

1 **ENROLLED**

2 **Senate Bill No. 581**

3 (BY SENATORS UNGER AND K. FACEMYER)

4 _____
5 [Passed March 12, 2011; in effect from passage.]
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10 AN ACT to amend and reenact §3-3-3 of the Code of West Virginia,
11 1931, as amended, relating to reducing the days for early
12 voting in person; and allowing Saturday early voting in all
13 elections.

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

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

17 **ARTICLE 3. VOTING BY ABSENTEES.**

18 **§3-3-3. Early voting in person.**

19 (a) The voting period for early in-person voting is to be
20 conducted during regular business hours beginning on the thirteenth
21 day before the election and continuing through the third day before
22 the election. Additionally, early in-person voting is to be
23 available from 9:00 a.m. to 5:00 p.m. on Saturdays during the
24 early voting period.

1 (b) Any person desiring to vote during the period of early in-
2 person voting shall, upon entering the election room, clearly state
3 his or her name and residence to the official or representative
4 designated to supervise and conduct absentee voting. If that
5 person is found to be duly registered as a voter in the precinct of
6 his or her residence, he or she is required to sign his or her name
7 in the space marked "signature of voter" on the pollbook. If the
8 voter is unable to sign his or her name due to illiteracy or
9 physical disability, the person assisting the voter and witnessing
10 the mark of the voter shall sign his or her name in the space
11 provided. No ballot may be given to the person until he or she
12 signs his or her name on the pollbook.

13 (c) When the voter's signature or mark is properly on the
14 pollbook, two qualified representatives of the official designated
15 to supervise and conduct absentee voting shall sign their names in
16 the places indicated on the back of the official ballot.

17 (d) If the official designated to supervise and conduct
18 absentee voting determines that the voter is not properly
19 registered in the precinct where he or she resides, the clerk or
20 his or her representative shall challenge the voter's absentee
21 ballot as provided in this article.

22 (e) The official designated to supervise and conduct absentee
23 voting shall provide each person voting an absentee ballot in
24 person the following items to be printed as prescribed by the

1 Secretary of State:

2 (1) In counties using paper ballots, one of each type of
3 official absentee ballot the voter is eligible to vote, prepared
4 according to law;

5 (2) In counties using punch card systems, one of each type of
6 official absentee ballot the voter is eligible to vote, prepared
7 according to law, and a gray secrecy envelope;

8 (3) In counties using optical scan systems, one of each type
9 of official absentee ballot the voter is eligible to vote, prepared
10 according to law, and a secrecy sleeve; or

11 (4) For direct recording election systems, access to the
12 voting equipment in the voting booth.

13 (f) The voter shall enter the voting booth alone and there
14 mark the ballot: *Provided*, That the voter may have assistance in
15 voting according to the provisions of section four of this article.

16 After the voter has voted the ballot or ballots, the absentee voter
17 shall: Place the ballot or ballots in the gray secrecy envelope and
18 return the ballot or ballots to the official designated to
19 supervise and conduct the absentee voting: *Provided, however*, That
20 in direct recording election systems, once the voter has cast his
21 or her ballot, the voter shall exit the polling place.

22 (g) Upon receipt of the voted ballot, representatives of the
23 official designated to supervise and conduct the absentee voting
24 shall:

1 (1) Remove the ballot stub;

2 (2) Place punch card ballots and paper ballots into one
3 envelope which shall not have any marks except the precinct number
4 and seal the envelope; and

5 (3) Place ballots for all voting systems into a ballot box
6 that is secured by two locks with a key to one lock kept by the
7 president of the county commission and a key to the other lock kept
8 by the county clerk.