

WEST VIRGINIA
LEGISLATURE

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OFFICE OF THE CLERK
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION SESSION, 2010



ENROLLED

House Bill No. 4589

(By Delegates Iaquina, Longstreth,
Duke, Ellem and Frazier)



Passed March 12, 2010

In Effect Ninety Days From Passage

HB 4589

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(BY DELEGATES IAQUINTA, LONGSTRETH,
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AN ACT to amend and reenact §3-3-2, §3-3-2b, §3-3-5 and §3-3-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4-10 of said code; and to amend and reenact §3-5-13 of said code, all relating to conforming the appropriate sections to the requirements of the Military and Overseas Voter Empowerment Act of 2009.

Be it enacted by the Legislature of West Virginia:

That §3-3-2, §3-3-2b, §3-3-5 and §3-3-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §3-4-10 of said code be amended and reenacted; that §3-5-13 of said code be amended and reenacted, all to read as follows:

ARTICLE 3. VOTING BY ABSENTEES.

§3-3-2. Authority to conduct absentee voting; absentee voting application; form.

- 1 (a) Absentee voting is to be supervised and conducted by
- 2 the proper official for the political division in which the
- 3 election is held, in conjunction with the ballot commissioners
- 4 appointed from each political party, as follows:

5 (1) For any election held throughout the county, within a
6 political subdivision or territory other than a municipality, or
7 within a municipality when the municipal election is conducted
8 in conjunction with a county election, the clerk of the county
9 commission; or

10 (2) The municipal recorder or other officer authorized by
11 charter or ordinance provisions to conduct absentee voting,
12 for any election held entirely within the municipality, or in
13 the case of annexation elections, within the area affected.
14 The terms “clerk” or “clerk of the county commission” or
15 “official designated to supervise and conduct absentee
16 voting” used elsewhere in this article means municipal
17 recorder or other officer in the case of municipal elections.

18 (b) A person authorized and desiring to vote a mail-in
19 absentee ballot in any primary, general or special election is
20 to make application in writing in the proper form to the
21 proper official as follows:

22 (1) The completed application is to be on a form
23 prescribed by the Secretary of State and is to contain the
24 name, date of birth and political affiliation of the voter,
25 residence address within the county, the address to which the
26 ballot is to be mailed, the authorized reason, if any, for which
27 the absentee ballot is requested and, if the reason is illness or
28 hospitalization, the name and telephone number of the
29 attending physician, the signature of the voter to a declaration
30 made under the penalties for false swearing as provided in
31 section three, article nine of this chapter that the statements
32 and declarations contained in the application are true, any
33 additional information which the voter is required to supply,
34 any affidavit which may be required and an indication as to
35 whether it is an application for voting in person or by mail;
36 or

37 (2) For any person authorized to vote an absentee ballot
38 under the provisions of 42 U.S.C. §1973, *et seq.*, the
39 Uniformed and Overseas Citizens Absentee Voting Act of
40 1986, the completed application may be on the federal
41 postcard application for absentee ballot form issued under
42 authority of that act, submitted by mail or electronically; or

43 (3) For any person unable to obtain the official form for
44 absentee balloting at a reasonable time before the deadline
45 for an application for an absentee ballot by mail is to be
46 received by the proper official, the completed application
47 may be in a form set out by the voter, provided all information
48 required to meet the provisions of this article is set forth and
49 the application is signed by the voter requesting the ballot.

§3-3-2b. Special absentee voting list.

1 (a) Any person who is registered and otherwise qualified
2 to vote and who is permanently and totally physically
3 disabled and who is unable to vote in person at the polls in an
4 election may apply to the official designated to supervise and
5 conduct absentee voting for placement on the special
6 absentee voting list.

7 (b) The application is to be on a form prescribed by the
8 Secretary of State which is to include the voter's name and
9 signature, residence address, a statement that the voter is
10 permanently and totally physically disabled and would be
11 unable to vote in person at the polls in any election, a
12 description of the nature of that disability, and a statement
13 signed by a physician to that effect.

14 (c) Upon receipt of a properly completed application, the
15 official designated to supervise and conduct absentee voting
16 shall enter the name on the special absentee voting list, which
17 is to be maintained in a secure and permanent record. The

18 person's name will remain active on the list until: (1) The
19 person requests in writing that his or her name be removed;
20 (2) the person removes his or her residence from the county,
21 is purged from the voter registration books or otherwise
22 becomes ineligible to vote; (3) a ballot mailed to the address
23 provided on the application is returned undeliverable by the
24 United States postal service; or (4) the death of the person.

