

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 976

**FISCAL
NOTE**

By Senator Charnock

[Introduced February 17, 2026; referred
to the Committee on the Judiciary; and then to the
Committee on Finance]

1 A BILL to amend and reenact §3-1-5 and §3-3-3 of the Code of West Virginia, 1931, as amended,
 2 relating to elections; authorizing counties, at their option, to conduct election-day voting
 3 using countywide voting centers; establishing requirements for electronic poll books,
 4 public notice, and voter notification; authorizing early voting locations to serve as voting
 5 centers on election day; providing for receiving boards at voting centers; preserving
 6 precinct boundaries for specified purposes; and authorizing rulemaking by the Secretary of
 7 State.

Be it enacted by the Legislature of West Virginia:

CHAPTER 3. ELECTIONS.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-5. Voting precincts, and polling places, and countywide voting centers established; number of voters in precincts; precinct map; municipal map.

1 (a) The precinct is the basic territorial election unit. The county commission shall divide
 2 each magisterial district of the county into election precincts, shall number the precincts, shall
 3 determine, and establish the boundaries thereof and shall designate one voting place in each
 4 precinct, which place shall be established as nearly as possible at the point most convenient for
 5 the voters of the precinct. Each magisterial district shall contain at least one voting precinct and
 6 each precinct shall have but one voting place therein.

7 Each precinct within any urban center shall contain not less than 300, nor more than 1,500
 8 registered voters. Each precinct in a rural or less thickly settled area shall contain not less than
 9 200, nor more than 700 registered voters. A county commission may permit the establishment or
 10 retention of a precinct less than the minimum numbers allowed in this subsection upon making a
 11 written finding that to do otherwise would cause undue hardship to the voters. If, at any time the
 12 number of registered voters exceeds the maximum number specified, the county commission
 13 shall rearrange the precincts within the political division so that the new precincts each contain a

14 number of registered voters within the designated limits: *Provided*, That any precincts with polling
15 places that are within a one-mile radius of each other on or after July 1, 2014, may be
16 consolidated, at the discretion of the county clerk and county commission into one or more new
17 precincts that contain not more than 3,000 registered voters in any urban center, nor more than
18 1,500 registered voters in a rural or less thickly settled area: *Provided, however*, That no precincts
19 may be consolidated pursuant to this section if the consolidation would create a geographical
20 barrier or path of travel between voters in a precinct and their proposed new polling place that
21 would create an undue hardship to voters of any current precinct.

22 If a county commission fails to rearrange the precincts as required, any qualified voter of
23 the county may apply for a writ of mandamus to compel the performance of this duty: *Provided*,
24 That when in the discretion of the county commission, there is only one place convenient to vote
25 within the precinct and when there are more than 700 registered voters within the existing precinct,
26 the county commission may designate two or more precincts with the same geographic
27 boundaries and which have voting places located within the same building. The county
28 commission shall designate alphabetically the voters who are eligible to vote in each precinct so
29 created. Each precinct shall be operated separately and independently with separate voting
30 booths, ballot boxes, election commissioners and clerks, and whenever possible, in separate
31 rooms. No two precincts may use the same standard receiving board, except as permitted by the
32 provisions of §3-1-30(j) of this code.

33 (b) In order to facilitate the conduct of local and special elections and the use of election
34 registration records therein, precinct boundaries shall be established to coincide with the
35 boundaries of any municipality of the county and with the wards or other geographical districts of
36 the municipality, except in instances where found by the county commission to be wholly
37 impracticable so to do. Governing bodies of all municipalities shall provide accurate and current
38 maps of their boundaries to the clerk of any county commission of a county in which any portion of
39 the municipality is located.

40 (c) To facilitate the federal and state redistricting process, precinct boundaries shall be
41 comprised of intersecting geographic physical features or municipal boundaries recognized by the
42 U. S. Census Bureau. For purposes of this subsection, geographic physical features include
43 streets, roads, streams, creeks, rivers, railroad tracks, and mountain ridge lines. The county
44 commission of every county shall modify precinct boundaries to follow geographic physical
45 features or municipal boundaries recognized by the U.S. Census Bureau and submit changes to
46 the Secretary of State in accordance with this section.

