WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

Senate Bill 802

By Senator Woodrum

[Reported March 24, 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 §3-3-11a, relating to establishing a system for tracking the receipt and status of

3   absent voter ballots; specifying required information to be recorded and reported;

4   providing for records to be updated when defects are cured by the voter; allowing voters to

5   receive notices by email; and declaring voter email addresses to be confidential and not

6   subject to public disclosure.

Be it enacted by the Legislature of West Virginia:

ARTICLE   3.   VOTING   BY   ABSENTEES.

§3-3-11a. Absent voter ballot tracking system; notifications to absent voter; confidentiality

of voter email address.

1   (a) The Secretary of State shall establish, acquire, or approve an absentee tracking

2   system that indicates whether the absent voter's ballot has been received and whether the ballot

3   has been verified and sent to be tabulated or rejected. The system shall be available to the public

4   through a website or mobile application. For each voter who votes by absent voter ballot at an

5   election, the electronic tracking system described in this subsection shall indicate all of the

6   following:

7   (1) The date the officials designated to supervise and conduct absentee voting received

8   the voter's absent voter ballot application;

9   (2) If the voter's absent voter ballot application was accepted, the date of the acceptance,

10   and if the voter's absent voter ballot application was denied, an explanation including all of the

11   following:

12   (A) A brief statement of the reason for the denial;

13   (B) Instructions for curing the issue with the absent voter's ballot application; and

14   (C) If the issue with the voter's absent voter ballot application is cured by the voter and the

15   absent voter ballot application is accepted by the officials designated to supervise and conduct

16   absentee voting, an update that the voter's absent voter application was accepted and the date of

17   the acceptance;

18   (3) The date the officials designated to supervise and conduct absentee voting mailed or

19   delivered the absent voter ballot to the voter, or for an absent uniformed services voter or overseas

20   voter under §3-3-1(B)(3) of this code, the date the absent uniformed services voter's or overseas

21   voter's officials designated to supervise and conduct absentee voting mailed or electronically

22   transmitted the absent voter ballot to the absent uniformed services voter or overseas voter;

23   (4) If the voter's absent voter ballot was returned to the officials designated to supervise

24   and conduct absentee voting as undeliverable;

25   (5) The date the officials designated to supervise and conduct absentee voting received

26   the voter's absent voter ballot return envelope, or for an eligible member, as that term is defined in

27   §3-3-5 of this code, who returns the absent voter ballot electronically, the date the eligible

28   member's absent voter ballot was electronically received;

29   (6) If the voter's absent voter ballot return envelope was accepted, the date of the

30   acceptance, and if the voter's absent ballot return envelope was not accepted, an explanation

31   including all of the following:

32   (A) A brief statement of the reason for non-acceptance;

33   (B) Instructions for curing the issue with the voter's absent voter ballot return envelope,

34   along with the deadline for curing the issue with the voter's absent voter ballot return envelope;

35   and

36   (C) If the issue with the voter's absent voter ballot return envelope is cured by the voter and

37   the absent voter ballot return envelope is accepted, an update that the voter's absent voter ballot

38   return envelope was accepted and the date of the acceptance, and a statement that the voter's

39   absent voter ballot is eligible to be tabulated.

40   (b) A voter shall be permitted to opt in to receive notifications regarding his or her absent

41   voter ballot by email. If a voter opts in under the provisions of this subsection, each time any of the

42   events described in subsection (a) of this section occurs regarding that voter's absent voter ballot

43   application, absent voter ballot return envelope, or absent voter ballot, the officials designated to

44   supervise and conduct absentee voting shall immediately notify that voter of the event by email.

45   (c) An email address provided by a voter in order to receive notifications regarding his or

46   her absent voter ballot shall be used only by authorized individuals who have access to the

47   qualified voter file or by individuals authorized by the Secretary of State to maintain the electronic

48   tracking system, and is confidential and exempt from disclosure under the West Virginia Freedom

49   of Information Act established in §29B-1-1 *et seq.* of this code.