

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 for

4 **H. B. 4257**

5 (By Delegates Iaquinta, Poore, Marshall,
6 Crosier, Fleischauer and Duke)

7 [By request of the Secretary of State]

8 [Passed March 10, 2012; in effect ninety days from passage.]

9

10 AN ACT to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §3-2-6a, relating to
12 permitting voter registration in person up to, but not
13 including, the day of the election for any member of a
14 uniformed service of the United States, as defined in 42 U. S.
15 C. §1973ff-6, any member of the Merchant Marine of the United
16 States, any person who resides outside the United States by
17 virtue of his or her employment in support of national
18 security functions or purpose; any spouse or dependent
19 residing with a person who meets the aforesaid criteria;
20 providing for applicability of section; providing that any
21 person who registers pursuant to this section shall vote a
22 provisional ballot; and requiring the Secretary of State to
23 prescribe procedures to implement the section.

24 *Be it enacted by the Legislature of West Virginia:*

25 That the Code of West Virginia, 1931, as amended, be amended
26 by adding thereto a new section, designated §3-2-6a, to read as

1 follows:

2 **ARTICLE 2. REGISTRATION OF VOTERS.**

3 **§3-2-6a. Extended time for certain persons to register in person.**

4 (a) Notwithstanding the provisions of section six of this
5 article, the following persons are entitled to register to vote, in
6 person, at the office of the clerk of the county commission up to,
7 but not including, the day of the election:

8 (1) Any member of a uniformed service of the United States, as
9 defined in 42 U. S. C. § 1973ff-6 (7), who is on active duty;

10 (2) Any member of a uniformed service of the United States, as
11 defined in 42 U. S. C. § 1973ff-6 (7), who is discharged from
12 active duty during the sixty days immediately preceding the
13 election;

14 (3) Any member of the Merchant Marine of the United States;

15 (4) Any person residing outside the country by virtue of his
16 or her employment in support of national security functions or
17 purposes and presents appropriate documentation of such employment
18 as prescribed by the Secretary of State; and

19 (5) Any spouse or dependent residing with a person listed in
20 subdivisions (1), (2), (3) or (4) of this subsection.

21 (b) The provisions of subsection (a) apply only to those
22 persons who are otherwise qualified to register and who, by reason
23 of such active duty or temporary overseas residency:

24 (1) Are normally absent from the county in which they reside;
25 or

26 (2) Have been absent from such county and returned to reside

1 there during the twenty-one days immediately preceding the
2 election.

3 (c) A person qualifying and registering to vote pursuant to
4 this section, after the close of voter registration set forth in
5 section six, article two of this chapter, shall be required to cast
6 a provisional ballot and that provisional ballot shall be counted
7 during the canvass of the election, unless the voter is determined
8 by the Clerk of the County Commission to otherwise fail to meet the
9 eligibility requirements for voter registration.

10 (d) The Secretary of State shall prescribe procedures for the
11 addition of persons registered under this section to the lists of
12 registered voters.