

HB 4247

2010 MAR 29 PM 3: 08

OFFICE OF THE CLERK
WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2010



ENROLLED

House Bill No. 4247

(By Delegates Frazier, Marshall, Poore,
Swartzmiller and Ferro)



Passed March 13, 2010

In Effect Ninety Days From Passage

ENROLLED

H. B. 4247

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(BY DELEGATES FRAZIER, MARSHALL, POORE,
SWARTZMILLER AND FERRO)

[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §3-4A-17 of the Code of West Virginia, 1931, as amended, relating to providing counties the discretion to accompany an electronic poll book with a printed poll book.

Be it enacted by the Legislature of West Virginia:

That §3-4A-17 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.

§3-4A-17. Check of vote-recording devices and electronic poll books before use; corrections; reserve vote-recording devices.

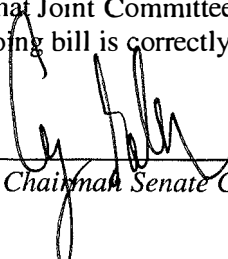
- 1 (a) In counties utilizing an electronic voting system
- 2 where votes are to be recorded by means of perforating or by
- 3 touching a screen with a stylus or by means of touch before
- 4 permitting the first voter to vote, the election commissioners
- 5 shall examine the vote-recording devices to ascertain whether
- 6 the ballot labels are arranged as specified on the facsimile
- 7 diagram furnished to the precinct. If the ballot labels are
- 8 arranged incorrectly, the commissioners shall immediately
- 9 notify the clerk of the county commission of the foregoing

10 facts in writing, indicating the number of the device, and
11 obtain from the clerk a reserve vote-recording device and
12 thereafter proceed to conduct the election.

13 (b) Any reserve vote-recording device so used is to be
14 prepared for use by the clerk or his or her duly appointed
15 deputy and the reserve vote-recording device is to be
16 prepared, inspected and sealed and delivered to the polling
17 place wherein the seal is to be broken and the device opened
18 in the presence of the precinct election commissioners who
19 shall certify in writing signed by them to the clerk of the
20 county commission, that the reserve vote-recording device
21 was found to be sealed upon delivery to the polling place,
22 that the seal was broken and the device opened in their
23 presence at the polling place. The vote-recording device
24 found to have been with incorrect ballot labels is to be
25 returned immediately to the custody of the clerk who shall
26 then promptly cause the vote-recording device to be repaired,
27 prepared and resealed in order that it may be used as a
28 reserve vote-recording device if needed.

29 (c) In counties using electronic poll books, the election
30 commissioners shall examine the electronic poll books to
31 ascertain whether the poll books are in working order before
32 allowing any voters to enter the polling location. If the
33 electronic poll books are not in working order, the election
34 commissioners shall contact the county clerk who shall
35 immediately authorize a printed poll book to serve in place of
36 the electronic poll book for that election. A printed poll book
37 may accompany the electronic poll book to each precinct.

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



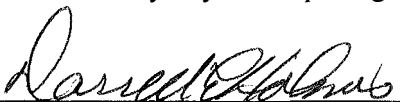
Chairman Senate Committee



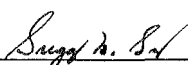
Chairman House Committee

Originating in the House.

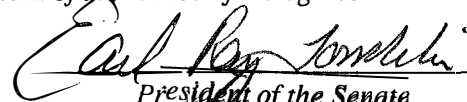
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Clerk of the Senate



Clerk of the House of Delegates

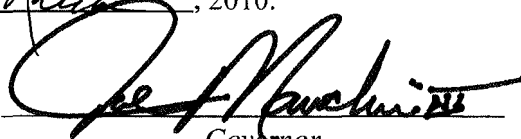


President of the Senate



Speaker of the House of Delegates

The within is appended this the 28th
day of March, 2010.



Governor

PRESENTED TO THE
GOVERNOR

MAR 26 2010

Time 1:40 pm