47 (d) To facilitate the state's receipt of decennial census data from the U.S. Census Bureau
48 which will include tabulation geography that supports the needs of the Legislature during the
49 federal congressional and state legislative redistricting process, and the needs of county
50 commissions during the magisterial district and precinct redistricting process:

51 (1) The Secretary of State shall serve as the Legislature's agent to the U.S. Census
52 Bureau, the county commissions, and the clerks of the county commissions for purposes of Block
53 Boundary Suggestion Project (Phase I), Voting District Project (Phase II), and Collection of
54 Census Redistricting Plans (Phase IV), or their equivalents, of the U.S. Census Bureau's
55 Redistricting Data Program for the federal decennial census. The Secretary of State may
56 designate and utilize staff within his or her office to perform the technical responsibilities of this
57 role.

58 (2) Each county commission shall submit on an ongoing basis to the Secretary of State its
59 updated precincts and such other information as is sufficient to participate in the Block Boundary
60 Suggestion Project (Phase I) and Voting District Project (Phase II), or their equivalents, of the
61 Redistricting Data Program, including any verification phases. The Secretary of State shall
62 coordinate with all counties for the submission and verification of such information. The Secretary
63 of State shall compile the information submitted by the counties and shall submit and verify such
64 information to the U.S. Census Bureau in compliance with the deadlines established by the U.S.
65 Census Bureau for the Redistricting Data Program. The Secretary of State shall provide copies of

66 such submission to the President of the Senate, the Minority Leader of the Senate, the Speaker of
67 the House of Delegates, and the Minority Leader of the House of Delegates.

68 (3) Upon the conclusion of any federal congressional or state legislative redistricting
69 process, the Legislature shall provide updated maps and accompanying technical files to the
70 Secretary of State. The Secretary of State shall submit such maps and accompanying technical
71 files to the U.S. Census Bureau during its Collection of Census Redistricting Plans (Phase IV) of
72 the Redistricting Data Program. The Secretary of State shall keep available at all times on its
73 website, and during business hours in its office at the Capitol at a place convenient for public
74 inspection, all current maps and accompanying technical files submitted by the Legislature. The
75 Secretary of State shall maintain previous maps and technical files submitted by the Legislature in
76 its records.

77 (e) Each county commission shall keep available at all times during business hours in the
78 courthouse at a place convenient for public inspection a map or maps of the county and
79 municipalities with the current boundaries of all precincts and magisterial districts. Each county
80 commission shall submit current maps and accompanying technical files to the Secretary of State
81 upon updating its precincts and magisterial districts. The Secretary of State shall keep available at
82 all times on its website, and during business hours in its office at the Capitol at a place convenient
83 for public inspection, all current maps and accompanying technical files submitted by the counties.
84 The Secretary of State shall maintain previous maps and accompanying technical files submitted
85 by the counties in its records.

86 (f) A county that utilizes electronic poll books may, by order of the county commission
87 adopted at a public meeting, elect to conduct in-person voting on election day using countywide
88 voting centers in lieu of precinct-specific polling places. If a county elects to utilize voting centers
89 under this subsection, any registered voter of the county may vote at any designated voting center
90 within the county on election day.

91 Voting centers established under this subsection shall:

92 (1) Be geographically distributed throughout the county so as to reasonably serve the
93 voting population, taking into account total registered voters, population density, transportation
94 access, and historic turnout patterns;

95 (2) Comply with the Americans with Disabilities Act and all applicable federal and state
96 accessibility laws; and

97 (3) Utilize electronic poll books that update the voter's record in real time to prevent
98 duplicate voting.

99 (g) A county that elects to utilize voting centers under subsection (f) of this section shall
100 provide public notice of voting center locations as follows:

101 (1) The county shall publish the locations of all voting centers at least thirty days before the
102 election in a countywide newspaper of general circulation and on the county's official website; and

103 (2) For the first election conducted after the county commission adopts an order
104 authorizing the use of countywide voting centers pursuant to subsection (f) of this section, the
105 county clerk shall mail a postcard notice to each registered voter in the county at the voter's
106 address as reflected in the official voter registration records of the county clerk not later than sixty
107 days before the election. The postcard shall identify all countywide voting center locations and
108 shall inform voters that they may vote at any such voting center on election day.

109 (h) For any election conducted using countywide voting centers pursuant to subsection (f)
110 of this section:

111 (1) The county commission shall appoint one or more receiving boards for each voting
112 center in accordance with §3-1-29, except that the county commission may consolidate or
113 combine receiving boards, as necessary, to efficiently administer voting at a voting center;

114 (2) Each voting center shall maintain separate ballot accounting, reconciliation, and chain-
115 of-custody records consistent with state law;

116 (3) At the close of polls, voted ballots from each voting center shall be secured and
117 transmitted to the county clerk for canvass in the same manner as ballots cast at traditional

118 precinct polling places;

119 (4) Nothing in this subsection shall be construed to eliminate the duties of receiving boards
120 to safeguard ballots, maintain voter records, and ensure the integrity of the election as otherwise
121 required by this chapter; and

122 (5) A single voting center may operate multiple receiving boards as necessary based on
123 anticipated turnout and facility capacity.

