

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 570**

(By Senators Beach, Miller, D. Hall and Wells)

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[Originating in the Committee on the Judiciary;  
reported March 22, 2013.]

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A BILL to repeal §3-1-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-1-2a, §3-1-4, §3-1-21, §3-1-21a, §3-1-22, §3-1-26, §3-1-32, §3-1-36, §3-1-37, §3-1-38, §3-1-39, §3-1-42 and §3-1-49 of said code, all relating to clarifying language in article one, chapter three of the West Virginia Code; updating, removing or repealing outdated language; adjusting absentee ballot delivery requirement to meet federal and state code; adjusting certain provisions regarding disorder at polls; and clarifying that the Office of the Secretary of State shall hold a certain election training once every two years.

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

That §3-1-10 of the Code of West Virginia, 1931, as amended, be repealed; and that §3-1-2a, §3-1-4, §3-1-21, §3-1-21a, §3-1-22, §3-1-26, §3-1-32, §3-1-36, §3-1-37, §3-1-38, §3-1-39, §3-1-42 and §3-1-49 of said code be amended and reenacted, all to read as follows:

**ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.**

**§3-1-2a. Municipal elections.**

1 (a) Notwithstanding other provisions of this code or of any  
2 special legislative or home rule city charter, the provisions of:  
3 (1) Articles eight and nine of this chapter; (2) ~~any~~ rules  
4 promulgated under authority granted in articles eight and nine  
5 of this chapter; and (3) ~~any provisions of this chapter making a~~  
6 practice or conduct unlawful ~~shall apply~~ applies to every  
7 municipal election held for any purpose.

8 (b) For purposes of: (1) this section; (2) the application of  
9 articles eight and nine of this chapter; (3) the application of the  
10 rules mentioned in this section; and (4) the application of  
11 provisions of this chapter making a practice or conduct  
12 unlawful, the provisions of law which impose ~~any~~ a duty upon

13 or define ~~any~~ an offense or prohibition with respect to the duty  
14 or authority of a county officer or county election officer or  
15 body of county election officers ~~shall be construed to and shall~~  
16 ~~apply~~ applies with equal force and effect to the person or  
17 persons in a municipal election upon whom this code or the city  
18 charter or ordinance imposes such duty or vests the same or  
19 similar authority.

20 (c) Every municipality shall by charter or ordinance  
21 designate the persons in the municipality who perform the same  
22 duties as any officer in a county election. The designated  
23 persons shall attend ~~a biannual election training held and an~~  
24 election training conducted by the Office of the Secretary of  
25 State every two years.

26 (d) This section ~~shall not be construed to~~ does not abrogate  
27 the applicability of other provisions of this chapter to municipal  
28 elections.

**§3-1-4. Manner of voting.**

1 In all elections, the mode of voting shall be by ballot but the  
2 voter shall be left free to vote by either open, sealed or secret

3 ballot as ~~he~~ the voter may elect. Voting by ballot may be  
4 accomplished as provided in articles three, ~~four~~, four-a, five and  
5 six of this chapter.

**§3-1-21. Printing of official and sample ballots; number;  
packaging and delivery; correction of ballots.**

1 (a) The board of ballot commissioners for each county shall  
2 provide the ballots and sample ballots necessary for conducting  
3 every election for public officers in which the voters of the  
4 county participate.

5 (b) The persons required to provide the ballots necessary  
6 for conducting all other elections are:

7 (1) The Secretary of State, for ~~any~~ a statewide special  
8 election; ~~ordered by the Legislature;~~

9 (2) The board of ballot commissioners, for ~~any~~ a  
10 countywide special election; ~~ordered by the county~~  
11 ~~commission;~~

12 (3) The board of education, for ~~any~~ a special levy or bond  
13 election ordered by the board of education; or

14 (4) The municipal board of ballot commissioners, for ~~any~~  
15 an election conducted for or within a municipality except an  
16 election in which the matter affecting the municipality is placed  
17 on the county ballot at a county election. Ballots other than  
18 those printed by the proper authorities as specified in this  
19 section may not be cast, received or counted in ~~any~~ an election.

20 (c) When paper ballots are used, the total number of regular  
21 official ballots printed shall equal one and one-twentieth times  
22 the number of registered voters eligible to vote that ballot.  
23 When paper ballots are used in conjunction with or as part of an  
24 electronic voting system, the total number of regular official  
25 ballots printed shall equal at a minimum eighty percent of the  
26 number of registered voters eligible to vote that ballot. The  
27 clerk of the county commission shall determine the number of  
28 absentee official ballots.

