WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941

ENROLLED

HOUSE BILL No. 206

(By Mr. Thomas)

PASSED March 6, 1941

In Effect ninety days from Passage
ENROLLED

House Bill No. 206

(BY MR. THOMAS)

[Passed March 6, 1941; in effect ninety days from passage.]

AN ACT to amend and reenact section one, to add sections one-a and ten-a to article one; to repeal and reenact article two, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, for the purpose of establishing a uniform system of permanent registration of voters.

Be it enacted by the Legislature of West Virginia:

That section one be amended and reenacted, that sections one-a and ten-a be added to article one; that article two, chapter three of the code of West Virginia, one thousand nine hundred thirty-one be repealed and reenacted so as to read as follows:

Chapter 3. ELECTIONS

Article 1. General Election; Officers to Be Chosen; Precincts.

Section 1. Scope of Chapter.—The provisions of this chapter shall, unless restricted by the context, apply to
every general, primary, or special election in which can-
didates are nominated or elected or in which the elec-
torate passes upon any public question submitted to it,
except that such provisions shall be construed to be oper-
ative in municipal elections only in those instances in
which they are made expressly applicable.

Sec. 1-a. Persons Entitled to Vote.—Citizens of the state
shall be entitled to vote at all elections, including pri-
maries held within the precincts of the counties and
municipalities in which they respectively reside. But no
person who has not been registered as a voter as required
by law, or who is a minor, or of unsound mind, or a
pauper, or who is under conviction of treason, felony or
bribery in an election, or who, in the case of state-county
elections has not been a bona fide resident of the state
for one year and of the county in which he offers to vote
for sixty days next preceding such election, or who in the
case of municipal elections has not been a bona fide resi-
dent of the state for one year and of the municipality in
which he offers to vote for sixty days next preceding such
election shall be permitted to vote at such election while
such disability continues: Provided, That subject to the qualifications otherwise prescribed in this section, a minor shall be permitted to vote in a primary election if he will have reached the age of twenty-one on the date of the election next to be held after the primary election.

Sec. 10-a. Municipal Precincts.—The governing bodies of all municipalities shall, for the purpose of municipal elections, provide by ordinance for making the voting precincts in the respective municipalities coincide, as nearly as possible, to the boundaries of the voting precincts fixed by the county court for all state and county elections.

Article 2. Registration of Voters.

Section 1. Purpose; Short Title.—The purpose of this article is to establish a uniform permanent registration system for all elections within the state. It may be cited as the “Permanent Registration Law”.

Sec. 2. Definitions.—For the purpose of this article, unless the context clearly requires a different meaning:

"Qualified voter" shall mean any person who possesses the statutory and constitutional requirements for voting.
“Election” shall mean the procedure whereby the voters of this state or any subdivision thereof elect persons to fill public office or vote on public questions.

“Any election” or “all elections” shall include every general, primary, or special election held in this state, or in any of its subdivisions, for the purpose of nominating or electing federal, state, county, city, town or village officers of any subdivision now existing or hereafter created, or for voting upon any public question submitted to the people of the state or any of the aforesaid subdivisions.

The masculine pronoun shall be construed to include the feminine.

“Subdivision” shall mean any county, city, town, village or any other unit in which the voters are authorized to elect public officers or to vote upon public questions submitted to them.

“County court” shall, where such tribunal has not been established, be construed to mean the tribunal created in lieu thereof.
"Clerk of the county court" shall be construed to include any authorized deputy.

"Office" shall be construed to mean public office.

"Public question" shall mean any issue or proposition, now or hereafter required by the governing body of this state or of any of its subdivisions, to be submitted to the voters of the state or subdivision for decision at elections.

"Initial registration" shall mean the first registration under this article preparatory to the primary election of the year one thousand nine hundred forty-two.

"Quadrennial check-up" shall mean the process by which the registrars, every four years subsequent to the initial registration, proceed to register all persons who are not registered, but who qualify for registration; or to alter, amend, correct, or cancel the registration records of those persons previously registered.

