

Senate Bill No. 367

(By Senators Laird, Miller, Wills and Minard)

[Introduced February 1, 2011; referred to the Committee on the
Judiciary; and then to the Committee on Finance.]

A BILL to amend and reenact §3-3-2a of the Code of West Virginia,
1931, as amended, relating to requiring 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.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3. VOTING BY ABSENTEES.

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

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

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

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

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

22 (1) The official shall provide a sufficient number of voting
23 booths or devices appropriate to the voting system at which voters
24 may prepare their ballots. The booths or devices are to be in an
25 area separate from but within clear view of the public entrance

1 area of the official's office or other area designated by the
2 county commission for absentee voting and are to be arranged to
3 ensure the voter complete privacy in casting the ballot.

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

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

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

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

25 (C) If there is no suitable area for absentee in-person voting

1 within the office.

2 Any designated area is subject to the same requirements as
3 the regular absentee voting area.

4 (4) The official designated to supervise and conduct absentee
5 voting shall have at least two representatives to assist with
6 absentee voting: *Provided*, That the two representatives may not be
7 registered with the same political party affiliation or two persons
8 registered with no political party affiliation. The
9 representatives may be full-time employees, temporary employees
10 hired for the period of absentee voting in person or volunteers.

11 (5) No person may do any electioneering nor may any person
12 display or distribute in any manner, or authorize the display or
13 distribution of, any literature, posters or material of any kind
14 which tends to influence the voting for or against any candidate or
15 any public question on the property of the county courthouse, any
16 annex facilities, or any other designated early voting locations
17 within the county, during the entire period of regular in-person
18 absentee voting. The official designated to supervise and conduct
19 absentee voting is authorized to remove the material and to direct
20 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.