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# H. B. 2686

(BY DELEGATES FLEISCHAUER, BUCHANAN AND BEACH)

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[Passed April 12, 1997; in effect ninety days from passage.]

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AN ACT to amend and reenact section eleven, article three, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing the clerks of the circuit courts to affix their signatures on absentee ballots by facsimile.

*Be it enacted by the Legislature of West Virginia:*

That section eleven, article three, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

### ARTICLE 3. VOTING BY ABSENTEES.

#### **§3-3-11. Preparation, number and handling of absent voters' ballots.**

1       Absent voters' ballots shall be in all respects like  
2 other ballots. Not less than seventy days before the date  
3 on which any primary, general or special election is to be  
4 held, unless a lesser number of days is provided for in any  
5 specific election law in which case the lesser number of  
6 days applies, the clerks of the circuit courts of the several  
7 counties shall estimate and determine the number of  
8 absent voters' ballots of all kinds which will be required in  
9 their respective counties for that election. The ballots for  
10 the election of all officers, or the ratification, acceptance

11 or rejection of any measure, proposition or other public  
12 question to be voted on by the voters, shall be prepared  
13 and printed under the direction of the board of ballot  
14 commissioners constituted as provided in article one of  
15 this chapter. The several county boards of ballot  
16 commissioners shall prepare and have printed, in the  
17 number they may determine, absent voters' ballots that are  
18 to be printed under their directions as hereinbefore  
19 provided, and those ballots shall be delivered to the clerk  
20 of the circuit court of the county not less than forty-two  
21 days before the day of the election at which they are to be  
22 used. Before any ballot is mailed or delivered, the clerk  
23 of the circuit court shall affix his or her official seal and  
24 he or she and the other members of the board of ballot  
25 commissioners shall place their signatures near the lower  
26 left-hand corner on the back thereof. The clerks of the  
27 circuit courts are authorized to have their signatures  
28 affixed by a facsimile printed on the back of absentee  
29 ballots, by a facsimile signature stamp, or by signing their  
30 original signatures. An absent voter's ballot not  
31 containing the seal and signatures is invalid and is subject  
32 to challenge by any election commissioner or poll clerk.

33 The clerk of the circuit court shall be primarily  
34 responsible for the preparation, mailing, receiving,  
35 delivering and otherwise handling of all absent voters'  
36 ballots. He or she shall keep a record, as may be  
37 prescribed by the secretary of state, of all ballots so  
38 delivered for the purpose of absentee voting, as well as all  
39 ballots, if any, marked before him or her, and shall deliver  
40 to the commissioner of election to whom the ballots for  
41 the precinct are delivered and at the time of the delivery of  
42 those ballots a certificate stating the number of ballots  
43 delivered or mailed to absent voters, and those marked  
44 before him or her, if any, and the names of the voters to  
45 whom those ballots have been delivered or mailed, or by  
46 whom they have been marked, if marked before him or  
47 her.

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

*[Signature]*  
Chairman Senate Committee

*[Signature]*  
Chairman House Committee

Originating in the House.

Takes effect ninety days 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 *is approved* this the *2nd* day of *May*, 1997.

*[Signature]*  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/28/97

Time 2:16 pm