"Registration form" shall mean the unfilled form to be used for the registration of voters.

"Registration record" shall mean the filled registration form.
"Registrar" shall be construed to include deputy registrar.

In determining or reckoning any period of time mentioned in this act the day upon which the act is done, paper filed, or notice given shall be excluded from, and the data of any election, hearing or other subsequent event, as the case may be, shall be included in the calculation or reckoning: Provided, however, That if the last day upon which any act may be done, paper filed, or notice given shall fall on a Sunday or legal holiday, the next following ordinary business day shall be considered as the last day for said purpose.

Sec. 3. Registration Prerequisite for Voting.—No voter otherwise qualified shall be permitted to vote at any election unless he shall have been duly registered or shall have placed himself within the "Challenged Voters" provision of this chapter.

Sec. 4. Qualifications for Registration.—Any person who possesses the constitutional and statutory requirements for voting except as to age, shall be permitted to register: Provided, That such person shall have reached the age of
twenty-one years by the time of the next ensuing election.

Sec. 5. Permanent and Uniform Registration.—A permanent registration system shall hereby be established which shall be uniform throughout the state and all of its subdivisions. No voter so registered shall be required to register again for any election while he continues to reside at the same address or, having moved from such address, is properly transferred according to the provisions of section thirty-three of this article: Provided, That if a voter fails to vote at least once during a period of five years from the date of his last vote, his registration shall be cancelled, and he shall be given proper notice thereof by the clerk of the county court, to the effect that in order to vote he must register again.

Sec. 6. Election Commission.—There shall hereby be created "The State Election Commission", which shall be composed of five members, appointed by the governor, by and with the consent of the senate. The commission shall, from this membership, elect a chairman for a term of two years.

Sec. 7. Term of Office.—The term of office of members
2 of the commission shall be six years, except that the gov-
3 ernor, upon the adoption of this law, shall appoint the
4 members of the commission upon the following basis: Two
5 members for a term of six years, two members for a term
6 of four years, and one member for a term of two years.
7 As these appointments expire, all appointments shall be
8 made for six years.

Sec. 8. Qualifications of Members.—No member of the
2 commission shall be a candidate for or hold any public
3 office other than that of membership in the commission;
4 nor shall he be a member of any committee of a political
5 party. At least one member shall be selected with special
6 reference to his expert knowledge as a student of the
7 problems of public elections. Of the remaining four mem-
8 bers, not more than two shall be affiliated with the same
9 major political party. In case a member becomes a candi-
10 date for or is appointed to any other public office or
11 political committee, his office as member of the commis-
12 sion shall be deemed immediately vacated.

Sec. 9. Expenses.—Each member of the commission
shall receive his actual and necessary traveling expense incurred in the performance of his duties.

Sec. 10. *Office and Place of Meeting.*—The office and place of meeting of the commission shall be the office of the secretary of state in the state capitol.

Sec. 11. *Meetings.*—The commission shall hold meetings at least six months prior to every primary election. Special meetings may be convened on the call of the chairman, the governor, or the secretary of state.

Sec. 12. *Powers and Duties of Members.*—The members of the commission shall serve as an advisory body to the secretary of state, and, as such, shall have the following powers and duties:

1. To recommend policies and practices to the secretary of state, relating to his duties as registration official (for voting) and election officer, imposed by law.
2. To investigate the work of the secretary of state, and for this purpose to have access at reasonable times to pertinent records, books, papers and documents.
3. To consider and study the election practices of other jurisdictions, with a view to determining the techniques
used in eliminating fraud in elections and in simplifying

election procedure.

(4) To advise or make recommendations to the governor, relative to election practices and policy in the state.

(5) To keep minutes of the transactions of each session, regular or special, which shall be public records and filed with the secretary of state.

