

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 328

FISCAL
NOTE

By Senators Boley, Deeds, Chapman, and Smith

[Introduced January 12, 2024; referred
to the Committee on the Judiciary; and then to the
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §3-1-32a, relating to providing voters with the ability to identify and verify their
 3 ballot cast in a statewide election held in West Virginia.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-32a. Voter ballot identification and verification.

1 (a) Purpose. – The purpose of this section is to provide voters with the ability to identify and
 2 verify their ballot cast in a statewide election held in West Virginia

3 (b) Definition. – "Cast vote record" is defined as a summary report produced by voting
 4 system-specific software that provides each vote cast in every race marked by a voter participating
 5 in a jurisdiction with the Express Vote system.

6 (c) Enactment. –

7 (1) Counties using the Express Vote system shall enable the ballot tabulator functionality
 8 that captures ballots images in the polling places.

9 (2) Ballot images and cast vote record shall provide no personally identifying information of
 10 any voter.

11 (3) The cast vote record shall include a date stamp, whether physical or digital as the
 12 system allows, that indicated the date the ballot images were downloaded by the election
 13 jurisdiction.

14 (4) County election officials shall provide the Secretary of State with the cast vote record
 15 and an image of each ballot cast in the jurisdiction for each election by a certain date after the
 16 election is certified.

17 (5) The Secretary of State shall publish the cast vote record and ballot images, on a
 18 precinct and county basis, which shall be publicly available on a website managed by the
 19 Secretary of State.

20 (6) The ballot stock shall have printed thereon a unique ballot number for each ballot in

21 three locations on each ballot stock as follows:

22 (A) On a ballot stub, which is perforated, that is to be combined with all other ballot stubs at
23 the polling place by the poll workers;

24 (B) On another ballot stub, which is to be kept by the voter casting the ballot; and

25 (C) On the ballot itself, which is to be viewable in the ballot images provided to the
26 Secretary of State and made available for public viewing on the Secretary of State's website.

27 Summarily, the ballot stock design shall have two perforations to permit the tearing and removal of
28 the two ballot stubs at the polling place, one stub which is kept by the poll workers, and the other
29 stub which is kept by the voter.

NOTE: The purpose of this bill is to provide voters with the ability to identify and verify their ballot cast in a statewide election held in West Virginia.

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