

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 2666**

BY DELEGATES HOLSTEIN, PRITT, WAMSLEY, KIMBLE,

BARNHART, AND KEATON

[Introduced February 23, 2021; Referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §3-3-2 of the Code of West Virginia, 1931, as amended, relating to  
2 absentee voting; providing that no exception other than listed in this section shall permit  
3 an individual to apply for an absentee ballot; and providing that any attempt to falsely claim  
4 eligibility shall be punishable under the law.

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

### **ARTICLE 3. VOTING BY ABSENTEES.**

#### **§3-3-2. Authority to conduct absentee voting; absentee voting application; form.**

1 (a) Absentee voting is to be supervised and conducted by the proper official for the political  
2 division in which the election is held, in conjunction with the ballot commissioners appointed from  
3 each political party, as follows:

4 (1) For any election held throughout the county, within a political subdivision or territory  
5 other than a municipality, or within a municipality when the municipal election is conducted in  
6 conjunction with a county election, the clerk of the county commission; or

7 (2) The municipal recorder or other officer authorized by charter or ordinance provisions  
8 to conduct absentee voting, for any election held entirely within the municipality, or in the case of  
9 annexation elections, within the area affected. The terms "clerk" or "clerk of the county  
10 commission" or "official designated to supervise and conduct absentee voting" used elsewhere in  
11 this article means municipal recorder or other officer in the case of municipal elections.

12 (b) A person authorized and desiring to vote a mail-in absentee ballot or an electronic  
13 absentee ballot in any primary, general, or special election is to make application in the proper  
14 form to the proper official as follows:

15 (1) The completed application is to be on a form prescribed by the Secretary of State and  
16 is to contain the name, date of birth, and political affiliation of the voter, residence address within  
17 the county, the address to which the ballot is to be mailed, the authorized reason, if any, for which  
18 the absentee ballot is requested and, if the reason is illness or hospitalization, the name and  
19 telephone number of the attending physician, the signature of the voter to a declaration made

20 under the penalties for false swearing as provided in §3-3-9 of this code that the statements and  
21 declarations contained in the application are true, any additional information which the voter is  
22 required to supply, any affidavit which may be required, and an indication as to whether it is an  
23 application for voting in person, by mail, or electronically;

24 (2) For any person authorized to vote an absentee ballot under the provisions of 42 U.S.C.  
25 §1973, *et seq.*, the Uniformed and Overseas Citizens Absentee Voting Act of 1986, the completed  
26 application may be on the federal postcard application for absentee ballot form issued under  
27 authority of that act, submitted by mail or electronically; and

28 (3) For any voter with a physical disability, the completed application may be submitted by  
29 mail or electronically, in a form prescribed by the Secretary of State;

30 (4) For any person unable to obtain the official form for absentee balloting at a reasonable  
31 time before the deadline by which an application for an absentee ballot is to be received by the  
32 proper official, the completed application may be in a form set out by the voter, containing all  
33 information that would otherwise be required on the appropriate application and the signature of  
34 the voter requesting the ballot; or

35 (5) For any person authorized to vote an absentee ballot who is participating in the  
36 Address Confidentiality Program as established by §48-28A-103 of this code, application may be  
37 made to the program manager within the office of the Secretary of State to vote a mail-in absentee  
38 ballot. The program manager will notify the designated county contact to coordinate the  
39 application and the provision of an absentee ballot to the program participant.

40 (6) No exception other than listed in this subsection shall permit an individual to apply for  
41 an absentee ballot and any attempt to falsely claim eligibility shall be punishable under the law.

NOTE: The purpose of this bill is to provide that no exception other than listed in this section [WV Code §3-3-2] shall permit an individual to apply for an absentee ballot; and any attempt to falsely claim eligibility shall be punishable under the law.

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