Sec. 13. Secretary of State; Powers; Duties.—The secretary of state shall be the chief registration official of the state. He shall have authority, upon consultation with the state election commission, of which he is hereby created an ex officio member, to make, amend and rescind such rules, regulations and orders as may be necessary to carry out the policy of the legislature, as contained in this article. It shall be the duty of all registration officials to abide by such rules, regulations and orders, which shall include

(a) Uniform rules of procedure for registrars and other registration officials in the performance of their duties, as to time and manner of performance.

(b) Uniform rules for the purging of registration rec-
(c) Uniform rules for challenging registrants.

(d) Any other rules, regulations, or directions necessary to standardize and make effective the administration of the provisions of the act.

It shall be his further duty to advise with registration officials; to furnish to the registration officials a sufficient number of indexed copies of the current registration laws of West Virginia and the administrative orders issued thereunder; to investigate the administration of registration laws, frauds, and irregularities in any registration; to report violations of registration laws to the appropriate prosecuting officials, and to prepare an annual report of registration.

The secretary of state shall also have the power to issue subpoenas, administer oaths and affirmations, summon witnesses, compel the production of books, papers, records and other evidence, and fix the time and place for hearing any matters relating to the administration and enforcement of this article. In case of disobedience to a subpoena or other process, he may invoke the aid of any circuit
court in requiring the evidence and testimony of witnesses and the production of papers, books and documents.

Sec. 14. Powers and Duties of Appointees.—All powers and duties vested in the secretary of state under this article may be exercised by appointees of the secretary of state at his discretion, but the secretary of state shall be responsible for their acts.

Sec. 15. Powers of County Court.—Subject to the authority of the secretary of state, the county court shall be the chief registration authority in each respective county and all subdivisions therein, and shall supervise the county clerk and registrars in the performance of their respective duties.

The county court shall have power on its own motion to summon and to interrogate any person concerning the registration of voters or any matter related thereto, to investigate any regularities in registration, to summon and examine witnesses, to require the production of any relevant books and papers, and to administer oaths and affirmations. Each person testifying before the county court shall first be duly sworn or affirmed.
Sec. 16. Selection of Registrars.—The county court of each county in the state shall, not less than eight weeks prior to the date of the first registration under this act and not less than eight weeks nor more than ten weeks prior to each quadrennial check-up thereafter, appoint for each voting precinct in the county two competent persons as registrars, one each from the political parties which, at the last preceding election, cast the highest and next highest number of votes in the county in which the election is to be held. If at any time during such session, however, the county executive committee of either political party from which registrars are to be selected, through its chairman or secretary, shall present to the county court or file in the office of the clerk of the county court a writing signed by the chairman of such committee, on behalf of the committee, requesting the appointment as registrar of a qualified voter of their political party, the court shall appoint the person named in such writing as registrar. Every writing so presented shall be filed and preserved for one year by the clerk of such court in his office. However, no person shall be eligible to appointment as
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22 registrar, or in any way act as such, if he has been conv-
23 victed of a felony; or if he holds any elective or appointive
24 office, or is a public employee, under the laws of this state,
25 or of the United States; or if he is not a qualified voter
26 in the precinct for which appointed; or cannot read or
27 write the English language; or is a candidate to be voted
28 for at such election. If in any precinct there should not
29 be a competent person, in the opinion of the chairman of
30 the executive committee, or of the county court, the chair-
31 man of such committee may recommend, and the court
32 shall appoint, some competent voter of such county from
33 some other precinct therein to act as registrar. If any
34 such registrar shall fail or refuse to serve or is properly
35 dismissed, the vacancy shall be filled either by the county
36 court or by the clerk thereof, in vacation, in the manner
37 provided for the appointment of registrars. Each registrar,
38 before entering upon the discharge of his duties, shall take
39 an oath that he will perform the duties of the office to
40 the best of his ability, and that he is a regular member of
41 the party for which appointed. Such oath shall be filed
42 in the office of the clerk of the county court.
Sec. 17. **Salaries of Registrars.**—For registering qualified voters during the initial registration, each registrar shall be compensated at a rate fixed by the respective county court of not more than ten cents nor less than five cents for each name registered. For registering qualified voters or for checking the registration record of any qualified voter during the periods of the quadrennial check-up, each registrar shall receive not more than six cents for each name registered or each record checked. In the event of a reregistration, the registrars shall receive the same payment as that prescribed for the initial registration. Any part or all of the salary of any registrar may be withheld by the county court until such time as the county court shall have agreed that the duties of such registrars have been fulfilled.