25 (d) The official designated to supervise and conduct
26 absentee voting shall mail an application for an absentee
27 ballot by mail to each person active on the special absentee
28 voting list not later than forty-six days before each election.

**§3-3-5. Voting an absentee ballot by mail or electronically;
penalties.**

1 (a) Upon oral or written request, the official designated
2 to supervise and conduct absentee voting shall provide to any
3 voter of the county, in person, by mail, or electronically the
4 appropriate application for voting absentee by mail as
5 provided in this article. The voter shall complete and sign the
6 application in his or her own handwriting or, if the voter is
7 unable to complete the application because of illiteracy or
8 physical disability, the person assisting the voter and
9 witnessing the mark of the voter shall sign his or her name in
10 the space provided.

11 (b) Completed applications for voting an absentee ballot
12 by mail are to be accepted when received by the official
13 designated to supervise and conduct absentee voting in
14 person, by mail, or electronically within the following times:

15 (1) For persons eligible to vote an absentee ballot under
16 the provisions of subdivision (3), subsection (b), section one
17 of this article, relating to absent uniformed services and
18 overseas voters, not earlier than January 1 of an election year

19 or eighty-four days preceding the election, whichever is
20 earlier, and not later than the sixth day preceding the election,
21 which application is to, upon the voter's request, be accepted
22 as an application for the ballots for all elections in the
23 calendar year; and

24 (2) For all other persons eligible to vote an absentee
25 ballot by mail, not earlier than eighty-four days preceding the
26 election and not later than the sixth day preceding the
27 election.

28 (c) Upon acceptance of a completed application, the
29 official designated to supervise and conduct absentee voting
30 shall determine whether the following requirements have
31 been met:

32 (1) The application has been completed as required by
33 law;

34 (2) The applicant is duly registered to vote in the precinct
35 of his or her residence and, in a primary election, is qualified
36 to vote the ballot of the political party requested;

37 (3) The applicant is authorized for the reasons given in
38 the application to vote an absentee ballot by mail;

39 (4) The address to which the ballot is to be mailed is an
40 address outside the county if the voter is applying to vote by
41 mail under the provisions of paragraph (A) or (B),
42 subdivision (2), subsection (b), section one of this article; or
43 subdivision (3) or (4) of said subsection;

44 (5) The applicant is not making his or her first vote after
45 having registered by postcard registration or, if the applicant
46 is making his or her first vote after having registered by
47 postcard registration, the applicant is exempt from these
48 requirements; and

49 (6) No regular and repeated pattern of applications for an
50 absentee ballot by mail for the reason of being out of the
51 county during the entire period of voting in person exists to
52 suggest that the applicant is no longer a resident of the
53 county.

54 (d) If the official designated to supervise and conduct
55 absentee voting determines that the required conditions have
56 been met, two representatives that are registered to vote with
57 different political party affiliations shall sign their names in
58 the places indicated on the back of the official ballot. If the
59 official designated to supervise and conduct absentee voting
60 determines the required conditions have not been met, or has
61 evidence that any of the information contained in the
62 application is not true, the official shall give notice to the
63 voter that the voter's absentee ballot will be challenged as
64 provided in this article and shall enter that challenge.

65 (e) (1) Within one day after the official designated to
66 supervise and conduct absentee voting has both the
67 completed application and the ballot, the official shall mail to
68 the voter at the address given on the application the following
69 items as required and as prescribed by the Secretary of State:

70 (A) One of each type of official absentee ballot the voter
71 is eligible to vote, prepared according to law;

72 (B) One envelope, unsealed, which may have no marks
73 except the designation "Absent Voter's Ballot Envelope No.
74 1" and printed instructions to the voter;

75 (C) One postage paid envelope, unsealed, designated
76 "Absent Voter's Ballot Envelope No. 2";

77 (D) Instructions for voting absentee by mail;

78 (E) For electronic systems, a device for marking by
79 electronically sensible pen or ink, as may be appropriate;

80 (F) Notice that a list of write-in candidates is available
81 upon request; and

82 (G) Any other supplies required for voting in the
83 particular voting system.

