

No: 1341

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



ENROLLED

HOUSE BILL No. 1341.....

(By Mr. Del. Hamilton + Del. Moore)



Passed March 7, 1986

In Effect From Passage

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

7 within that distance of the election room, while in the
8 discharge of their legitimate business, or to persons
9 whose business requires them to pass and repass within
10 three hundred feet of such entrance.

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

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D.P.K. 25 The election commission^s shall limit the number of
26 voters in the election room so as to preserve order. No
27 person may approach nearer than five feet to any booth
28 or compartment while the election is being held, except
29 the voters to prepare their ballots, or the poll clerks
30 when called on by a voter to assist in the preparation
31 of his ballot, and no person, other than election officers
32 and voters engaged in receiving, preparing and depos-
33 iting their ballots, may be permitted to be within five
34 feet of any ballot box, except by authority of the board
35 of election commissioners, and then only for the purpose
36 of keeping order and enforcing the law.

37 Not more than one person may be permitted to occupy
38 any booth or compartment at one time. No person may
39 remain in or occupy a booth or compartment longer than
40 may be necessary to prepare his ballot, and in no event
41 longer than five minutes, except that any person who
42 claims a disability pursuant to section thirty-four of this
43 article shall have additional time up to ten additional
44 minutes to prepare his ballot. No voter, or person
45 offering to vote, may hold any conversation or commun-
46 ication with any person other than the poll clerks or
47 commissioners of election, while in the election room.

48 The provisions of this section do not apply to persons
49 rendering assistance to blind voters as provided in
50 section thirty-four of this article.

ARTICLE 9. OFFENSES AND PENALTIES.

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

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

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

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

1 No officer of election may disclose to any person the
2 name of any candidate for whom a voter has voted. No
3 officer of election may do any electioneering on election
4 day. No person may do any electioneering on election
5 day within any polling place, or within three hundred
6 feet of the outside entrance to the building housing the
7 polling place. No person may apply for or receive any
8 ballot in any polling place, other than that in which he
9 is entitled to vote, nor may any person examine a ballot
10 which any voter has prepared for voting, or solicit the
11 voter to show the same, nor ask, nor make any arrange-
12 ment, directly or indirectly, with any voter, to vote an
13 open ballot. No person, except a commissioner of
14 election, may receive from any voter a ballot prepared
15 by him for voting. No voter may receive a ballot from
16 any person other than one of the poll clerks; nor may

17 any person other than a poll clerk deliver a ballot to a
18 commissioner of election to be voted by such commis-
19 sioner. No voter may deliver any ballot to a commis-
20 sioner of election to be voted, except the one he receives
21 from the poll clerk. No voter may place any mark upon
22 his ballot, or suffer or permit any other person to do so,
23 by which it may be afterward identified as the ballot
24 voted by him. Whoever violates any provision of this
25 section shall be guilty of a misdemeanor, and, on
26 conviction thereof, shall be fined not less than one
27 hundred dollars nor more than one thousand dollars, or
28 confined in jail for not more than one year, or both fined
29 and confined.

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

Bruce O. Williams
.....
Chairman Senate Committee

Floyd Fulber
.....
Chairman House Committee

Originating in the House.

Takes effect from passage.

Gold C. Hillis
.....
Clerk of the Senate

Donald G. Kopp
.....
Clerk of the House of Delegates

Don Tomkomil
.....
President of the Senate

Joseph P. Allright
.....
Speaker of the House of Delegates

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

Arch A. Shreve Jr.
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/21/86

Time 4:49 p.m.

RECEIVED

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OFFICE OF THE
SECRETARY OF STATE

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86