Sec. 18. **Clerical Assistance.**—The county court shall have power to provide for clerical assistance at reasonable compensation, to aid in the administration of registration.

Sec. 19. **Registration Record Files.**—The registration records to be used in county-state elections shall be kept in a separate file and arranged, where possible, according
to precinct, street and sequence of house, apartment or
room numbers. A duplicate set of these registration
records shall be made and kept in a separate file, and shall
be arranged in alphabetical order. Such file shall herein
be referred to as the "alphabet file."

The registration records to be used in municipal elec-
tions shall be kept in a separate file and arranged, where
possible, according to precinct, street, and sequence of
house, apartment or room numbers.

Sec. 20. Custody of Registration Records; Public In-
spection.—The registration records shall not be removed
from the custody of the county court except for use in
an election, or by the order of a court of record. The
registration records in the alphabet file shall be open for
public inspection under reasonable regulations prescribed
by the county court. Such inspection shall be carried on
in the presence of the clerk of the county court.

Sec. 21. Registration Form.—The registration form shall
be prescribed by the secretary of state substantially as
follows. The forms for county-state elections and munici-
pal elections, shall be identical, save for color.
<table>
<thead>
<tr>
<th>NAME (Last name first) (Information in this space to be typed in at office of clerk of county court)</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>YEAR</td>
<td>42</td>
</tr>
<tr>
<td>State-County Primary</td>
<td></td>
</tr>
<tr>
<td>Municipal Primary</td>
<td></td>
</tr>
<tr>
<td>General-State-County Election</td>
<td></td>
</tr>
<tr>
<td>General Municipal Election</td>
<td></td>
</tr>
<tr>
<td>Special State-County Election</td>
<td></td>
</tr>
<tr>
<td>Special Municipal Election</td>
<td></td>
</tr>
<tr>
<td>(As the elector votes record fact of voting with a &quot;v&quot; in proper space, except at primaries record fact of voting by use of party initial or initials.)</td>
<td>(Upon change of address place sticker containing new address over former)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PARTY AFFILIATION</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Record of Change of Address

<table>
<thead>
<tr>
<th>Magisterial District</th>
<th>Precinct</th>
<th>Ward</th>
<th>Address</th>
<th>Apt. or Room</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Continued on next page.)
Miss
Mrs.
Mr.

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Middle Name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Will you have resided in County In Municipality on day of next election in state one year,

<table>
<thead>
<tr>
<th>Place and date of birth</th>
<th>Married</th>
<th>Single</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Occupation</th>
<th>If unable to write state reasons:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Color of Eyes</td>
<td></td>
</tr>
<tr>
<td>Color of Hair</td>
<td></td>
</tr>
<tr>
<td>Color of Skin</td>
<td>Other means of identification</td>
</tr>
<tr>
<td>Height</td>
<td></td>
</tr>
</tbody>
</table>

| If | Name of Court Through Husband Naturalized Place Whom Name Date Naturalized Father |
|----|----------------------------------|------------------|-----------------|-------------------|
|    |                                  |                  |                 |                   |

State of West Virginia, County of

I, ________________ being duly sworn on oath (affirmation) do swear (affirm) that the statements herein contained are, to the best of my knowledge
and belief, true, and that I am legally qualified to vote.

________________________
Signature of Applicant

Subscribed and sworn before me this ______ day of ____________________, 19__.