84 (2) If the voter is an absent uniformed services voter or
85 overseas voter, as defined by 42 U.S.C. §1973, *et seq.*, the
86 official designated to supervise and conduct absentee voting
87 shall transmit the ballot to the voter via mail, or electronically
88 as requested by the voter. If the voter does not designate a
89 preference for transmittal, the clerk may select either method
90 of transmittal for the ballot. If the ballot is transmitted
91 electronically pursuant to this subdivision, the official
92 designated to supervise and conduct absentee voting shall
93 also transmit electronically:

94 (A) A waiver of privacy form, to be promulgated by the
95 Secretary of State;

96 (B) Instructions for voting absentee utilizing a federally
97 approved system for voting by mail or electronically;

98 (C) Notice that a list of write-in candidates is available
99 upon request; and

100 (D) Statement of the voter affirming the voter's current
101 name and address and whether or not he or she received
102 assistance in voting.

103 (f) The voter shall mark the ballot alone: *Provided*, That
104 the voter may have assistance in voting according to the
105 provisions of section six of this article.

106 (1) After the voter has voted the ballot or ballots to be
107 returned by mail, the voter shall:

108 (A) Place the ballot or ballots in envelope no. 1 and seal
109 that envelope;

110 (B) Place the sealed envelope no. 1 in envelope no. 2 and
111 seal that envelope;

112 (C) Complete and sign the forms on envelope no. 2; and

113 (D) Return that envelope to the official designated to
114 supervise and conduct absentee voting.

115 (2) If the ballot was transmitted electronically as provided
116 in subdivision (2), subsection (e) of this section, the voter
117 shall return the ballot in the same manner the ballot was
118 received, or the voter may return the ballot by United States
119 mail, along with a signed privacy waiver form.

120 (g) Except as provided in subsection (h) of this section,
121 absentee ballots returned by United States mail or other
122 express shipping service are to be accepted if:

123 (1) The ballot is received by the official designated to
124 supervise and conduct absentee voting no later than the day
125 after the election; or

126 (2) The ballot bears a postmark of the United States
127 Postal Service dated no later than election day and the ballot
128 is received by the official designated to supervise and
129 conduct absentee voting no later than the hour at which the
130 board of canvassers convenes to begin the canvass.

131 (h) Absentee ballots received through the United States
132 mail from persons eligible to vote an absentee ballot under
133 the provisions of subdivision (3), subsection (b), section one

134 of this article, relating to uniform services and overseas
135 voters, are to be accepted if the ballot is received by the
136 official designated to supervise and conduct absentee voting
137 no later than the hour at which the board of canvassers
138 convenes to begin the canvass.

139 (i) Voted ballots submitted electronically pursuant to
140 subdivision (2), subsection (f) of this section are to be
141 accepted if the ballot is received by the official designated to
142 supervise and conduct absentee voting no later than the close
143 of polls on election day: *Provided*, That the Secretary of
144 State's office shall enter into an agreement with the Federal
145 Voting Assistance Program of the United States Department
146 of Defense to transmit the ballots to the county clerks at a
147 time when two individuals of opposite political parties are
148 available to process the received ballots.

149 (j) Ballots received after the proper time which cannot be
150 accepted are to be placed unopened in an envelope marked
151 for the purpose and kept secure for twenty-two months
152 following the election, after which time they are to be
153 destroyed without being opened.

154 (k) Absentee ballots which are hand delivered are to be
155 accepted if they are received by the official designated to
156 supervise and conduct absentee voting no later than the day
157 preceding the election: *Provided*, That no person may hand
158 deliver more than two absentee ballots in any election and
159 any person hand delivering an absentee ballot is required to
160 certify that he or she has not examined or altered the ballot.
161 Any person who makes a false certification violates the
162 provisions of article nine of this chapter and is subject to
163 those provisions.

164 (l) Upon receipt of the sealed envelope, the official
165 designated to supervise and conduct absentee voting shall:

166 (1) Enter onto the envelope any other required
167 information;

168 (2) Enter the challenge, if any, to the ballot;

169 (3) Enter the required information into the permanent
170 record of persons applying for and voting an absentee ballot
171 in person; and

172 (4) Place the sealed envelope into a ballot box that is
173 secured by two locks with a key to one lock kept by the
174 president of the county commission and a key to the other
175 lock kept by the county clerk.

176 (m) Upon receipt of a ballot submitted electronically
177 pursuant to subdivision (2), subsection (f) of this section, the
178 official designated to supervise and conduct absentee voting
179 shall place the ballot in an envelope marked "Absentee by
180 Electronic Means" with the completed waiver: *Provided,*
181 That no ballots are to be processed without the presence of
182 two individuals of opposite political parties.