29 (d) The number of regular official ballots packaged for each  
30 precinct shall equal at a minimum seventy-five percent of the  
31 number of registered voters of the precinct. The remaining  
32 regular official ballots shall be packaged and delivered to the

33 clerk of the county commission who shall retain them unopened  
34 until they are required for an emergency. Each package of  
35 ballots shall be wrapped and sealed in a manner which will  
36 immediately make apparent any attempt to open, alter or tamper  
37 with the ballots. Each package of ballots for a precinct shall be  
38 clearly labeled in a manner which cannot be altered with the  
39 county name, the precinct number and the number of ballots  
40 contained in each package. If the packaging material conceals  
41 the face of the ballot, a sample ballot identical to the official  
42 ballots ~~contained therein~~ shall be securely attached to the  
43 outside of the package or, in the case of ballot cards, the type of  
44 ballot shall be included in the label.

45 (e) All absentee ballots necessary for conducting absentee  
46 voting in all voting systems shall be delivered to the clerk of the  
47 county commission of the appropriate county not later than the  
48 ~~forty-second~~ forty-sixth day before the election. All official  
49 ballots in paper ballot systems shall be delivered to the clerk of  
50 the county commission of the appropriate county not later than  
51 twenty-eight days before the election.

52 (f) Upon a finding of the board of ballot commissioners that  
53 an official ballot contains an error which, in the opinion of the  
54 board, is of sufficient magnitude to confuse or mislead the  
55 voters, the board shall cause the error to be corrected either by  
56 the reprinting of the ballots or by the use of stickers printed  
57 with the correction and of suitable size to be placed over the  
58 error without covering any other portion of the ballot.

**§3-1-21a. Vendors authorized to print ballots; eligibility;  
application and certification; denial, suspension  
and revocation of authorization; appeal.**

1 (a) The printing of ballots for ~~any~~ an election to be held  
2 pursuant to the provisions of this chapter shall be contracted for  
3 with a vendor authorized in accordance with the provisions of  
4 this section.

5 (b) ~~Any~~ A vendor authorized to do business in West  
6 Virginia and in good standing may apply for a certificate of  
7 authorization to print ballots for elections in this state.  
8 ~~Provided, That any individual, partnership, association or~~  
9 ~~corporation who does not qualify as a resident vendor pursuant~~

10 ~~to the provisions of section thirty-seven-a, article three, chapter~~  
11 ~~five-a of this code or who prints the ballots in a state which~~  
12 ~~prohibits that state or any of its political subdivisions from~~  
13 ~~contracting with West Virginia resident vendors for the printing~~  
14 ~~of ballots or which prohibits the printing of ballots outside of~~  
15 ~~such state, is not eligible to obtain a certificate of authorization.~~

16 (c) (1) Every vendor desiring to print ballots for elections  
17 held pursuant to the provisions of this chapter shall, prior to the  
18 execution of any a contract for the printing of ballots with any  
19 a state, county, or municipal government, obtain a certificate of  
20 authorization to print ballots.

21 (2) A certificate of authorization may be obtained by  
22 application to the Secretary of State upon a form prescribed by  
23 the Secretary of State. The form shall include a statement that  
24 all printing, packaging and delivery specifications for ballots set  
25 forth in this chapter will be substantially met and that the  
26 vendor applying for certification is eligible in accordance with  
27 the provisions of this section.



28 (3) Upon receipt of the completed application, the Secretary  
29 of State shall issue a certificate of authorization to print ballots  
30 which ~~shall~~ will remain in effect for two years from the date of  
31 issuance and may be renewed upon application: ~~therefor~~:  
32 *Provided*, That the Secretary of State may deny the application  
33 to issue or renew the certificate of authorization or may suspend  
34 or revoke the certificate of authorization upon a determination  
35 that the vendor has not substantially complied with the printing,  
36 packaging and delivery specifications in the printing of ballots  
37 for ~~any a~~ a state, county or municipal election or that the vendor  
38 is not eligible or is no longer eligible to print ballots pursuant to  
39 the provisions of this section. The Secretary of State shall give  
40 written notice of ~~any such~~ a denial, suspension or revocation  
41 determination by certified mail, return receipt requested, to the  
42 vendor setting forth the reason for the suspension, revocation or  
43 the denial of the application or the denial of the renewal.  
44 ~~thereof~~. The applicant may, within sixty days of the receipt of  
45 ~~such~~ the denial, suspension or revocation, file a written appeal  
46 with the State Election Commission. The State Election

47 Commission shall promulgate rules establishing a hearing  
48 process for such appeals.

49 (d) On or before the second Monday of January of each  
50 year, the Secretary of State shall provide a list of all vendors  
51 authorized to print ballots for state, county and municipal  
52 elections to the clerk of each county commission of this state.