________________________
Signature of Registrar

________________________
Signature of Registrar

(If registration of absentee)________________________
Signature of Person Taking Affidavit (Official Seal)

(If registration by clerk)________________________
Signature of Clerk of County Court
Sec. 22. Filling of Registration Forms.—Two registration forms shall be filled for each applicant, one for use in county-state elections, the other for municipal elections. Only the form for the county-state elections shall be filled, however, if the applicant for registration is not eligible to vote in municipal elections. The signature of the applicant on both filled forms shall be written in ink.

Sec. 23. Power to Administer Oaths.—Whenever in any matter concerning registration, an oath or affirmation is required, the clerk of the county court and registrars shall have the power to administer the same.

Sec. 23-a. Issuance of Registration Receipts.—Upon the completion of the registration of any person, the registration official shall issue to such person a signed and dated receipt of such registration. The form for such receipt shall be prescribed by the secretary of state.

Sec. 24. Absentee Registration.—Any person who possesses the qualifications for registration, but who is absent from the state or county on account of occupation, or for any other necessary cause, during the time of the initial registration or quadrennial check-up, may register
by mail during these respective periods, according to the
procedure prescribed by the secretary of state.

Sec. 25. Quadrennial Check-up.—Four years subsequent
to the initial registration and the corresponding time
every four years thereafter, the registrars according to
directions prescribed by the secretary of state shall pro-
ceed to register the names of all persons not registered
but who are qualified to register, and shall also alter,
amend, correct or cancel, where necessary, the registration
records of the voters of the respective precincts so as to
provide a complete and accurate record of all persons
qualified to vote.

Sec. 26. Registration Procedure in Office of the Clerk of
the County Court.—The clerk of the county court may
register any qualified person by filling in the prescribed
registration form or forms as the case may be and having
them signed by the applicant under oath or affirmation,
except as is otherwise provided in this article. Upon
proper proof, the registration record of any voter may be
altered, amended, corrected, or cancelled by the clerk of
the county court.
The aforesaid registration or alteration, correction, or cancellation of registration records shall be carried on throughout the year, except during the two weeks preceding any election. For the initial registration the county court may at its discretion order the clerk of the county court to maintain additional office hours in the evening.

Sec. 27. Duties of Registrars After Completion of Initial Registration and Quadrennial Check-ups.—After the completion of the initial registration, and before every primary and general election which follows, the county court shall station the registrars for two days at some convenient place within the voting precinct for the purpose of registering persons qualified to register and for amending, correcting, and cancelling, where necessary the registration records of the voters of the respective precinct. The county court shall give notice of the time and place of such procedure by posting notices at not less than five conspicuous public places in the election precinct.

Sec. 28. Registration of Applicants Unable to Write.—If an applicant, although physically able, shall allege in-
ability to sign his name, the registrar or clerk of the county court shall require him to present an affidavit of a qualified elector within the same county who is personally acquainted with the applicant. Such elector shall, in his affidavit, state his own residence and affirm that the statements made by the applicant for registration are true. Upon the presentation of such affidavit, the applicant shall be permitted to sign the registration form by making his mark.

If an applicant is literate, but physically unable to sign his name, the registrar or clerk of the county court shall insert the name of the applicant on the registration form together with a notation of the nature of the disability.

Sec. 29. Disability Suffered Since Registration.—Any voter who has since the time of registration suffered a physical disability which renders him unable to sign his name may at any time except the two weeks immediately preceding any election personally make application under oath to the clerk of the county court to have such fact entered on his registration record, together with a statement of the exact nature of his physical disability, and
such entry shall be made accordingly. If such applicant is physically unable to appear before the clerk of the county court to cause such change to be made on the registration record, he may request the clerk of the county court to mail him the necessary forms, and the clerk of the county court upon receipt of such forms properly filled, together with a physician's certificate affirming such disability, shall alter the registration record of the voter accordingly: Provided, That when the clerk of the county court shall ascertain that any voter who has declared himself physically disabled or illiterate, no longer suffers from such physical disability or illiteracy, he shall forthwith cancel on the registration record the entry relating to physical disability or illiteracy and shall notify such elector by mail of his action.

