

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 905

FISCAL
NOTE

By Senator Rucker

[Introduced February 10, 2026; referred
to the Committee on the Judiciary; and then to the
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding two new sections,
 2 designated §3-1-32a and §3-4A-27a, relating to requiring election officials to capture and
 3 publish ballot images; providing voters with the ability to affix a unique mark on their ballot
 4 to identify and verify their ballot cast in a state-wide election in West Virginia.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-32a. Voter ballot identification and verification.

1 (a) *Enactment.*

2 (1) The purpose of this section is to provide voters with the ability to identify and verify their
 3 ballot cast in a statewide election held in West Virginia.

4 (b) *Ballot Design.*

5 (1) The ballot stock shall have printed thereon a unique ballot number for each ballot
 6 printed on a perforated stub located at the top or bottom of each ballot stock.

7 (2) There shall be a space indicated by a line or box not to exceed two square inches at the
 8 bottom of each ballot, above the perforated stub, which space shall permit voters to voluntarily
 9 affix a unique mark of their choice for later identification of their ballot.

10 (c) *Ballot Marking.*

11 (1) In counties that use an electronic voting system as defined by §3-4A-2(a)(5), each voter
 12 shall be permitted to voluntarily mark their ballot in the space provided with a unique mark of their
 13 choice using ink.

14 (2) No ballot cast in person shall be denied acceptance due to a voter’s unique mark or lack
 15 thereof: *Provided*, That if a voter affixes a unique mark on the ballot in any location other than the
 16 designated line or box, an election worker is permitted to spoil that ballot and request the voter to
 17 vote another ballot to ensure the ballot is legible and voter intent is not impeded by the location of
 18 unique mark.

ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.
§3-4A-27a. Electronic voting preservation settings.

1 (a) *Enactment.*
 2 Counties using electronic voting systems as authorized by this article shall enable the
 3 ballot tabulator functionality that captures ballot images.

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

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

18 (e) 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 by
 20 a voter participating in a jurisdiction with an electronic voting system.

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

NOTE: The purpose of this bill is to preserve ballot images and cast vote records on the Secretary of State website which will allow a near 100% verification of cast vote tabulation by citizens and election officials and provide voters with the ability to anonymously identify and verify their ballot cast in a statewide election in West Virginia.

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