**§3-1-22. County commission clerks to provide election supplies;  
requirements for poll books and ballot boxes.**

1 The clerk of the county ~~court~~ commission of each county  
2 shall provide poll books, a list of all precincts within the  
3 county, tally sheets, ballot boxes, voting booths, registration  
4 records and forms, strong and durable envelopes upon which to  
5 make returns, blank forms for certifying returns and whatever  
6 further supplies are needed for holding the elections and  
7 making the returns. ~~thereof. The poll books shall bear upon~~  
8 ~~each page the following heading: "Names of persons voting at~~  
9 ~~precinct No. .... in the District of ..... in the county~~  
10 ~~of ..... on this (the) ..... day of ..... in~~  
11 ~~the year ....."~~ Such poll books shall have columns headed

12 respectively: "Number of Voters," "Signature of Voter" and  
13 "~~Challenge of Voter~~", and shall have under the heading  
14 "~~Number of Voters~~" numbers in consecutive order to the  
15 bottom of each page. ~~Forms for oaths of commissioners of~~  
16 ~~election and poll clerks shall be written or printed on the poll~~  
17 ~~books.~~ The poll books shall be printed from the statewide voter  
18 registration database. Each ballot box shall be provided with  
19 two locks with different keys so that the key for one lock will  
20 not open the other and shall be so constructed as to be safely  
21 and securely closed and locked with an opening in the lid of the  
22 box sufficient only for the passage of a single ballot.

### **§3-1-26. Election supplies in emergencies.**

1 If, by ~~any~~ an accident or casualty, the ballots or ballot box  
2 or boxes delivered to a commissioner of election, or to ~~any~~ a  
3 messenger, ~~shall be~~ are lost or destroyed, it ~~shall be the duty of~~  
4 ~~such~~ is the duty of the commissioner or messenger to report the  
5 loss forthwith to the board of ballot commissioners and clerk of  
6 the county ~~court~~ commission from whom ~~the same were or was,~~  
7 these were obtained and make affidavit of the circumstances of

8 the loss. ~~whereupon such~~ The board and clerk shall at once send  
9 a new supply by special messenger as provided in other cases.  
10 If, for any reason, there should be found no ballots or ballot box  
11 or other necessary means or contrivances for voting at the  
12 opening of the polls, it ~~shall be~~ is the duty of the commissioners  
13 of election to secure ~~the same~~ these as speedily as possible and,  
14 if necessary, the ballot commissioners may have ballots printed  
15 or written and the election commissioners may have a ballot  
16 box or boxes made.

**§3-1-32. Opening and closing polls; procedure.**

1 (a) At the time of opening the polls in all precincts ~~wherein~~  
2 where voting machines are not to be used, the election  
3 commissioners shall examine the ballot box and ascertain that  
4 there are no ballots in the ~~same~~, box and ~~they shall thereupon~~  
5 securely lock the box and give one key to one of the  
6 commissioners and one to a commissioner of the opposite  
7 political party who shall hold the same. ~~and such~~ The boxes  
8 shall not be again opened until the time to begin counting the  
9 votes arrives and for that purpose. At or before opening the

10 polls, the commissioners of election shall open the package  
11 containing the ballots in such manner as to preserve the seals  
12 full and ~~thereupon~~ deliver all of the ballots to the poll clerk.  
13 Before ~~any~~ a voter is permitted to vote, the commissioners of  
14 election shall proclaim that such election is opened.

