

HB 4481 S

FILED

2006 APR -4 P 2: 22

CLERK OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4481

(By Delegates Amores, Morgan, Palumbo and Schadler)



Passed March 11, 2006

In Effect Ninety Days from Passage

FILED

2006 APR -4 P 2: 22

OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 4481

(BY DELEGATES AMORES, MORGAN, PALUMBO AND SCHADLER)

[Passed March 11, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §3-4A-9b of the Code of West Virginia, 1931, as amended, relating to the limited use of precinct ballot-scanning devices for a count of votes following the close of the polls on election night.

Be it enacted by the Legislature of West Virginia:

That §3-4A-9b of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.

§3-4A-9b. Authorization for precinct ballot-scanning device; minimum requirements.

1 (a) For purposes of this section, “precinct ballot-scanning
2 device” means a device used by the voter at the precinct on
3 election day or during early voting for the purpose of scanning
4 the voter’s ballot after the ballot has been voted but prior to
5 depositing the ballot into the ballot box.

6 (b) The precinct ballot-scanning device may be used for the
7 purpose of scanning optically readable ballots cast in all
8 primary, general and special elections.

9 (c) The precinct ballot-scanning device, firmware and
10 programming software must be certified by an independent
11 testing authority, according to current federal standards and be
12 approved by the State Election Commission. No election
13 official may enter into any contract to purchase, rent, lease or
14 otherwise acquire any precinct ballot-scanning device, firmware
15 or software not approved by the State Election Commission.

16 (d) The precinct ballot-scanning device shall additionally:

17 (1) Alert the voter if the voter has made more ballot
18 selections than the law allows for an individual office or ballot
19 issue;

20 (2) Alert the voter if the voter has made fewer ballot
21 selections than the law allows for an individual office or ballot
22 issue; and

23 (3) Allow voters an opportunity to change ballot selections,
24 or correct errors, including the opportunity to correct the error
25 through the issuance of a replacement ballot if the voter was
26 otherwise unable to change the ballot or correct the error.

27 (e) The precinct ballot-scanning device may be used for
28 tabulating election results only under the following conditions:

29 (1) The county has at least one precinct ballot-scanning
30 device in each precinct;

31 (2) No print out or tabulation of results is done at the
32 precinct;

33 (3) The "tabulation memory device" may be removed from
34 the ballot-scanning device only after the polls close and the
35 votes may only be counted at the central counting center on the
36 night of the election; and .

37 (4) All voters at the precinct are required to use the ballot
38 scanning device as a condition of completing their vote.

39 (f) If the optical scan ballots from each of the precincts are
40 counted at the central counting center on election night in
41 accordance with section twenty-seven of this article, and the
42 results from that count are the results finally published on
43 election night, then any county meeting each of the require-
44 ments in paragraphs (1) through (4) of subsection (e), may turn
45 off the over vote switch on the central counting device since
46 every ballot will have been evaluated for over votes by the
47 precinct scanning device.

48 (g) The Secretary of State is hereby directed to propose
49 rules and emergency rules for legislative approval in accor-
50 dance with the provisions of article three, chapter twenty-nine-a
51 of this code in accordance with the provisions of this section.

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



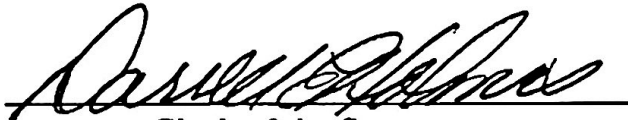
Chairman Senate Committee



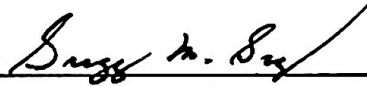
Chairman House Committee

Originating in the House.

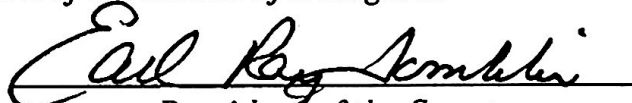
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates




President of the Senate



Speaker of the House of Delegates

The within is approved this the 4th
day of April 2006.



Governor

PRESENTED TO THE
GOVERNOR

MAR 29 2006

Time 10:40am