

# **WEST VIRGINIA LEGISLATURE**

SECOND REGULAR SESSION, 2012



# **ENROLLED**

## **COMMITTEE SUBSTITUTE FOR House Bill No. 4257**

(By Delegates Iaquina, Poore, Marshall,  
Crosier, Fleischauer and Duke)  
[By Request of the Secretary of State]



Passed March 10, 2012

To Take Effect Ninety Days From Passage

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COMMITTEE SUBSTITUTE

FOR

## H. B. 4257

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(BY DELEGATES IAQUINTA, POORE, MARSHALL,  
CROSIER, FLEISCHAUER AND DUKE)  
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[Passed March 10, 2012; to take effect ninety days from passage.]

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

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

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

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

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

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

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

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

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

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

19 (5) Any spouse or dependent residing with a person listed  
20 in 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  
23 reason of such active duty or temporary overseas residency:

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

26 (2) Have been absent from such county and returned to  
27 reside there during the twenty-one days immediately  
28 preceding the election.

29 (c) A person qualifying and registering to vote pursuant  
30 to this section, after the close of voter registration set forth in  
31 section six, article two of this chapter, shall be required to  
32 cast a provisional ballot and that provisional ballot shall be  
33 counted during the canvass of the election, unless the voter is  
34 determined by the Clerk of the County Commission to  
35 otherwise fail to meet the eligibility requirements for voter  
36 registration.

37 (d) The Secretary of State shall prescribe procedures for  
38 the addition of persons registered under this section to the  
39 lists of registered voters.



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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

To take effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2012.

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*Governor*