15 (b) When the polls are closed, proclamation must be made  
16 of the fact by one of the commissioners of election to the people  
17 outside in a loud and audible tone of voice and ~~a minute of such~~  
18 ~~proclamation and of the time when it was made~~ must be entered  
19 on the ~~pollbooks~~ form provided by the clerks. The election  
20 commissioner shall permit those electors to vote who are  
21 present at the polling place prior to the hour specified for the  
22 closing of the polls: *Provided*, That at that time of the  
23 proclamation they are in a line awaiting their turn to vote within  
24 the voting room itself or, if the line extends outside of the  
25 voting room itself, within that line. In that event an election  
26 commissioner from each party shall immediately, after the  
27 closing proclamation, begin with the last voter in line and  
28 together supply the voters within the line with waiting-voter

29 permits which shall be prescribed by the Secretary of State.  
30 Each voter shall sign his or her permit in the presence of both  
31 commissioners who shall ~~then likewise~~ affix their signatures to  
32 the permit in the presence of the voter and each other. After  
33 each ~~such~~ voter in line has received and signed his or her permit  
34 and the election commissioners have affixed their signatures  
35 thereto, voting shall be resumed. Each voter shall present his  
36 or her permit to one of the poll clerks so that the signature  
37 thereon may be compared to the voter's signature when ~~he~~ the  
38 voter signs the pollbook. Each permit so presented shall be  
39 attached to the page in the pollbook on which the voter affixed  
40 his or her signature. In no case ~~shall any~~ may a person who  
41 arrives at the polling place after the closing ~~hour~~ proclamation  
42 be given a waiting-voter permit or be allowed to vote. After the  
43 final voter presents his or her waiting-voter permit and casts his  
44 or her ballot no more ballots shall be cast or received.

**§3-1-36. Report on and disposition of ballots spoiled or not used.**

1 Any A voter who shall spoil, deface or mutilate the ballot  
2 delivered to him or her, on returning the ~~same~~ ballot to the poll

3 clerks, shall receive another in place thereof. Every person who  
4 does not vote ~~any~~ a ballot delivered to him or her shall, before  
5 leaving the election room, return ~~such~~ the ballot to the poll  
6 clerks. When a spoiled or defaced ballot is returned, the poll  
7 clerks shall make a ~~minute~~ notation of the fact on the ~~pollbooks,~~  
8 ~~at the time,~~ form provided by the clerks, and the word "spoiled"  
9 shall be written across the face of the ballot and ~~such~~ the ballot  
10 shall be placed in an envelope for spoiled ballots.

11       Immediately on closing the polls, the commissioners of  
12 election shall ascertain the number of ballots spoiled during the  
13 election and the number of ballots remaining not voted. The  
14 commissioners of election shall also ascertain from the  
15 pollbooks the number of persons who voted and shall report,  
16 over their signatures, to the clerk of the county commission, the  
17 number of votes ~~case,~~ cast, the number of ballots spoiled during  
18 the election and the number of ballots not voted. All unused  
19 ballots shall at the same time be returned to the clerk of the  
20 county commission who shall separately package the unused  
21 ballots from each precinct, mark the name and number of the

22 precinct on the package and retain them securely along with  
23 other election materials.

24 Each commissioner who is a member of an election board  
25 which fails to account for every ballot delivered to it is guilty of  
26 a misdemeanor and, upon conviction thereof, shall be fined not  
27 more than \$1,000 or confined in the county jail for not more  
28 than one year, or both fined and imprisoned.

29 The board of ballot commissioners of each county, or the  
30 chairman thereof, shall preserve the ballots that are left over in  
31 their hands, after supplying the precincts as provided, until  
32 twenty-two months after the election.

**§3-1-37. Restrictions on presence and conduct at polls.**

1 (a) Except as otherwise provided in this section, no person  
2 other than the election officers and voters going to the election  
3 room to vote and returning therefrom, may be or remain within  
4 three hundred feet of the outside entrance to the building  
5 housing the polling place while the polls are open. This  
6 subsection does not apply to persons who reside or conduct  
7 business within such distance of the entrance to the building



8 housing the polling place while in the discharge of their  
9 legitimate business or to persons whose business requires them  
10 to pass ~~and repass~~ within three hundred feet of ~~such~~ the  
11 entrance.

12 (b) A person who is delivering a voter to a polling place by  
13 motor vehicle may drive ~~such~~ his or her vehicle to a convenient  
14 and accessible location to discharge the voter notwithstanding  
15 that the location is within three hundred feet of the outside  
16 entrance to the building housing the polling place. Upon  
17 discharging ~~such~~ the voter from the vehicle, the person shall  
18 remove the vehicle from within three hundred feet of the  
19 entrance until such time as the voter is to be transported from  
20 the polling place or another voter delivered. *Provided, That*  
21 Vehicles delivering voters who require assistance by reason of  
22 blindness, disability or advanced age may remain within three  
23 hundred feet of the entrance until ~~such time as~~ the voter is to be  
24 transported from the polling place.

