

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 853

By Senator Morris

[Introduced February 9, 2026; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §3-1-37 of the Code of West Virginia, 1931, as amended, relating to
 2 clarifying persons permitted to be present in a polling place during an election period for
 3 non-voting activities that normally occur at that location.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-37. Restriction and presence and conduct at polls.

1 (a) Except as otherwise provided in this section, no person, other than the election officers
 2 and voters going to the election room to vote and returning therefrom, may be or remain within one
 3 hundred feet of the outside entrance to the building housing the polling place while the polls are
 4 open. This subsection does not apply to persons who reside ~~or conduct business~~ within such
 5 distance of the entrance to the building housing the polling place, while in the discharge of their
 6 legitimate business, or to persons whose business requires them to pass and repass within one
 7 hundred feet of such entrance, or to persons conducting normal activities that normally occur at
 8 such polling place during non-election periods: *Provided*, That such persons shall not enter the
 9 voting room for any purpose that is not necessary to be completed at that time while voting is being
 10 conducted and does not exempt such persons from prohibited activities during an election period
 11 including but not limited to electioneering.

12 (b) A person who is delivering a voter to a polling place by motor vehicle may drive such
 13 vehicle to a convenient and accessible location to discharge the voter, notwithstanding that the
 14 location is within 100 feet of the outside entrance to the building housing the polling place. Upon
 15 discharging such voter from the vehicle, the person shall remove the vehicle from within 100 feet
 16 of the entrance until such time as the voter is to be transported from the polling place or another
 17 voter delivered: *Provided*, That vehicles delivering voters who require assistance by reason of
 18 blindness, disability or advanced age may remain within 100 feet of the entrance until such time as
 19 the voter is to be transported from the polling place.

20 (c) The election commissions shall limit the number of voters in the election room so as to

21 preserve order. No person may approach nearer than five feet to any booth or compartment while
22 the election is being held, except the voters to prepare their ballots, or the poll clerks when called
23 on by a voter to assist in the preparation of his or her ballot, and no person, other than election
24 officers and voters engaged in receiving, preparing and depositing their ballots, may be permitted
25 to be within five feet of any ballot box, except by authority of the board of election commissioners,
26 and then only for the purpose of keeping order and enforcing the law.

27 (d) Not more than one person may be permitted to occupy any booth or compartment at
28 one time. No person may remain in or occupy a booth or compartment longer than may be
29 necessary to prepare his or her ballot, and in no event longer than five minutes, except that any
30 person who claims a disability pursuant to §3-1-34 of this code shall have additional time up to 10
31 additional minutes to prepare his or her ballot. No voter, or person offering to vote, may hold any
32 conversation or communication with any person other than the poll clerks or commissioners of
33 election, while in the election room.

34 (e) The provisions of this section do not apply to persons rendering assistance to blind
35 voters as provided in §3-1-34 of this code or to any child 14 years of age or younger who
36 accompanies a parent, grandparent or legal guardian who is voting. Any dispute concerning the
37 age of a child accompanying a parent, grandparent or legal guardian who is voting shall be
38 determined by the election commissioners.

NOTE: The purpose of this bill is to clarify individuals permitted to be present in a polling place during an election period while voting is taking place for normal non-voting activities that normally occur at the location.

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