ENROLLED

SENATE BILL NO. 391

(By Senator WOOTEN, et al.)

PASSED March 14, 1998

In Effect From Passage
ENROLLED

Senate Bill No. 397

(By Senators Wooton, Ball, Bowman, Dittmar, Hunter, Kessler, Oliverio, Ross, Schoonover, Snyder, White, Deem and Scott)

[Passed March 14, 1998; in effect from passage.]

AN ACT to amend section one, article three, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing certain replacement poll workers to vote emergency absentee ballots.

Be it enacted by the Legislature of West Virginia:

That section one, 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.

§3-3-1. Persons eligible to vote absentee ballots.

(a) Duly registered and otherwise qualified voters of the county who for authorized reasons as provided in this article are unable to vote in person at the polling place on the day of a primary, general or special election may vote an absentee ballot according to the provisions of this article.

(b) Voters in the following circumstances shall be authorized to vote an absentee ballot and shall be required to vote that absentee ballot in person in the office of the clerk of the circuit court during the period of regular absentee voting in person:

   (1) Any voter who is within the county and physically able to vote in person during regular business hours of the clerk’s office during the prescribed period for absentee voting but is unable to vote in person on election day because of: (A) Anticipated or scheduled commitment to a hospital, institution or other confinement for medical reasons; (B) absence from the county during the entire time the polls are open; (C) appointment as an election official in a precinct other than the one in which the voter is registered; or (D) the inaccessibility of the polling place to the voter because of his or her physical disability; and

   (2) Any voter who is a member of a religious denomination with an established history of observing Saturday as the Sabbath, when the election is scheduled to be held on Saturday.

(c) Voters in the following circumstances shall be authorized to vote an absentee ballot under special affidavit and shall be required to vote that absentee ballot in person in the office of the clerk of the circuit court during the period of special absentee voting in person:

   Any voter who will be absent from the county throughout the regular period and available hours for voting in
person at the polls or at the clerk's office because of
personal or business travel or employment, who will be
unable to receive an absentee ballot by mail at an address
outside the county during that absence, and who will be
present within the county between the forty-second day
before the election and the fifteenth day before the
election.

(d) Voters in the following circumstances shall be
authorized to vote an absentee ballot by mail:

(1) Any voter who is confined to a specific location and
prevented from voting in person throughout the period of
voting in person because of: (A) Illness, injury or other
medical reason; (B) physical disability or immobility due
to extreme advanced age; or (C) incarceration or home
detention when not under conviction of a felony, treason
or bribery in an election;

(2) Any voter who is absent from the county throughout
the period and available hours for voting in person
because of: (A) Personal or business travel; (B) attendance
at a college, university or other place of education or
training; or (C) employment which because of hours
worked and distance from the county seat make voting in
person impossible;

(3) Any voter absent from the county throughout the
period and available hours for voting in person and who
is an absent uniformed services voter or overseas voter, as
defined by the Uniformed and Overseas Citizens Absentee
seq.). Members of the uniformed services on active duty,
members of the merchant marine, spouses and dependents
of those members on active duty, and persons who reside
outside the United States and are qualified to vote in the
last place in which the person was domiciled before
leaving the United States are included in the above
definition;
(4) Any voter who is required to dwell temporarily outside the county and is absent from the county throughout the time for voting in person because of: (A) Serving as an elected or appointed federal or state officer; or (B) serving in any other documented employment assignment of specific duration of four years or less; and

(5) Any voter for whom both the office of the circuit clerk and the polling place are inaccessible to the voter because of his or her physical disability.

(e) Voters in the following circumstances shall be authorized to vote an emergency absentee ballot, subject to the availability of the services as provided in this article:

(1) Any voter who is admitted for emergency medical treatment on or after the seventh day next preceding the election and who anticipates continued confinement in a hospital or other duly licensed health care within the county of residence or other authorized area, as provided in this article;

(2) Any voter who resides in a nursing home within the county of residence and would be otherwise unable to vote in person, providing the county commission has authorized such services; and

(3) Any voter who is working as a replacement poll worker and is assigned a precinct out of his or her voting district, if the assignment was made after the period for voting an absentee ballot in person has expired.
That 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 from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within .............. approved .............. this the ..............

day of .............. April ........................................, 1998.

Governor