

# Senate Bill No. 581

(By Senators Unger and K. Facemyer)

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[Introduced February 21, 2011; referred to  
the Committee on the Judiciary.]

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A BILL 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
- 2 conducted during regular business hours beginning on the
- 3 ~~twentieth~~ thirteenth day before the election and continuing
- 4 through the third day before the election. ~~For any election~~

5 ~~held on a Tuesday,~~ The early voting period for in-person  
6 voting is to be available from 9:00 a.m. to 5:00 p.m. on the  
7 two Saturdays prior to the election.

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

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

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

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

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

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

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

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

46 (f) The voter shall enter the voting booth alone and there  
47 mark the ballot: *Provided*, That the voter may have assis-

48 tance in voting according to the provisions of section four of  
49 this article. After the voter has voted the ballot or ballots,  
50 the absentee voter shall: Place the ballot or ballots in the  
51 gray secrecy envelope and return the ballot or ballots to the  
52 official designated to supervise and conduct the absentee  
53 voting: *Provided, however,* That in direct recording election  
54 systems, once the voter has cast his or her ballot, the voter  
55 shall exit the polling place.

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

59 (1) Remove the ballot stub;

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

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

67 ~~(4) Due to the reenactment of this section by the Legisla-~~  
68 ~~ture in the two thousand three regular session removing~~  
69 ~~authorization for early in-person voting on the Monday prior~~

70 ~~to a Tuesday election, to assure notice to all persons that~~  
71 ~~voted on the Monday before the Tuesday election day of the~~  
72 ~~two thousand two general election are made aware of this~~  
73 ~~change, the clerk of each county shall, for the primary~~  
74 ~~election of the year two thousand four, include along with~~  
75 ~~the sample ballots published in local newspapers as required~~  
76 ~~by this chapter a notice to voters that Monday in-person~~  
77 ~~voting will no longer be available.~~

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(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. This bill will allow Saturday early voting for all elections.)

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