25 (c) The election ~~commissions~~ commissioners shall limit the  
26 number of voters in the election room ~~so as~~ to preserve order.

27 No person may approach nearer than five feet to any booth or  
28 compartment while the election is being held except the voters  
29 to prepare their ballots or the poll clerks when called on by a  
30 voter to assist in the preparation of his or her ballot. ~~and~~ No  
31 person, other than election officers and voters engaged in  
32 receiving, preparing and depositing their ballots, may be  
33 permitted to be within five feet of any ballot box except by  
34 authority of the board of election commissioners and then only  
35 for the purpose of keeping order and enforcing the law.

36 (d) Not more than one person may be permitted to occupy  
37 ~~any~~ a booth or compartment at one time. No person may  
38 remain in or occupy a booth or compartment longer than ~~may~~  
39 ~~be~~ necessary to prepare his or her ballot and in no event longer  
40 than five minutes. ~~except that any~~ A person who claims a  
41 disability pursuant to section thirty-four of this article shall have  
42 additional time up to ten additional minutes to prepare his or  
43 her ballot. No voter or person offering to vote may hold any  
44 conversation or communication with ~~any~~ a person, other than

45 the poll clerks or commissioners of election, while in the  
46 election room.

47 (e) The provisions of this section do not apply to persons  
48 rendering assistance to blind voters as provided in section  
49 thirty-four of this article or to ~~any~~ a child fourteen years of age  
50 or younger who accompanies a parent, grandparent or legal  
51 guardian who is voting. ~~Any~~ A dispute concerning the age of  
52 a child accompanying a parent, grandparent or legal guardian  
53 who is voting shall be determined by the election  
54 commissioners.

**§3-1-38. Disorder at polls; procedure.**

1 The commissioners of election shall preserve order at and  
2 in the vicinity of the polls, ~~and~~ keep the way to the polls open  
3 and free from obstruction and ~~may~~ direct disorderly persons to  
4 be removed ~~therefrom, and, if necessary and proper, to be taken~~  
5 ~~and held in custody until sunrise of the next day, or for any~~  
6 ~~shorter time, which may be done by any sheriff or constable or~~  
7 ~~other person or persons designated by the commissioners of~~  
8 ~~election. For such purpose no warrant or authority in writing~~

9 ~~shall be necessary. The jail of the county or other place~~  
10 ~~designated by the commissioners of election may be used as the~~  
11 ~~place of custody. But any person so arrested shall have an~~  
12 ~~opportunity to vote, if he be entitled to do so, before he shall be~~  
13 ~~committed to jail, if he so desires and shall be prepared to do so~~  
14 ~~promptly. by the appropriate authority.~~

**§3-1-39. Illegal voting; affidavit; procedure.**

1 (a) If at any time during the election, ~~any~~ a qualified voter  
2 ~~shall appear~~ appears at the polls for the purpose of stating that  
3 ~~any~~ a person who has voted is an illegal voter in the precinct,  
4 that person shall be admitted to the election room and shall  
5 appear before a commissioner of election to make an affidavit  
6 explaining why he or she believes the accused to be an illegal  
7 voter.

8 (b) All affidavits alleging illegal voting shall be placed in  
9 a strong and durable envelope by the commissioners of  
10 election. The envelope shall be securely sealed and each of the  
11 commissioners shall endorse his or her name on the back of the  
12 envelope. At the close of the count, the envelope shall be

13 delivered to the clerk of the ~~circuit court~~ county commission in  
 14 accordance with section sixteen, article five of this chapter and  
 15 section eight, article six of this chapter. The clerk of the ~~circuit~~  
 16 ~~court~~ county commission shall carefully preserve the envelope  
 17 containing the affidavits and deliver it, with the seal unbroken,  
 18 to the prosecuting attorney in the county. The prosecuting  
 19 attorney shall proceed as if it had been made before him or her.

