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2009 APR 24 PM 1:51

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2009



ENROLLED

**COMMITTEE SUBSTITUTE
FOR**

House Bill No. 2464

(By Delegates Spencer, Hatfield, Guthrie, M. Poling and Morgan)



Passed April 10, 2009

In Effect Ninety Days from Passage

HB 2464

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COMMITTEE SUBSTITUTE **2009 APR 24 PM 1:51**

FOR

OFFICE WEST VIRGINIA
SECRETARY OF STATE

H. B. 2464

(BY DELEGATES SPENCER, HATFIELD, GUTHRIE,
M. POLING AND MORGAN)

[Passed April 10, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §3-3-2a of the Code of West Virginia, 1931, as amended, relating to early voting and authorizing county commissions to designate voting locations other than the county courthouse or annex of the courthouse; requiring the Secretary of State to propose legislative and emergency rules.

Be it enacted by the Legislature of West Virginia:

That §3-3-2a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. VOTING BY ABSENTEES.

§3-3-2a. Early voting areas; prohibition against display of campaign material.

1 (a) The county commission shall designate the
2 courthouse or annex to the courthouse as the primary location
3 for early voting and in addition, the commission may
4 designate other locations as provided in subsection (b).

5 (b) The county commission may, with the approval of the
6 county clerk or other official charged with the administration
7 of elections, and the written agreement of the chairpersons of
8 the county executive committees of the two major political
9 parties, designate additional locations for early voting other
10 than the county courthouse or courthouse annex. The
11 additional locations shall comply with the requirements of
12 this article for early in-person voting and criteria prescribed
13 by the Secretary of State.

14 (c) The Secretary of State is hereby directed to propose
15 legislative and emergency rules in accordance with the
16 provisions of article three, chapter twenty-nine-a of this code
17 as may be necessary to implement the provisions of this
18 section. The rules shall include establishment of criteria to
19 assure neutrality and security in the selection of additional
20 locations.

21 (d) Throughout the period of early in-person voting, the
22 official designated to supervise and conduct absentee voting
23 shall make the following provisions for voting:

24 (1) The official shall provide a sufficient number of
25 voting booths or devices appropriate to the voting system at
26 which voters may prepare their ballots. The booths or
27 devices are to be in an area separate from but within clear
28 view of the public entrance area of the official's office or
29 other area designated by the county commission for absentee
30 voting and are to be arranged to ensure the voter complete
31 privacy in casting the ballot.

32 (2) The official shall make the voting area secure from
33 interference with the voter and shall ensure that voted and
34 unvoted ballots are at all times secure from tampering. No
35 person, other than a person lawfully assisting the voter
36 according to the provisions of this chapter, may be permitted
37 to come within five feet of the voting booth while the voter
38 is voting. No person, other than the officials or employees of
39 the official designated to supervise and conduct absentee
40 voting or members of the board of ballot commissioners
41 assigned to conduct absentee voting, may enter the area or
42 room set aside for voting.

43 (3) The official designated to supervise and conduct
44 absentee voting shall request the county commission
45 designate another area within the county courthouse, any
46 annex of the courthouse or any other designated as early in-
47 person voting locations within the county, as a portion of the
48 official's office, for the purpose of absentee in-person voting
49 in the following circumstances:

50 (A) If the voting area is not accessible to voters with
51 physical disabilities;

52 (B) If the voting area is not within clear view of the
53 public entrance of the office of the official designated to
54 supervise and conduct absentee voting; or

55 (C) If there is no suitable area for absentee in-person
56 voting within the office.

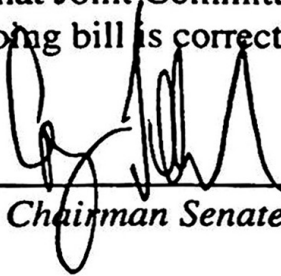
57 Any designated area is subject to the same requirements
58 as the regular absentee voting area.

59 (4) The official designated to supervise and conduct
60 absentee voting shall have at least two representatives to
61 assist with absentee voting: *Provided*, That the two

62 representatives may not be registered with the same political
63 party affiliation or two persons registered with no political
64 party affiliation. The representatives may be full-time
65 employees, temporary employees hired for the period of
66 absentee voting in person or volunteers.

67 (5) No person may do any electioneering nor may any
68 person display or distribute in any manner, or authorize the
69 display or distribution of, any literature, posters or material
70 of any kind which tends to influence the voting for or against
71 any candidate or any public question on the property of the
72 county courthouse, any annex facilities, or any other
73 designated early voting locations within the county, during
74 the entire period of regular in-person absentee voting. The
75 official designated to supervise and conduct absentee voting
76 is authorized to remove the material and to direct the sheriff
77 of the county to enforce the prohibition.

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 w appended this the 24th
day of April, 2009.



Governor

PRESENTED TO THE
GOVERNOR

APR 21 2009

Time

4:00 pm