Sec. 30. Naturalized Applicants.—Any naturalized citizen claiming the right to register, shall produce his naturalization papers or a certificate under the seal of the court in which his naturalization was effected. Any person claiming citizenship by reason of the naturalization of his parent during his minority, may be registered either
by the production of his parent's original naturalization papers, or a certified copy thereof, or a certificate of the court. Any woman claiming citizenship by reason of her marriage prior to September twenty-second, one thousand nine hundred twenty-two, may be registered by the production of her husband's original naturalization papers, or a certified copy thereof, or a certificate of the court in which naturalization was effected.

Sec. 31. Statement of Party Affiliation.—Any person claiming the right to register shall be requested to state the name of the political party with which he desires to affiliate, and such affiliation shall be indicated on the registration record in the proper space. Any person who declines to state any preference of party affiliation shall be registered as "Independent" and such person shall not be permitted to vote in any primary election.

Sec. 32. Challenge of Right to Register.—Any person claiming the right to register may be challenged by the clerk of the county court or by any registrar, or, provided they appear in person at the office of the clerk of the county court, by the chairman of a political party or any
other qualified voter. Such challenge shall be entered
upon a form prescribed by the secretary of state and shall
be filed as a matter of record in the office of the clerk of
the county court. Upon receipt of such form the clerk of
the county court shall mail to the person challenged a no-
tice, the form of which shall be prescribed by the secretary
of state. Any person so challenged may appear at the of-
lice of the clerk of the county court at any time except
during the two weeks immediately preceding any election
to show cause why the challenge should be removed.
Failure to appear shall automatically constitute a can-
celation of such person’s registration record: Provided,
That in no case shall such registration record be cancelled
unless such person receives notice of such challenge by
registered mail with return receipt requested at least
three weeks preceding any election.

Sec. 33. Transfers.—Whenever a voter removes his resi-
dence from one place to another within the same county
he may request that the change be made on his registra-
tion record. Such request shall be made by filling in and
if he is able, signing under oath or affirmation the neces-
sary form which may be procured in person or by mail
from the office of the clerk of the county court. The form
of such notice shall be prescribed by the secretary of state.
Upon receipt of such notice the clerk of the county
court shall cause the signature thereon to be compared
with the signature of the applicant upon his registration
record and, if such signatures correspond, shall make entry
of such change of residence upon all the registration rec-
ords and the necessary transfers in the files. If the clerk
of the county court is not satisfied as to the genuineness
of the signature on the notice of change of residence, and
if the right of such applicant to register is challenged, ac-
cording to the procedure hereinbefore prescribed, such
transfer shall not be made.

Sec. 34. Time of Transfer.—Transfers of the registra-
tion record may be made throughout the year except dur-
ing the two weeks immediately preceding any election,
and if any voter shall move from one place to another
within the county within the said two weeks, he shall, for
that election only, vote in the precinct from which he
moved.
Sec. 35. Change of Name.—Whenever an elector, previously registered, shall change his name, such person shall be required to register again. For this purpose such person may register by mail in the same manner as an absentee registrant, according to the procedure of section twenty-four of this article. Upon such registration the clerk of the county court shall cancel the registration record bearing the voter's former name. When such a change of name is made during the two weeks immediately preceding any election, such elector, if duly registered, may vote at the election under his former name.

Sec. 36. Preparation, Posting and Furnishing of Precinct Lists.—Prior to any election the clerk of the county court shall, upon request, prepare lists which may be photostated, typed, printed, or mimeographed at the discretion of such clerk. Such lists shall contain exact copies of the names, address, and political affiliation of the registered voters in the order of their arrangement in the respective county or municipal precinct registration files. Such copies shall be known as the "precinct registration lists".
Any person, municipality, corporation, or other entity may obtain copies of precinct registration lists containing the name, address and political affiliation of each registered voter in such precinct from the clerk of the county court, who shall charge a fee of one cent per name furnished. The fees received by the clerk of the county court shall be kept in a separate fund under his supervision, for the purpose of defraying the cost of the preparation of the precinct lists. Any unexpended balance in the fund shall be transferred to the general fund of the county court.