**§3-1-42. Time off for voting.**

1 Every person entitled to vote at ~~any~~ an election who may be  
 2 employed by ~~any~~ a person, company or corporation on the day  
 3 ~~on which such election shall be~~ the election is held in this state,  
 4 shall, on written demand of ~~such~~ the employee made at least  
 5 three days prior thereto, be given a period of not more than  
 6 three hours, if necessary, between the opening and the closing  
 7 of the polls on such day, for the purpose of enabling such  
 8 person to ~~repair~~ go to the place of voting to cast his or her vote  
 9 and return, without liability to ~~any~~ a penalty or deduction from  
 10 his or her usual salary or wages. ~~on account of such absence;~~  
 11 ~~except that any employee;~~ An employee, however, who has

12 three or more hours of his or her own time away from his or her  
13 work or place of employment at any time between the hours of  
14 the opening and the closing of the polls on election day and  
15 who fails or neglects to vote or elects not to vote during ~~such~~  
16 the free time away from his or her work or employment, may be  
17 subject to wage or salary deductions for the time actually absent  
18 from his or her work or employment for voting in ~~such~~ the  
19 election.

20 In essential government, health, hospital, transportation and  
21 communication services and in production, manufacturing and  
22 processing works requiring continuity in operation, the  
23 employer may, upon receipt of ~~such~~ a written demand for  
24 voting time off, arrange and schedule a calendar of time off for  
25 ~~any and~~ all of his or her employees ~~for voting so as~~ to avoid  
26 impairment or disruption of essential services and operations.  
27 ~~but every such~~ The schedule ~~or calendar~~ of time off for voting  
28 ~~so arranged~~ shall provide ample and convenient time and  
29 opportunity for each employee ~~of such services or works~~ to cast  
30 his or her vote. ~~as herein provided.~~

**§3-1-49. Voting system standards.**

1           (a) In accordance with 42 U. S. C. §1530, *et seq.*, the Help  
2 America Vote Act of 2002, Public Law 107-252, each voting  
3 system used in an election for federal office shall:

4           (1) Permit the voter to verify, in a private and independent  
5 manner, the votes selected by the voter on the ballot before the  
6 ballot is cast and counted;

7           (2) Provide the voter with the opportunity, in a private and  
8 independent manner, to change the ballot or correct any error  
9 before the ballot is cast and counted including the opportunity  
10 to correct the error through the issuance of a replacement ballot  
11 if the voter was ~~otherwise~~ unable to change the ballot or correct  
12 any error; and

13           (3) If the voter selects votes for more than one candidate for  
14 a single office: (A) Notify the voter that the voter has selected  
15 more than one candidate for a single office on the ballot; (B)  
16 notify the voter before the ballot is cast and counted of the  
17 effect of casting multiple votes for the office; and (C) provide  
18 the voter with the opportunity to correct the ballot before the

19 ballot is cast and counted. ~~Provided, That~~ A county that uses  
20 a paper ballot voting system ~~a punch card voting system~~ or an  
21 optical scan voting system may meet the requirements of this  
22 paragraph by establishing a voter education program specific to  
23 that voting system that notifies each voter of the effect of  
24 casting multiple votes for an office and providing the voter with  
25 instructions on how to correct the ballot before it is cast and  
26 counted including instructions on how to correct the error  
27 through the issuance of a replacement ballot if the voter was  
28 ~~otherwise~~ unable to change the ballot or correct any error.

29 (4) Ensure that any notification required under this section  
30 preserves the privacy of the voter and the confidentiality of the  
31 ballot.

32 (b) Each voting system used in an election for federal office  
33 shall produce a record with an audit capacity for the system  
34 which: ~~shall meet the following requirements:~~

35 (1) ~~Produce~~ Produces a permanent paper record with a  
36 manual audit capacity for the system; and



37 (2) ~~Provide~~ Provides the voter with an opportunity to  
38 change the ballot or correct any error before the ballot is cast  
39 and counted and before the permanent paper record is  
40 produced.

41 (c) Each voting system used in an election for federal office  
42 shall be accessible for individuals with disabilities including  
43 nonvisual accessibility for the blind and visually impaired in a  
44 manner that provides the same opportunity for access and  
45 participation, including privacy and independence, as for other  
46 voters. ~~Provided, That~~ The provisions of this subsection may  
47 be satisfied through the use of at least one direct recording  
48 electronic voting system or other voting system equipped for  
49 individuals with disabilities at each polling place.

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(NOTE: The purpose of this bill is to clean up existing language in select sections of article one, chapter three of the West Virginia Code, 1931, as amended.)

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