183 (n) All ballots received electronically prior to the close of
184 the polls on election day are to be tabulated in the manner
185 prescribed for tabulating absentee ballots submitted by mail
186 to the extent that those procedures are appropriate for the
187 applicable voting system. The clerk of the county commission
188 shall keep a record of absentee ballots sent and received
189 electronically.

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

1 (a) Absent voters' ballots are to be in all respects like
2 other ballots. Not less than seventy days before the date on
3 which any primary, general or special election is to be held,

4 unless a lesser number of days is provided in any specific
5 election law in which case the lesser number of days applies,
6 the clerks of the county commissions of the several counties
7 shall estimate and determine the number of absent voters'
8 ballots of all kinds which will be required in their respective
9 counties for that election. The ballots for the election of all
10 officers, or the ratification, acceptance or rejection of any
11 measure, proposition or other public question to be voted on
12 by the voters, are to be prepared and printed under the
13 direction of the board of ballot commissioners constituted as
14 provided in article one of this chapter. The several county
15 boards of ballot commissioners shall prepare and have
16 printed, in the number they may determine, absent voters'
17 ballots that are to be printed under their directions as
18 provided in this chapter and those ballots are to be delivered
19 to the clerk of the county commission of the county not less
20 than forty-six days before the day of the election at which
21 they are to be used.

22 (b) The official designated to supervise and conduct
23 absentee voting shall be responsible for the mailing,
24 transmitting, receiving, delivering and otherwise handling of
25 all absent voters' ballots. He or she shall keep a record, as
26 may be prescribed by the Secretary of State, of all ballots
27 delivered for the purpose of absentee voting, as well as all
28 ballots, if any, marked before him or her and shall deliver to
29 the commissioner of election a certificate stating the number
30 of ballots delivered, transmitted, or mailed to absent voters
31 and those marked before him or her, if any, and the names of
32 the voters to whom those ballots have been delivered,
33 transmitted, or mailed or by whom they have been marked,
34 if marked before him or her.

ARTICLE 4. VOTING MACHINES.

§3-4-10. Ballot labels, instructions and other supplies; vacancy changes; procedure and requirements.

1 (a) The ballot commissioners of any county in which
2 voting machines are to be used in any election shall cause to
3 be printed for use in the election the ballot labels for the
4 voting machines and paper ballots for absentee voting, voting
5 by persons unable to use the voting machine and provisional
6 ballots or if an electronic voting system or direct recording
7 election equipment is to be used in an election, the ballot
8 commissioners shall comply with requirements of section
9 eleven, article four-a of this chapter. The labels shall be
10 clearly printed in black ink on clear white material in a size
11 that will fit the ballot frames. The paper ballots shall be
12 printed in compliance with the provisions of this chapter
13 governing paper ballots.

14 (b) The heading, the names and arrangement of offices
15 and the printing and arrangement of names of the candidates
16 for each office indicated must be placed on the ballot for the
17 primary election as nearly as possible according to the
18 provisions of sections thirteen and thirteen-a, article five of
19 this chapter and for the general election according to the
20 provisions of section two, article six of this chapter:
21 *Provided*, That the staggering of the names of candidates in
22 multicandidate races and the instructions to straight ticket
23 voters prescribed by section two, article six of this chapter
24 shall appear on paper ballots but shall not appear on ballot
25 labels for voting machines which mechanically control
26 crossover voting.

27 (c) Each question to be voted on must be placed at the
28 end of the ballot and must be printed according to the
29 provisions of the laws and rules governing the question.

30 (d) The ballot labels printed must total in number one and
31 one-half times the total number of corresponding voting
32 machines to be used in the several precincts of the county in
33 the election. All the labels must be delivered to the clerk of

34 the county commission at least twenty-eight days prior to the
35 day of the election. The clerk of the county commission shall
36 determine the number of paper ballots needed for absentee
37 voting and to supply the precincts for provisional ballots and
38 ballots to be cast by persons unable to use the voting
39 machine. All required paper ballots shall be delivered to the
40 clerk of the county commission at least forty-six days prior
41 to the day of the election.

42 (e) When the ballot labels and absentee ballots are
43 delivered, the clerk of the county commission shall examine
44 them for accuracy, assure that the appropriate ballots and
45 ballot labels are designated for each voting precinct and
46 insert one set in each machine prior to the inspection of the
47 machines as prescribed in section twelve of this article. The
48 remainder of the ballot labels for each machine shall be
49 retained by the clerk of the county commission for use in an
50 emergency.

