prepared by him for voting. No voter may receive a ballot from any person other than one of the poll clerks; nor may
any person other than a poll clerk deliver a ballot to a commissioner of election to be voted by such commissioner. No voter may deliver any ballot to a commissioner of election to be voted, except the one he receives from the poll clerk. No voter may place any mark upon his ballot, or suffer or permit any other person to do so, by which it may be afterward identified as the ballot voted by him. Whoever violates any provision of this section shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than one hundred dollars nor more than one thousand dollars, or confined in jail for not more than one year, or both fined and confined.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.
Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 25th
day of March, 1986.

Governor
PRESENTED TO THE
GOVERNOR
Date  3/21/36
Time  4:09 p.m.