

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4427

By Delegates Kump, Hite, Mallow, Ward, Zatezalo,

Hillenbrand, Fast, Linville, C. Pritt and Marple

[Introduced January 10, 2024; Referred to

the Committee on the Judiciary]

1 A BILL to amend and reenact §3-3-2 of the Code of West Virginia, 1931, as amended, relating to
 2 requiring potential voters to provide a copy of either their West Virginia driver's license or
 3 any alternative identification information authorized by the West Virginia Secretary of State
 4 on their absentee ballot applications.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. VOTING BY ABSENTEES.

§3-3-2. Authority to conduct absentee voting; absentee voting application; form.

1 (a) Absentee voting is to be supervised and conducted by the proper official for the political
 2 division in which the election is held, in conjunction with the ballot commissioners appointed from
 3 each political party, as follows:

4 (1) For any election held throughout the county, within a political subdivision or territory
 5 other than a municipality, or within a municipality when the municipal election is conducted in
 6 conjunction with a county election, the clerk of the county commission; or

7 (2) The municipal recorder or other officer authorized by charter or ordinance provisions to
 8 conduct absentee voting, for any election held entirely within the municipality, or in the case of
 9 annexation elections, within the area affected. The terms "clerk" or "clerk of the county
 10 commission" or "official designated to supervise and conduct absentee voting" used elsewhere in
 11 this article means municipal recorder or other officer in the case of municipal elections.

12 (b) A person authorized and desiring to vote a mail-in absentee ballot or an electronic
 13 absentee ballot in any primary, general, or special election is to make application in the proper
 14 form to the proper official as follows:

15 (1) The completed application is to be on a form prescribed by the Secretary of State and is
 16 to contain the name, date of birth, and political affiliation of the voter, residence address within the
 17 county, the address to which the ballot is to be mailed, the authorized reason, if any, for which the
 18 absentee ballot is requested and, if the reason is illness or hospitalization, the name and
 19 telephone number of the attending physician, the signature of the voter to a declaration made

20 under the penalties for false swearing as provided in §3-3-9 of this code that the statements and
21 declarations contained in the application are true, any additional information which the voter is
22 required to supply, any affidavit which may be required, and an indication as to whether it is an
23 application for voting in person, by mail, or electronically;

24 (2) For any person authorized to vote an absentee ballot under the provisions of 42 U.S.C.
25 §1973, *et seq.*, the Uniformed and Overseas Citizens Absentee Voting Act of 1986, the completed
26 application may be on the federal postcard application for absentee ballot form issued under
27 authority of that act, submitted by mail or electronically; and

28 (3) For any voter with a physical disability, the completed application may be submitted by
29 mail or electronically, in a form prescribed by the Secretary of State;

30 (4) For any person unable to obtain the official form for absentee balloting at a reasonable
31 time before the deadline by which an application for an absentee ballot is to be received by the
32 proper official, the completed application may be in a form set out by the voter, containing all
33 information that would otherwise be required on the appropriate application and the signature of
34 the voter requesting the ballot; or

35 (5) For any person authorized to vote an absentee ballot who is participating in the Address
36 Confidentiality Program as established by §48-28A-103 of this code, application may be made to
37 the program manager within the office of the Secretary of State to vote a mail-in absentee ballot.
38 The program manager will notify the designated county contact to coordinate the application and
39 the provision of an absentee ballot to the program participant.

40 (6) Notwithstanding any other provision of this code, those wishing to vote by absentee
41 ballot shall submit a copy of either their West Virginia driver's license or any alternative
42 identification information authorized by the West Virginia Secretary of State when submitting their
43 absentee ballot applications.

NOTE: The purpose of this bill is to require potential voters to provide a copy of either their

West Virginia driver's license or any alternative identification information authorized by the West Virginia Secretary of State on their absentee ballot applications.

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