51 (f) In addition to all other equipment and supplies
52 required by the provisions of this article, the ballot
53 commissioners shall cause to be printed a supply of
54 instruction cards, sample ballots and facsimile diagrams of
55 the voting machine ballot adequate for the orderly conduct of
56 the election in each precinct in their county. In addition, they
57 shall provide appropriate facilities for the reception and
58 safekeeping of the ballots of absent voters and of challenged
59 voters and of the “independent” voters who shall, in primary
60 elections, cast their votes on nonpartisan candidates and
61 public questions submitted to the voters.

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-13. Form and contents of ballots.

1 The face of every primary election ballot shall conform
2 as nearly as practicable to that used at the general election.

3 (1) The heading of every ballot is to be printed in display
4 type. The heading is to contain a ballot title, the name of the
5 county, the state, the words “Primary Election” and the
6 month, day and year of the election. The ballot title of the
7 political party ballots is to contain the words “Official Ballot
8 of the (Name) Party” and the official symbol of the political
9 party may be included in the heading. The ballot title of any
10 separate paper ballot or portion of any electronic or voting
11 machine ballot for the Board of Education is to contain the
12 words “Nonpartisan Ballot of Election of Members of the
13 _____ County Board of Education”. The districts
14 for which less than two candidates may be elected and the
15 number of available seats are to be specified and the names
16 of the candidates are to be printed without reference to
17 political party affiliation and without designation as to a
18 particular term of office. Any other ballot or portion of a
19 ballot on a question is to have a heading which clearly states
20 the purpose of the election according to the statutory
21 requirements for that question.

22 (2) (A) For paper ballots, the heading of the ballot is to be
23 separated from the rest of the ballot by heavy lines and the
24 offices shall be arranged in columns with the following
25 headings, from left to right across the ballot: “National
26 Ticket”, “State Ticket”, “County Ticket” and, in a presidential
27 election year, “National Convention” or, in a nonpresidential
28 election year, “District Ticket”. The columns are to be
29 separated by heavy lines. Within the columns, the offices are
30 to be arranged in the order prescribed in section thirteen-a of
31 this article.

32 (B) For voting machines, electronic voting devices and
33 any ballot tabulated by electronic means, the offices are to

34 appear in the same sequence as prescribed in section thirteen-
35 a of this article and under the same headings as prescribed in
36 subsection (a) of this section. The number of pages, columns
37 or rows, where applicable, may be modified to meet the
38 limitations of ballot size and composition requirements
39 subject to approval by the Secretary of State.

40 (C) The title of each office is to be separated from
41 preceding offices or candidates by a line and is to be printed
42 in bold type no smaller than eight point. Below the office is
43 to be printed the number of the district, if any, the number of
44 the division, if any, and the words "Vote for _____" with
45 the number to be nominated or elected or "Vote For Not
46 More Than _____" in multicandidate elections. For
47 offices in which there are limitations relating to the number
48 of candidates which may be nominated, elected or appointed
49 to or hold office at one time from a political subdivision
50 within the district or county in which they are elected, there
51 is to be a clear explanation of the limitation, as prescribed by
52 the Secretary of State, printed in bold type immediately
53 preceding the names of the candidates for those offices on the
54 ballot in every voting system. For counties in which the
55 number of county commissioners exceeds three and the total
56 number of members of the county commission is equal to the
57 number of magisterial districts within the county, the office
58 of county commission is to be listed separately for each
59 district to be filled with the name of the magisterial district
60 and the words "Vote for One" printed below the name of the
61 office: *Provided*, That the office title and applicable
62 instructions may span the width of the ballot so as it is
63 centered among the respective columns.

64 (D) The location for indicating the voter's choices on the
65 ballot is to be clearly shown. For paper ballots, other than
66 those tabulated electronically, the official primary ballot is to
67 contain a square formed in dark lines at the left of each name

68 on the ballot, arranged in a perpendicular column of squares
69 before each column of names.

70 (3)(A) The name of every candidate certified by the
71 Secretary of State or the board of ballot commissioners is to
72 be printed in capital letters in no smaller than eight point type
73 on the ballot for the appropriate precincts. Subject to the
74 rules promulgated by the Secretary of State, the name of each
75 candidate is to appear in the form set out by the candidate on
76 the certificate of announcement, but in no case may the name
77 misrepresent the identity of the candidate nor may the name
78 include any title, position, rank, degree or nickname implying
79 or inferring any status as a member of a class or group or
80 affiliation with any system of belief.

