

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 391**

5 (SENATORS PALUMBO, SNYDER, FOSTER, McCABE, BEACH, MINARD AND WELLS,
6 *original sponsors*)

7 _____
8 [Passed March 12, 2011; in effect from passage.]
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12 AN ACT to amend and reenact §3-3-2a of the Code of West Virginia,
13 1931, as amended, relating to authorizing community voting
14 locations; removing the requirement that chairpersons of
15 executive committees approve community voting locations;
16 requiring community voting locations to be open a minimum of
17 five days; providing for locations on a rotating basis;
18 establishing criteria for community voting locations;
19 permitting chairpersons of executive committees to nominate
20 locations; requiring publication of notices prior to the
21 designation of locations; requiring publication of notices of
22 the dates, times and places of community voting locations; and
23 requiring community voting locations to be utilized an equal
24 number of days and for the same number of hours.

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

1 (B) has the physical facilities necessary to accommodate early
2 voting requirements;

3 (C) has adequate space for voting equipment, poll workers, and
4 voters; and

5 (D) has adequate security, public accessibility, and parking.

6 (3) The county executive committees of the two major political
7 parties may nominate sites to be used as community voting locations
8 during the early voting period;

9 (4) Upon the designation of a community voting location, the
10 county clerk shall, not less than thirty days prior to an election,
11 give notice of the dates, times, and place of community voting
12 locations by publication as a Class II-0 legal advertisement in
13 compliance with provisions of article three, chapter fifty-nine of
14 this code;

15 (5) Voting shall be conducted at each designated community
16 voting site for a period of not less than five consecutive days
17 during early in-person voting authorized by section three of this
18 article, but need not be conducted at each location for the entire
19 period of early in-person voting;

20 (6) The county commission, with the approval of the county
21 clerk, may authorize community voting locations on a rotating
22 basis, wherein a community voting location may be utilized for less
23 than the full period of early in-person voting; and

24 (7) If more than one community voting location is designated,
25 each location shall be utilized for an equal number of voting days
26 and permit voting for the same number of hours per day.

1 (c) The Secretary of State shall propose legislative and
2 emergency rules in accordance with the provisions of article three,
3 chapter twenty-nine-a of this code as may be necessary to implement
4 the provisions of this section. The rules shall include
5 establishment of criteria to assure neutrality and security in the
6 selection of community voting locations.

7 (d) Throughout the period of early in-person voting, the
8 official designated to supervise and conduct absentee voting shall
9 make the following provisions for voting:

10 (1) The official shall provide a sufficient number of voting
11 booths or devices appropriate to the voting system at which voters
12 may prepare their ballots. The booths or devices are to be in an
13 area separate from but within clear view of the public entrance
14 area of the official's office or other area designated by the
15 county commission for absentee voting and are to be arranged to
16 ensure the voter complete privacy in casting the ballot.

17 (2) The official shall make the voting area secure from
18 interference with the voter and shall ensure that voted and unvoted
19 ballots are at all times secure from tampering. No person, other
20 than a person lawfully assisting the voter according to the
21 provisions of this chapter, may be permitted to come within five
22 feet of the voting booth while the voter is voting. No person,
23 other than the officials or employees of the official designated to
24 supervise and conduct absentee voting or members of the board of
25 ballot commissioners assigned to conduct absentee voting, may enter
26 the area or room set aside for voting.

1 (3) The official designated to supervise and conduct absentee
2 voting shall request the county commission designate another area
3 within the county courthouse, any annex of the courthouse or any
4 other designated as early in-person voting locations within the
5 county, as a portion of the official's office, for the purpose of
6 absentee in-person voting in the following circumstances:

7 (A) If the voting area is not accessible to voters with
8 physical disabilities;

9 (B) If the voting area is not within clear view of the public
10 entrance of the office of the official designated to supervise and
11 conduct absentee voting; or

12 (C) If there is no suitable area for absentee in-person voting
13 within the office.

14 Any designated area is subject to the same requirements as
15 the regular absentee voting area.

16 (4) The official designated to supervise and conduct absentee
17 voting shall have at least two representatives to assist with
18 absentee voting: *Provided*, That the two representatives may not be
19 registered with the same political party affiliation or two persons
20 registered with no political party affiliation. The
21 representatives may be full-time employees, temporary employees
22 hired for the period of absentee voting in person or volunteers.

23 (5) No person may do any electioneering nor may any person
24 display or distribute in any manner, or authorize the display or
25 distribution of, any literature, posters or material of any kind
26 which tends to influence the voting for or against any candidate or

1 any public question on the property of the county courthouse, any
2 annex facilities, or any other designated early voting locations
3 within the county, during the entire period of regular in-person
4 absentee voting. The official designated to supervise and conduct
5 absentee voting is authorized to remove the material and to direct
6 the sheriff of the county to enforce the prohibition.