

1 **H. B. 2856**

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3 (By Delegates Longstreth, Kominar, Skaff and Martin)

4 [Introduced January 26, 2011; referred to the

5 Committee on the Judiciary.]

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10 A BILL to amend and reenact §3-3-3 of the Code of West Virginia,

11 1931, as amended, relating to reducing the days for early

12 voting in person.

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

14 That §3-3-3 of the Code of West Virginia, 1931, as amended, be

15 amended and reenacted to read as follows:

16 **ARTICLE 3. VOTING BY ABSENTEES.**

17 **§3-3-3. Early voting in person.**

18 (a) The voting period for early in-person voting is to be

19 conducted during regular business hours beginning on the ~~twentieth~~

20 thirteenth day before the election and continuing through the third

21 day before the election. For any election held on a Tuesday, the

22 early voting period for in-person voting is to be available from

23 9:00 a.m. to 5:00 p.m. on the two Saturdays prior to the election.

24 (b) Any person desiring to vote during the period of early in-

25 person voting shall, upon entering the election room, clearly state

26 his or her name and residence to the official or representative

27 designated to supervise and conduct absentee voting. If that

1 person is found to be duly registered as a voter in the precinct of  
2 his or her residence, he or she ~~shall be~~ is required to sign his or  
3 her name in the space marked "signature of voter" on the pollbook.  
4 If the voter is unable to sign his or her name due to illiteracy or  
5 physical disability, the person assisting the voter and witnessing  
6 the mark of the voter shall sign his or her name in the space  
7 provided. No ballot may be given to the person until he or she  
8 signs his or her name on the pollbook.

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

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

18 (e) The official designated to supervise and conduct absentee  
19 voting shall provide each person voting an absentee ballot in  
20 person the following items to be printed as prescribed by the  
21 Secretary of State:

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

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

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

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

6 (f) The voter shall enter the voting booth alone and there  
7 mark the ballot: *Provided*, That the voter may have assistance in  
8 voting according to the provisions of section four of this article.

9 After the voter has voted the ballot or ballots, the absentee voter  
10 shall: Place the ballot or ballots in the gray secrecy envelope  
11 and return the ballot or ballots to the official designated to  
12 supervise and conduct the absentee voting: *Provided, however*, That  
13 in direct recording election systems, once the voter has cast his  
14 or her ballot, the voter shall exit the polling place.

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

18 (1) Remove the ballot stub;

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

22 (3) Place ballots for all voting systems into a ballot box  
23 that is secured by two locks with a key to one lock kept by the  
24 president of the county commission and a key to the other lock kept  
25 by the county clerk.

26 ~~(4) Due to the reenactment of this section by the Legislature~~  
27 ~~in the two thousand three regular session removing authorization~~

1 ~~for early in person voting on the Monday prior to a Tuesday~~  
2 ~~election, to assure notice to all persons that voted on the Monday~~  
3 ~~before the Tuesday election day of the two thousand two general~~  
4 ~~election are made aware of this change, the clerk of each county~~  
5 ~~shall, for the primary election of the year two thousand four,~~  
6 ~~include along with the sample ballots published in local newspapers~~  
7 ~~as required by this chapter a notice to voters that Monday in-~~  
8 ~~person voting will no longer be available.~~

NOTE: The purpose of this bill is to change the beginning time for early voting from the twentieth day prior to the election to the thirteenth day prior to the election. This will result in a loss of only five early voting days.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.