Sec. 37. Hearings before County Court; Appeals.—Any person affected adversely in regard to any matter pertaining to his registration may obtain a hearing before the county court. The county court shall preserve and keep all record evidence offered at such hearing and shall have all oral evidence heard reduced to writing and preserved and kept with other records. From the decision of the county court such person or the person challenging his registration shall have within thirty days an appeal of right by petition to the circuit court of the respective
county. Such appeal may be taken by petition without
formal bill of exceptions or certification. The clerk of
the county court shall give reasonable notice of such ap-
peal thereof in writing to the party or parties to the pro-
ceedings.

The circuit court upon such appeal shall consider only
the record before the county court, which record shall
consist of the evidence considered by the county court in
reducing its decision. Such record shall be properly au-
thenticated by the clerk of the county court.

The circuit court may affirm the order of the county
court, whether the order be affirmative or negative; but
if it deems such order not to be reasonably justified by
the evidence considered, it may reverse such orders of the
county court in whole or in part as it deems just and
right; and if it deems the evidence considered by the
county court in reaching its decision insufficient, it may
remand the proceedings to the county court for further
hearing. Any such order or orders of the circuit court
shall be certified to the county court.

Any party to such appeal, may, within thirty days
after the date of a final order by the circuit court, apply
for an appeal to the supreme court of appeals, which may
grant or refuse such appeal at its discretion. The supreme
court of appeals shall have jurisdiction to hear and de-
determine the appeal upon the record before the circuit
court and to enter such order as it may find that the cir-
cuit court should have entered.

Judges of the circuit and supreme court of appeals in
vacation shall have the same power as that prescribed in
this section for their respective courts.

Sec. 38. Time of Hearings before County Court.—The
county court shall hold such hearings as shall be neces-
sary for the purpose of reviewing any case pertaining to
registration: Provided, That no such hearings shall be
held within the two weeks immediately preceding the
election in which the person whose registration is affected
seeks to vote.

Sec. 39. Sessions of Courts in Registration Cases.—It
shall be the duty of the circuit court and the supreme
court of appeals, in order to expedite registration and
election procedure, to hold such sessions as may be neces-
sary to determine any cases involving the registration of
voters.

Sec. 40. Changes in Precinct Boundaries.—Whenever a
new precinct has been created or the boundaries of any
precinct have been changed, the clerk of the county court
shall correct and transfer accordingly the registration
records of electors whose voting precincts have thus been
changed. The registration of an elector shall not be in-
validated by such alteration or transfer.

Sec. 41. Reregistration.—Whenever the county court
shall deem it necessary because of destruction of records,
or any other emergency, it shall have power to order a
reregistration in any precinct.

Sec. 41-a. Purchase of Equipment for Initial Registra-
tion.—The election commission, by resolution of the ma-
jority of the members, shall prescribe the type and
quantity of registration forms, poll books, and filing
equipment necessary for the completion of initial regis-
tration under this article, and shall make proper alloca-
tion of such materials to the counties.

The purchase of such forms, poll books and filing equip-
ment shall be made by the director of purchases in accordance with the procedure prescribed in chapter twenty-five-a of the code of West Virginia.

Sec. 41-b. Appropriations from General Revenues.—Appropriations for the purchase of the registration forms, poll books, and filing equipment necessary for the completion of initial registration under this article shall be paid out of the state general revenue fund.

Sec. 42. Appropriation by County Court.—The county court shall budget the funds necessary for the payment of the compensation of registrars and other assistants and employees, and the fees of witnesses, and likewise for preparing, securing, distributing notices, stationery and other supplies, and other services which are necessary for the purpose of this article. The county court shall not include in its budget any sum for the purpose of preparing or printing precinct lists. Any unexpended balances of any appropriation heretofore made by the county court for the purpose of carrying out any provision of the existing registration law shall be transferred to and made
available to the county court for the expenses of carrying out the provisions of this article.

