

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

March 21, 2011

The Honorable Natalie E. Tennant  
Secretary of State  
State Capitol  
Charleston, West Virginia

Dear Ms. Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill No. 2438.

Enrolled Committee Substitute for House Bill No. 2438, among other things, revises the minimum requirements applicable to electronic voting systems that may be purchased, leased or used by county commissions. Unfortunately, the Bill's revision of subsection (11) of section nine, article four-a, chapter three of the Code of West Virginia, 1931, as amended (the "Code"), erroneously deleted certain existing statutory language. As a result of the error, subsection (11) of section nine, article four-a, chapter three of the Bill is ambiguous as to its intended meaning and does not establish a clear and cogent minimum requirement for electronic voting systems. Accordingly, I must veto Enrolled Committee Substitute for House Bill No. 2438.

While I have vetoed the Bill based on the referenced flaw, I

encourage the Legislature to reconsider this matter and return it to my desk for approval.

Very truly yours,

Earl Ray Tomblin,

*Governor.*

cc: The Honorable Richard Thompson

The Honorable Jeffrey V. Kessler