

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

Senate Bill 593

BY SENATORS RUCKER, BOLEY, WILLIS, AND ROSE

[Reported March 27, 2025, from the Committee on
Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §3-4A-27a, relating to preservation of voting data from electronic voting
3 machines; and requiring the Secretary of State to electronically publish cast vote records
4 and images of each ballot cast in an election.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.

§3-4A-27a. Electronic voting preservation settings.

1 Enactment. —

2 (1) Counties using the Express Vote system shall enable the ballot tabulator functionality
3 that captures ballot images.

4 (2) Ballot images and cast vote records shall provide no personally identifiable information
5 of any voter.

6 (3) County election officials shall electronically provide the Secretary of State with the cast
7 vote record and an image of each ballot cast, organized in separate files for each precinct in the
8 jurisdiction at the close of canvass after declaring the results of the election and before the Board
9 of Canvassers adjourns the canvass.

10 (4) Within 24 hours of receiving the electronic cast vote record and ballot images from
11 each county, the Secretary of State shall publish the cast vote record and ballot images, on a
12 precinct and county basis, which shall be publicly available on a website managed by the
13 Secretary of State: *Provided*, That for any precinct with fewer than 10 absentee-by-mail and
14 provisional or challenged ballots counted, the Secretary of State shall ensure that the ballot
15 images and cast vote records for that precinct are published in a manner that ensures that no
16 voter's ballot or candidate choices can be identified or discerned through any process including
17 data comparisons with publicly available voter records.

18 (5) As used in this section, the term "cast vote record" is defined as a summary report
19 produced by voting system-specific software that provides each vote cast in every race marked
20 by a voter participating in a jurisdiction with the Express Vote system.

21 (6) The Secretary of State may promulgate legislative rules in accordance with §29A-3-1
22 et seq. of this code to make effective the provisions of this section and ensure the constitutional
23 right of privacy in voting.