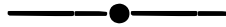


FILED

2010 JUL 26 PM 5: 27

OFFICE WEST VIRGINIA
SECRETARY OF STATE

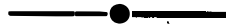
WEST VIRGINIA LEGISLATURE
SECOND EXTRAORDINARY SESSION, 2010



ENROLLED

House Bill No. 211

(By Mr. Speaker, Mr. Thompson, and Delegate Armstead)
[By Request of the Executive]



Passed July 21, 2010

In Effect From Passage

118 QH
HD 211

ENROLLED **FILED**
2010 JUL 26 PM 5:27

H. B. 211 OFFICE WEST VIRGINIA
SECRETARY OF STATE

(BY MR. SPEAKER, MR. THOMPSON, AND DELEGATE ARMSTEAD)
[BY REQUEST OF THE EXECUTIVE]

[Passed July 21, 2010; in effect from passage.]

AN ACT to amend and reenact §3-3B-3 of the Code of West Virginia, 1931, as amended, relating to the pilot program for military and overseas voters for the primary and general elections to be held during the year 2010; and extending the application period for counties to apply with the Secretary of State's Office to participate in the pilot program for the general election.

Be it enacted by the Legislature of West Virginia:

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

**ARTICLE 3B. UNIFORMED SERVICES AND OVERSEAS
VOTER PILOT PROGRAM.**

§3-3B-3. Process for selection by Secretary of State.

- 1 (a) On or before the close of business on January 8, 2010,
- 2 for the 2010 primary and general election, and on or before
- 3 the close of business on July 30, 2010, for the 2010 general

4 election only, any county interested in participating in the
5 pilot program must submit a proposal to the Secretary of
6 State. The proposal shall include:

7 (1) The name of the vendor or vendors, if any, whose
8 voting system will be implemented for voting by uniformed
9 military and overseas citizen voters;

10 (2) The anticipated cost to the county of implementing
11 the proposal;

12 (3) The manner in which the voting system complies with
13 the provisions of section four of this article; and

14 (4) An option for the voter to choose not to vote using the
15 pilot voting system, but rather by mail, fax or e-mail at the
16 voter's discretion as provided in sections five and five-b,
17 article three, chapter three of this code.

18 (b) The Secretary of State shall evaluate each proposal
19 and shall approve those proposals which meet the criteria
20 described in section four of this article.

21 (c) On or before January 29, 2010, for the 2010 primary
22 and general election, and on or before August 13, 2010, for
23 the 2010 general election only, each county that has
24 submitted a proposal shall be notified by the Secretary of
25 State that the application has either been approved or denied.

26 (d) Any county that applied by January 8, 2010, and was
27 approved by the Secretary of State is considered approved for
28 program participation in both the 2010 primary election and
29 2010 general election.

30 (e) Following the primary election, the secretary shall
31 evaluate the functional effectiveness of pilot programs

32 conducted under this article and shall terminate any program
33 that fails to adequately and securely ensure that absent
34 uniformed services voters and overseas voters have their
35 absentee ballots cast and counted in the primary election.

36 (f) Ninety days following the 2010 primary election and
37 ninety days following the 2010 general election, the secretary
38 shall submit to the Legislature reports on the progress and
39 outcomes of any pilot program conducted under this article,
40 together with recommendations:

41 (1) For the conduct of additional pilot programs; and

42 (2) For such other legislation as the secretary determines
43 appropriate.

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

Erin P. Wells
Member ~~Chairman~~ Senate Committee

Joanmy Wells
Chairman House Committee

Originating in the House.

In effect from passage.

Darrell E. Holmes
Clerk of the Senate

Dwight M. Smith
Clerk of the House of Delegates

Carl Roy Tomblin
President of the Senate

Richard P. Poyner
Speaker of the House of Delegates

The within *is appended* this the *26th*
day of *July*, 2010.

[Signature]
Governor

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2010 JUL 26 PM 5: 27

FILED

PRESENTED TO THE
GOVERNOR

JUL 26 2010

Time 9:15