

1 **H. B. 2857**

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3 (By Delegates Longstreth, Skaff, Kominar 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 §3-3-2a of the Code of West Virginia,  
11 1931, as amended, relating to requiring voting for at least  
12 five consecutive days during the period of early voting at  
13 locations designated in addition to the county courthouse or  
14 courthouse annex for early voting.

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

16 That §3-3-2a of the Code of West Virginia, 1931, as amended,  
17 be amended and reenacted to read as follows:

18 **ARTICLE 3. VOTING BY ABSENTEES.**

19 **§3-3-2a. Early voting areas; prohibition against display of**  
20 **campaign material.**

21 (a) The county commission shall designate the courthouse or  
22 annex to the courthouse as the primary location for early voting  
23 and in addition, the commission may designate other locations as  
24 provided in subsection (b).

25 (b) The county commission may, with the approval of the county  
26 clerk or other official charged with the administration of

1 elections, and the written agreement of the chairpersons of the  
2 county executive committees of the two major political parties,  
3 designate additional locations for early voting other than the  
4 county courthouse or courthouse annex. Voting shall be conducted  
5 at each site designated for no less than five consecutive days  
6 during the period of early in-person voting, but need not be  
7 conducted at each site for the entire period of early in-person  
8 voting. The additional locations shall comply with the  
9 requirements of this article for early in-person voting and  
10 criteria prescribed by the Secretary of State.

11 (c) The Secretary of State ~~is hereby directed to~~ shall propose  
12 legislative and emergency rules in accordance with the provisions  
13 of article three, chapter twenty-nine-a of this code as may be  
14 necessary to implement the provisions of this section. The rules  
15 shall include establishment of criteria to assure neutrality and  
16 security in the selection of additional locations.

17 (d) Throughout the period of early in-person voting, the  
18 official designated to supervise and conduct absentee voting shall  
19 make the following provisions for voting:

20 (1) The official shall provide a sufficient number of voting  
21 booths or devices appropriate to the voting system at which voters  
22 may prepare their ballots. The booths or devices are to be in an  
23 area separate from but within clear view of the public entrance  
24 area of the official's office or other area designated by the  
25 county commission for absentee voting and are to be arranged to  
26 ensure the voter complete privacy in casting the ballot.

1           (2) The official shall make the voting area secure from  
2 interference with the voter and shall ensure that voted and unvoted  
3 ballots are at all times secure from tampering. No person, other  
4 than a person lawfully assisting the voter according to the  
5 provisions of this chapter, may be permitted to come within five  
6 feet of the voting booth while the voter is voting. No person,  
7 other than the officials or employees of the official designated to  
8 supervise and conduct absentee voting or members of the board of  
9 ballot commissioners assigned to conduct absentee voting, may enter  
10 the area or room set aside for voting.

11           (3) The official designated to supervise and conduct absentee  
12 voting shall request the county commission designate another area  
13 within the county courthouse, any annex of the courthouse or any  
14 other designated as early in-person voting locations within the  
15 county, as a portion of the official's office, for the purpose of  
16 absentee in-person voting in the following circumstances:

17           (A) If the voting area is not accessible to voters with  
18 physical disabilities;

19           (B) If the voting area is not within clear view of the public  
20 entrance of the office of the official designated to supervise and  
21 conduct absentee voting; or

22           (C) If there is no suitable area for absentee in-person voting  
23 within the office.

24           Any designated area is subject to the same requirements as  
25 the regular absentee voting area.

26           (4) The official designated to supervise and conduct absentee

1 voting shall have at least two representatives to assist with  
2 absentee voting: *Provided*, That the two representatives may not be  
3 registered with the same political party affiliation or two persons  
4 registered with no political party affiliation. The  
5 representatives may be full-time employees, temporary employees  
6 hired for the period of absentee voting in person or volunteers.

7 (5) No person may do any electioneering nor may any person  
8 display or distribute in any manner, or authorize the display or  
9 distribution of, any literature, posters or material of any kind  
10 which tends to influence the voting for or against any candidate or  
11 any public question on the property of the county courthouse, any  
12 annex facilities, or any other designated early voting locations  
13 within the county, during the entire period of regular in-person  
14 absentee voting. The official designated to supervise and conduct  
15 absentee voting is authorized to remove the material and to direct  
16 the sheriff of the county to enforce the prohibition.

NOTE: The purpose of this bill is to require voting for at least five consecutive days during the period of early voting at locations designated in addition to the county courthouse or courthouse annex for early voting.

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