124 (i) Nothing in subsections (f), (g), or (h) of this section shall be construed to eliminate or
125 alter the establishment of precinct boundaries for purposes of voter registration, redistricting,
126 election administration, or canvassing of election returns.

127 (j) The Secretary of State may promulgate rules or issue guidance necessary to implement
128 countywide voting centers, including standards for electronic poll books, voting center operations,
129 security, and data integrity.

ARTICLE 3. VOTING BY ABSENTEES.

§3-3-3. Early voting in Person.

1 (a) The voting period for early in-person voting is to be conducted during regular business
2 hours beginning on the 13th day before the election and continuing through the third day before
3 the election. Additionally, early in-person voting is to be available from 9:00 a.m. to 5:00 p.m. on
4 Saturdays during the early voting period: Provided, That a county that utilizes electronic poll books
5 and elects to use countywide voting centers in accordance with §3-1-5(f) may, by order of the
6 county commission, designate any early in-person voting location as a countywide voting center
7 for use on election day: *Provided however,* That nothing in this subsection shall be construed to
8 extend the period of early in-person voting beyond that otherwise authorized by this section.

9 (b) Any person desiring to vote during the period of early in-person voting shall, upon
10 entering the election room, clearly state his or her name and residence to the official or
11 representative designated to supervise and conduct absentee voting. If that person is found to be
12 duly registered as a voter in the precinct of his or her residence, he or she is required to sign his or

13 her name in the space marked "signature of voter" on the pollbook. If the voter is unable to sign his
14 or her name due to illiteracy or physical disability, the person assisting the voter and witnessing the
15 mark of the voter shall sign his or her name in the space provided. A ballot may not be given to the
16 person until he or she signs his or her name on the pollbook.

17 (c) When the voter's signature or mark is properly on the pollbook, two qualified
18 representatives of the official designated to supervise and conduct absentee voting shall sign their
19 names in the places indicated on the back of the official ballot.

20 (d) If the official designated to supervise and conduct absentee voting determines that the
21 voter is not properly registered in the precinct where he or she resides, the clerk or his or her
22 representative shall challenge the voter's absentee ballot as provided in this article: *Provided*,
23 That the clerk or his or her representative may not challenge the voter's absentee ballot if the voter
24 has had an address change within the county, shows proof of new address, and the address
25 change is completed in the state-wide voter registration system by the county clerk prior to
26 canvass.

27 (e) The official designated to supervise and conduct absentee voting shall provide each
28 person voting an absentee ballot in person the following items to be printed as prescribed by the
29 Secretary of State:

30 (1) In counties using paper ballots, one of each type of official absentee ballot the voter is
31 eligible to vote, prepared according to law;

32 (2) In counties using punch card systems, one of each type of official absentee ballot the
33 voter is eligible to vote, prepared according to law, and a gray secrecy envelope;

34 (3) In counties using optical scan systems, one of each type of official absentee ballot the
35 voter is eligible to vote, prepared according to law, and a secrecy sleeve; or

36 (4) For direct recording election systems, access to the voting equipment in the voting
37 booth.

38 (f) The voter shall enter the voting booth alone and there mark the ballot: *Provided*, That

39 the voter may have assistance in voting according to the provisions of section four of this article.
40 After the voter has voted the ballot or ballots, the absentee voter shall: Place the ballot or ballots in
41 the gray secrecy envelope and return the ballot or ballots to the official designated to supervise
42 and conduct the absentee voting: *Provided, however,* That in direct recording election systems,
43 once the voter has cast his or her ballot, the voter shall exit the polling place.

44 (g) Upon receipt of the voted ballot, representatives of the official designated to supervise
45 and conduct the absentee voting shall:

46 (1) Remove the ballot stub;

47 (2) Place punch card ballots and paper ballots into one envelope which shall not have any
48 marks except the precinct number and seal the envelope; and

49 (3) Place ballots for all voting systems into a ballot box that is secured by two locks with a
50 key to one lock kept by the president of the county commission and a key to the other lock kept by
51 the county clerk.

NOTE: This bill authorizes optional use of countywide voting centers on election day and establishes related notice, administrative, and rulemaking provisions.

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