

**ENROLLED**

**Senate Bill No. 581**

(BY SENATORS UNGER AND K. FACEMYER)

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[Passed March 12, 2011; in effect from passage.]

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AN ACT 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 thirteenth day before the election and continuing through  
4 the third day before the election. Additionally, early in-  
5 person voting is to be available from 9:00 a.m. to 5:00 p.m. on  
6 Saturdays during the early voting period.

7 (b) Any person desiring to vote during the period of early  
8 in-person voting shall, upon entering the election room,  
9 clearly state his or her name and residence to the official or  
10 representative designated to supervise and conduct absentee  
11 voting. If that person is found to be duly registered as a voter

12 in the precinct of his or her residence, he or she is required  
13 to sign his or her name in the space marked "signature of  
14 voter" on the pollbook. If the voter is unable to sign his or  
15 her name due to illiteracy or physical disability, the person  
16 assisting the voter and witnessing the mark of the voter shall  
17 sign his or her name in the space provided. No ballot may be  
18 given to the person until he or she signs his or her name on  
19 the pollbook.

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

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

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

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

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

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

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

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

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

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

58 (1) Remove the ballot stub;

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

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman Senate Committee*

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*Chairman House Committee*

Originated in the Senate.

In effect from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*Acting President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the .....  
Day of ....., 2011.

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*Governor*