WEST VIRGINIA LEGISLATURE  
SECOND EXTRAORDINARY SESSION, 2010  

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ENROLLED  

House Bill No. 211  
(By Mr. Speaker, Mr. Thompson, and Delegate Armstead)  
[By Request of the Executive]  

Passed July 21, 2010  
In Effect From Passage
AN ACT to amend and reenact §3-3B-3 of the Code of West Virginia, 1931, as amended, relating to the pilot program for military and overseas voters for the primary and general elections to be held during the year 2010; and extending the application period for counties to apply with the Secretary of State’s Office to participate in the pilot program for the general election.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3B. UNIFORMED SERVICES AND OVERSEAS VOTER PILOT PROGRAM.

§3-3B-3. Process for selection by Secretary of State.

1 (a) On or before the close of business on January 8, 2010, for the 2010 primary and general election, and on or before the close of business on July 30, 2010, for the 2010 general
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election only, any county interested in participating in the
pilot program must submit a proposal to the secretary of
state. the proposal shall include:

(1) the name of the vendor or vendors, if any, whose
voting system will be implemented for voting by uniformed
military and overseas citizen voters;

(2) the anticipated cost to the county of implementing
the proposal;

(3) the manner in which the voting system complies with
the provisions of section four of this article; and

(4) an option for the voter to choose not to vote using the
pilot voting system, but rather by mail, fax or e-mail at the
voter's discretion as provided in sections five and five-b,
article three, chapter three of this code.

(b) the secretary of state shall evaluate each proposal
and shall approve those proposals which meet the criteria
described in section four of this article.

(c) on or before january 29, 2010, for the 2010 primary
and general election, and on or before august 13, 2010, for
the 2010 general election only, each county that has
submitted a proposal shall be notified by the secretary of
state that the application has either been approved or denied.

(d) any county that applied by january 8, 2010, and was
approved by the secretary of state is considered approved for
program participation in both the 2010 primary election and
2010 general election.

(e) following the primary election, the secretary shall
evaluate the functional effectiveness of pilot programs
conducted under this article and shall terminate any program that fails to adequately and securely ensure that absent uniformed services voters and overseas voters have their absentee ballots cast and counted in the primary election.

(f) Ninety days following the 2010 primary election and ninety days following the 2010 general election, the secretary shall submit to the Legislature reports on the progress and outcomes of any pilot program conducted under this article, together with recommendations:

(1) For the conduct of additional pilot programs; and

(2) For such other legislation as the secretary determines appropriate.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Enr. H.B. 211
Member - Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

In effect 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 [w]as approved this the 26th day of July, 2010.

[Signature]
Governor