81 (B) The city of residence of every candidate, the state of
82 residence of every candidate residing outside the state, the
83 county of residence of every candidate for an office on the
84 ballot in more than one county and the magisterial district of
85 residence of every candidate for an office subject to
86 magisterial district limitations are to be printed in lower case
87 letters beneath the names of the candidates.

88 (C) The arrangement of names within each office must be
89 determined as prescribed in section thirteen-a of this article.

90 (D) If the number of candidates for an office exceeds the
91 space available on a column or ballot page and requires that
92 candidates for a single office be separated, to the extent
93 possible, the number of candidates for the office on separate
94 columns or pages are to be nearly equal and clear instructions
95 given the voter that the candidates for the office are
96 continued on the following column or page.

97 (4) When an insufficient number of candidates has filed
98 for a party to make the number of nominations allowed for

99 the office or for the voters to elect sufficient members to the
100 board of Education or to executive committees, the vacant
101 positions on the ballot shall be filled with the words “No
102 Candidate Filed”: *Provided*, That in paper ballot systems
103 which allow for write-ins to be made directly on the ballot, a
104 blank line shall be placed in any vacant position in the office
105 of board of education or for election to any party executive
106 committee. A line shall separate each candidate from every
107 other candidate for the same office. Notwithstanding any
108 other provision of this code, if there are multiple vacant
109 positions on a ballot for one office, the multiple vacant
110 positions which would otherwise be filled with the words
111 “No Candidate Filed” may be replaced with a brief detailed
112 description, approved by the Secretary of State, indicating
113 that there are no candidates listed for the vacant positions.

114 (5) In presidential election years, the words “For election
115 in accordance with the plan adopted by the party and filed
116 with the Secretary of State” is to be printed following the
117 names of all candidates for delegate to national convention.

118 (6) All paper ballots are to be printed in black ink on
119 paper sufficiently thick so that the printing or marking cannot
120 be discernible from the back: *Provided*, That no paper ballot
121 voted pursuant to the provisions of 42 U.S.C. §1973, *et seq.*,
122 the Uniformed and Overseas Citizens Absentee Voting Act
123 of 1986, or Federal write-in absentee ballot may be rejected
124 due to paper type, envelope type, or notarization requirement.
125 Ballot cards and paper for printing ballots using electronically
126 sensible ink are to meet minimum requirements of the
127 tabulating systems and are to conform in size and weight to
128 ensure ease in tabulation.

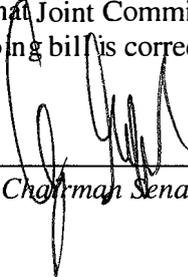
129 (7) Ballots are to contain perforated tabs at the top of the
130 ballots and are to be printed with unique sequential numbers
131 from one to the highest number representing the total number
132 of ballots printed. On paper ballots, the ballot is to be

133 bordered by a solid line at least one sixteenth of an inch wide
134 and the ballot is to be trimmed to within one-half inch of that
135 border.

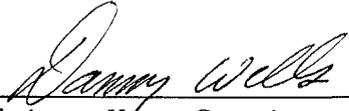
136 (8) On the back of every official ballot or ballot card the
137 words "Official Ballot" with the name of the county and the
138 date of the election are to be printed. Beneath the date of the
139 election there are to be two blank lines followed by the words
140 "Poll Clerks".

141 (9) The face of sample paper ballots and sample ballot
142 labels are to be like other official ballots or ballot labels
143 except that the word "sample" is to be prominently printed
144 across the front of the ballot in a manner that ensures the
145 names of candidates are not obscured and the word "sample"
146 may be printed in red ink. No printing may be placed on the
147 back of the sample.

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



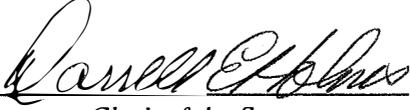
Chairman Senate Committee



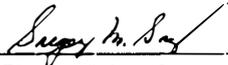
Chairman House Committee

Originating in the House.

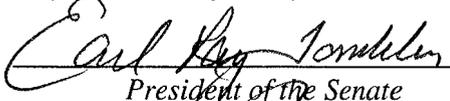
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

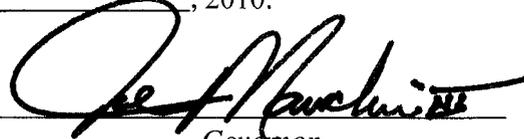


President of the Senate



Speaker of the House of Delegates

The within is approved this the 19th
day of March, 2010.



Governor

PRESENTED TO THE
GOVERNOR

MAR 18 2010

Time 3.08p