

SD 226

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2002



ENROLLED

Committee Substitute for

SENATE BILL NO. *226*

(By Senator *Hunter, et al*)



PASSED *March 9, 2002*

In Effect *ninety days from* **Passage**

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 226

(SENATORS HUNTER, REDD, FANNING, MITCHELL, LOVE,
OLIVERIO, ROWE, BURNETTE AND CALDWELL, *original sponsors*)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article one-c, relating to creating the accessible voting technology act.

Be it enacted by the Legislature of West Virginia:

That chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article one-c, to read as follows:

ARTICLE 1C. ACCESSIBLE VOTING TECHNOLOGY ACT.

§3-1C-1. Short title.

1 This article may be cited as "The Accessible Voting
2 Technology Act".

§3-1C-2. Findings.

1 The Legislature makes the following findings:

2 (1) Microchip and digital technologies are increasingly
3 changing the way Americans vote;

4 (2) State and political subdivisions are replacing anti-
5 quated voting methods and machines with computer- and
6 electronic-based voting systems, but nonvisual access,
7 whether by speech, Braille or other appropriate means is
8 often overlooked in certifying and purchasing the latest
9 voting technology;

10 (3) Voting technology and systems which allow the voter
11 to access and select information solely through visual
12 means are a barrier to access by individuals who are blind
13 or visually impaired, thereby discouraging them from
14 exercising the right to vote, the most fundamental right of
15 citizenship in a free and democratic society;

16 (4) Software and hardware adaptations have been
17 created so that voters can interact with voting technology
18 and systems through both visual and nonvisual means
19 allowing blind and visually impaired people to cast a
20 secret ballot and independently verify their vote; and

21 (5) In promoting full participation in the electoral
22 process, the goals of the state and its political subdivisions
23 must recognize the right of all citizens regardless of
24 blindness or visual impairment to vote and to cast and
25 verify their ballots independently.

§3-1C-3. Definitions.

1 As used in this article, unless the context otherwise
2 requires a different meaning, the term:

3 (1) "Access" means the ability to receive, use, select and
4 manipulate data and operate controls included in voting
5 technology and systems;

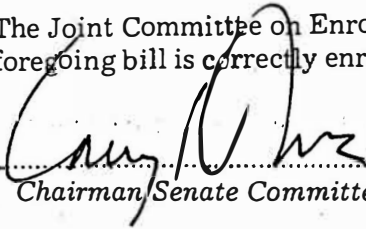
6 (2) "Nonvisual" means synthesized speech, Braille and
7 other output methods not requiring sight.

§3-1C-4. Requirements for accessible voting technology and systems.

1 (a) If any county upgrades or replaces existing voting
2 equipment or an existing voting system and the upgraded
3 or new equipment or system is certified by the secretary of
4 state to have the capability to provide or the capability to
5 be upgraded to provide blind and visually impaired
6 individuals with nonvisual access which is equivalent to
7 that access provided to individuals who are not blind or
8 visually impaired, then the county must purchase or lease
9 at least one voting mechanism which provides such
10 nonvisual access to be used during the period of voting
11 regular absentee ballots in person. The voting mechanism
12 must also be used in a precinct, as designated by the
13 county commission, on election day.

14 (b) The county commission of any county may place
15 voting mechanisms that provide nonvisual access to blind
16 or visually impaired persons in as many other precincts of
17 the county as the county commission determines is feasible
18 for use on election day, if the type of voting mechanism to
19 be used has been certified by the secretary of state.

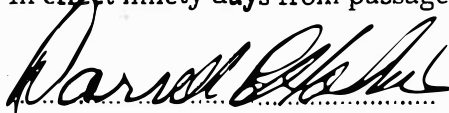
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

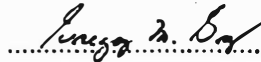

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Chairman Senate Committee


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Chairman House Committee

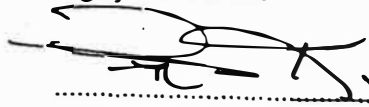
Originated in the Senate.

In effect ninety days from passage.

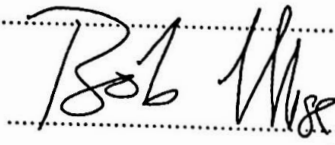

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 3rd
Day of April, 2002.


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Governor

PRESENTED TO THE

GOVERNOR

Date 3/19/02

Time 3:10pm