

1 **Senate Bill No. 581**

2 (By Senators Unger and K. Facemyer)

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4 [Introduced February 21, 2011; referred to the Committee on the
5 Judiciary.]
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10 A BILL 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 ~~twentieth~~
21 thirteenth day before the election and continuing through the third
22 day before the election. ~~For any election held on a Tuesday,~~ The
23 early voting period for in-person voting is to be available from
24 9:00 a.m. to 5:00 p.m. on the two Saturdays prior to the election.

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 ~~shall be~~ is required to sign his or
7 her name in the space marked "signature of voter" on the pollbook.
8 If the 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
18 and 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.

9 ~~(4) Due to the reenactment of this section by the Legislature~~
10 ~~in the two thousand three regular session removing authorization~~
11 ~~for early in-person voting on the Monday prior to a Tuesday~~
12 ~~election, to assure notice to all persons that voted on the Monday~~
13 ~~before the Tuesday election day of the two thousand two general~~
14 ~~election are made aware of this change, the clerk of each county~~
15 ~~shall, for the primary election of the year two thousand four,~~
16 ~~include along with the sample ballots published in local newspapers~~
17 ~~as required by this chapter a notice to voters that Monday in-~~
18 ~~person voting will no longer be available.~~

(NOTE: The purpose of this bill is to change the beginning time for early voting from the twentieth day prior to the election to the thirteenth day prior to the election. This will result in a loss of only five early voting days. This bill will allow Saturday early voting for all elections.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)