WEST VIRGINIA LEGISLATURE
EIGHTIETH LEGISLATURE
REGULAR SESSION, 2011

ENROLLED

Senate Bill No. 581
(BY SENATORS UNGER AND K. FACEMYER)

[PASSED MARCH 12, 2011; IN EFFECT FROM PASSAGE.]
ENROLLED

Senate Bill No. 581

(BY SENATORS UNGER AND K. FACEMYER)

[Passed March 12, 2011; in effect from passage.]

AN ACT to amend and reenact §3-3-3 of the Code of West Virginia, 1931, as amended, relating to reducing the days for early voting in person; and allowing Saturday early voting in all elections.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3. VOTING BY ABSENTEES.

§3-3-3. Early voting in person.

1 (a) The voting period for early in-person voting is to be conducted during regular business hours beginning on the thirteenth day before the election and continuing through the third day before the election. Additionally, early in-person voting is to be available from 9:00 a.m. to 5:00 p.m. on Saturdays during the early voting period.

7 (b) Any person desiring to vote during the period of early in-person voting shall, upon entering the election room, clearly state his or her name and residence to the official or representative designated to supervise and conduct absentee voting. If that person is found to be duly registered as a voter
in the precinct of his or her residence, he or she is required
to sign his or her name in the space marked “signature of
voter” on the pollbook. If the voter is unable to sign his or
her name due to illiteracy or physical disability, the person
assisting the voter and witnessing the mark of the voter shall
sign his or her name in the space provided. No ballot may be
given to the person until he or she signs his or her name on
the pollbook.

(c) When the voter's signature or mark is properly on the
pollbook, two qualified representatives of the official
designated to supervise and conduct absentee voting shall
sign their names in the places indicated on the back of the
official ballot.

(d) If the official designated to supervise and conduct
absentee voting determines that the voter is not properly
registered in the precinct where he or she resides, the clerk
or his or her representative shall challenge the voter's
absentee ballot as provided in this article.

(e) The official designated to supervise and conduct
absentee voting shall provide each person voting an absentee
ballot in person the following items to be printed as pre-
scribed by the Secretary of State:

(1) In counties using paper ballots, one of each type of
official absentee ballot the voter is eligible to vote, prepared
according to law;

(2) In counties using punch card systems, one of each type
of official absentee ballot the voter is eligible to vote, prepared according to law, and a gray secrecy envelope;

(3) In counties using optical scan systems, one of each type
of official absentee ballot the voter is eligible to vote, prepared according to law, and a secrecy sleeve; or

(4) For direct recording election systems, access to the
voting equipment in the voting booth.

(f) The voter shall enter the voting booth alone and there
mark the ballot: Provided, That the voter may have assis-
tance in voting according to the provisions of section four of this article. After the voter has voted the ballot or ballots, the absentee voter shall: Place the ballot or ballots in the gray secrecy envelope and return the ballot or ballots to the official designated to supervise and conduct the absentee voting: Provided, however, That in direct recording election systems, once the voter has cast his or her ballot, the voter shall exit the polling place.

(g) Upon receipt of the voted ballot, representatives of the official designated to supervise and conduct the absentee voting shall:

(1) Remove the ballot stub;

(2) Place punch card ballots and paper ballots into one envelope which shall not have any marks except the precinct number and seal the envelope; and

(3) Place ballots for all voting systems into a ballot box that is secured by two locks with a key to one lock kept by the president of the county commission and a key to the other lock kept by the county clerk.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

Acting President of the Senate

Speaker of the House of Delegates

The within is approved this the 4th Day of April, 2011.

Governor