WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1997

ENROLLED

HOUSE BILL No. 2686

(By Delegates Fleischauer, Buchanan and Beach)

Passed April 12, 1997

In Effect Ninety Days From Passage
ENROLLED

H. B. 2686

(By Delegates Fleischauer, Buchanan and Beach)

[Passed April 12, 1997; in effect ninety days from passage.]

AN ACT to amend and reenact section eleven, article three, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing the clerks of the circuit courts to affix their signatures on absentee ballots by facsimile.

Be it enacted by the Legislature of West Virginia:

That section eleven, article three, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. VOTING BY ABSENTEES.

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

1 Absent voters’ ballots shall be in all respects like other ballots. Not less than seventy days before the date on which any primary, general or special election is to be held, unless a lesser number of days is provided for in any specific election law in which case the lesser number of days applies, 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 that 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 the
number they may determine, absent voters' ballots that are
to be printed under their directions as hereinbefore
provided, and those ballots shall be delivered to the clerk
of the circuit court of the county not less than forty-two
days before 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 or her official seal and
he or she and the other members of the board of ballot
commissioners shall place their signatures near the lower
left-hand corner on the back thereof. The clerks of the
circuit courts are authorized to have their signatures
affixed by a facsimile printed on the back of absentee
ballots, by a facsimile signature stamp, or by signing their
original signatures. An absent voter's ballot not
containing the seal and signatures is invalid and is 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 or she shall keep a 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 or her, 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
those ballots a certificate stating the number of ballots
delivered or mailed to absent voters, and those marked
before him or her, if any, and the names of the voters to
whom those ballots have been delivered or mailed, or by
whom they have been marked, if marked before him or
her.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within is approved this the __ day of May, 1997.

[Signature]
Governor