

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4407

BY DELEGATES MANDT, FOSTER, FAST, BURKHAMMER,
CRISS, WORRELL, D. KELLY, PINSON, CROUSE, AND
HONAKER

[Introduced January 26, 2022; Referred to the
Committee on the Judiciary].

1 A BILL to amend and reenact §3-3-12 of the Code of West Virginia, 1931, as amended, relating
2 to requiring photographic identification for mail-in ballots; providing a procedure for the
3 West Virginia Secretary of State's office to establish their own guidelines to create an
4 efficient process for this requirement; and defining acceptable forms of photographic
5 identification.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. VOTING BY ABSENTEES.

§3-3-12. Rules, regulations, orders, instructions, forms, lists and records pertaining to absentee voting.

1 (a) The Secretary of State shall make, amend and rescind rules, regulations, orders and
2 instructions, and prescribe forms, lists and records, and consolidation of forms, lists and records
3 as may be necessary to carry out the policy of the Legislature as contained in this article and as
4 may be necessary to provide for an effective, efficient and orderly administration of the absentee
5 voter law of this state. In the case of West Virginia voters residing outside the continental United
6 States, the Secretary of State shall promulgate rules and regulations necessary to implement
7 procedures relating to absentee voters contained in 42 U.S.C. §1973, et seq., the Uniformed and
8 Overseas Citizens Absentee Voting Act of 1986 and shall forward a copy of the act to all officials
9 designated to supervise and conduct absentee voting before January 1, of each even-numbered
10 year.

11 (b) When voting absentee by mail, an individual shall provide with the absentee ballot a
12 copy of the individual's valid identifying document as defined in W. Va. Code § 3-1-34 in
13 accordance with this section. Absentee by mail ballots submitted without a valid identifying
14 document as provided in this section shall be challenged by the official designated to supervise
15 and conduct absentee voting and considered by the Board of Canvassers pursuant to §3-1-41 of
16 this code. The deadline for an individual to provide a valid identifying document with an absentee
17 by mail ballot shall be by no later than the close of canvass, and shall be submitted in one of the

18 following manners:

19 (1) By including a copy of a valid identifying document with the absentee ballot: *Provided,*
20 That the individual shall place the copy inside Absent Voter's Ballot Envelope No. 2, which shall
21 kept separate and not included inside the secrecy envelope with the individual's ballot to ensure
22 the voter anonymity; or

23 (2) By appearing in person at the individual's county clerk's office or, if presented during
24 canvass, at the location of the county's canvass, and presenting a valid identifying document to
25 the county clerk; or

26 (3) By submitting via email an electronic copy of one of the valid identifying documents to
27 the individual's county clerk, which shall include only those valid identifying documents that
28 display a photograph of the individual.

29 ~~(b)~~ (c) The Secretary of State may establish special procedures to allow absentee voting
30 for those categories of registered voters who, because of special circumstances, would otherwise
31 be unable to vote in the election. The Secretary of State shall have authority to make, amend and
32 rescind such rules, regulations, orders, instructions and forms as may be necessary to implement
33 this section.

34 ~~(c)~~ (d) It is the duty of all officials designated to supervise and conduct absentee voting,
35 other county officers, and all election commissioners and poll clerks to abide by the rules,
36 regulations, orders and instructions and to use the forms, lists and records which may include or
37 relate to:

38 (1) The consolidation of the two application forms provided for in this article into one form;

39 (2) The size and form of absent voter's ballot envelope nos. 1 and 2, and carrier envelopes;

40 (3) The information which is to be placed on absent voter's ballot envelope no. 1 and the
41 forms and information which are to be placed on absent voter's ballot envelope no. 2;

42 (4) The forms and manner of making the challenges to absentee ballots authorized by this
43 article;

44 (5) The forms of, information to be contained in, and consolidation of lists and records
45 pertaining to applications for, and voting of, absentee ballots and assistance to persons voting
46 absentee ballots;

47 (6) The supplying of application forms, envelopes, challenge forms, lists, records and other
48 forms; and

49 (7) The keeping and security of voted absentee ballots in the office of the official
50 designated to supervise and conduct absentee voting.

NOTE: The purpose of this bill is to create a requirement for photographic identification when voting by absentee mail or by mail-in vote.

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