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**H. B. 4238**

(By Delegates Poore, Marshall, Fleischauer  
and Boggs)

(By request of the Secretary of State)

[Introduced January 20, 2012; referred to the  
Committee on the Judiciary.]

A BILL to amend and reenact §3-3-2b of the Code of West Virginia,  
1931, as amended, relating to the provision of absentee  
ballots to participants of the Address Confidentiality  
Program.

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

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

**ARTICLE 3. VOTING BY ABSENTEES.**

**§3-3-2b. Special absentee voting list.**

(a) Any person who is registered and otherwise qualified to  
vote and who is permanently and totally physically disabled and who  
is unable to vote in person at the polls in an election may apply  
to the official designated to supervise and conduct absentee voting  
for placement on the special absentee voting list.

(b) Any person who is registered and otherwise qualified to

1 vote and who is participating in the Address Confidentiality  
2 Program as established by section one hundred ten, article twenty-  
3 eight-a, chapter forty-eight of this code, may apply to the program  
4 manager within the office of the Secretary of State for placement  
5 on the special absentee voting list. The program manager will  
6 notify the designated county contact to coordinate the provision of  
7 an absentee ballot to the program participant.

8       ~~(b)~~ (c) The application is to be on a form prescribed by the  
9 Secretary of State which is to include the voter's name and  
10 signature, residence address, a statement that the voter is  
11 permanently and totally physically disabled and would be unable to  
12 vote in person at the polls in any election, a description of the  
13 nature of that disability, and a statement signed by a physician to  
14 that effect or a statement that the voter is a program participant  
15 in the Address Confidentiality Program.

16       ~~(c)~~ (d) Upon receipt of a properly completed application, the  
17 official designated to supervise and conduct absentee voting shall  
18 enter the name on the special absentee voting list, which is to be  
19 maintained in a secure and permanent record. The person's name will  
20 remain active on the list until: (1) The person requests in writing  
21 that his or her name be removed; (2) the person removes his or her  
22 residence from the county, is purged from the voter registration  
23 books or otherwise becomes ineligible to vote; (3) a ballot mailed  
24 to the address provided on the application is returned

1 undeliverable by the United States postal service; ~~or~~ (4) the death  
2 of the person; or (5) in the case of a Address Confidentiality  
3 Program participant, withdrawal or removal from that program.

4 ~~(d)~~ (e) The official designated to supervise and conduct  
5 absentee voting shall mail an ~~application for an~~ absentee ballot by  
6 mail to each person active on the special absentee voting list due  
7 to disability not later than forty-six days before each election.  
8 The Address Confidentiality Program manager shall, in coordination  
9 with the designated county contact, mail to each person on the  
10 special absentee voting list due to participation in the Address  
11 Confidentiality Program an absentee ballot by mail not later than  
12 forty-six days before each election.

NOTE: The purpose of this bill is to establish procedures for: (1) The inclusion of Address Confidentially Program participants on the special absentee voting list; and (2) the method of application and ballot provision for the program participants. This is to further protect a program participant's location information.

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