Sec. 43. Disposition of Registration Records Under Prior Laws.—The registration records used prior to the date when this article goes into effect shall be preserved by the clerk of the county court for at least two years after this article becomes effective, and during said period shall be open for public inspection under proper regulations for their safe keeping. Such records shall not be destroyed without the previous consent in writing of the prosecuting attorney of the respective county.

Sec. 44. Unlawful Registration or Rejection of Voter; Penalties.—Any registrar or clerk of the county court who knowingly registers or permits to be registered a person not lawfully entitled to be registered, or who knowingly refuses to register a person entitled to be registered, or who knowingly assists in preventing such person from being registered, or who inserts or intentionally permits to be inserted a name or other entries in any registration form, knowing or having reason to know that such entry should not be made, shall be guilty of a misdemeanor and
upon conviction shall be fined not more than one thousand dollars or confined in the county jail for not more than one year or both, at the discretion of the court.

Any person who registers or applies to be registered, or who applies for a change of residence address, knowing or having reason to know that he is not entitled to be registered, or to have his residence address changed on his registration record, or any person who declares as his address a place or address which he knows is not his legal residence, or who impersonates another in an application for registration, or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one thousand dollars or confined in the county jail for not more than one year or both, at the discretion of the court.

Sec. 45. *Neglect of Duty by Registration Officers; Penalties.*—Any registrar or clerk of the county court or their authorized deputies or any other persons upon whom a duty is laid by the permanent registration law, who shall wilfully delay, neglect, or refuse to perform such duty,
shall be guilty of a misdemeanor, and upon conviction
shall be fined not more than one thousand dollars or con-
fined in the county jail for not more than one year
or both, at the discretion of the court.

Sec. 46. Alteration or Destruction of Registration Rec-
ords; Penalties.—Any person who intentionally inserts
or permits to be wrongfully inserted any name or material
entry on any registration form or any other record in con-
nection with registration; or who wrongfully alters or de-
stroys an entry which has been duly made; or who wrong-
fully takes and removes any such registration form, or
any other record authorized or required in connection
with registration, from the custody of any person having
lawful charge thereof, shall be guilty of a misdemeanor,
and upon conviction shall be fined not more than one thou-
sand dollars or confined in the county jail for not more
than one year or both, at the discretion of the court.

Sec. 47. Withholding of Information; Penalties.—Any
person who neglects or refuses to furnish to the secretary
of state or the county court any information which they
are authorized to obtain, in connection with registration,
or to exhibit any records, papers, or documents herein
authorized to be inspected by them, shall be guilty of a
misdemeanor and upon conviction shall be fined not more
than one thousand dollars or confined in the county jail
for not more than one year or both, at the discretion of
the court.

Sec. 48. Interference with Registration of Voters; Pen-
talties.—Any person who intentionally interferes with,
hinders, or delays another in the performance of any act
or duty in connection with registration or any person
who knowingly and wilfully prevents another from being
duly registered shall be guilty of a misdemeanor and upon
conviction shall be fined not more than one thousand dol-
ars or confined in the county jail for not more than one
year, or both, at the discretion of the court.

Sec. 49. Destruction of Registration Records; Penalties.
—Any person who without authority under the provisions
of this article destroys or attempts to destroy any regis-
tration document or record or who removes or attempts
to remove such registration document or record, shall be
guilty of a misdemeanor, and upon conviction shall be
fined not less than one hundred dollars nor more than
one thousand dollars or confined in the county jail for not
more than one year or both, at the discretion of the court.

Sec. 50. Inconsistent Acts Repealed.—All previous acts
and parts of acts inconsistent with this act are hereby re-
pealed.

Sec. 51. Constitutionality.—If any part of this act is
declared unconstitutional by a court of competent juris-
diction, its decision shall not affect any portion of this act
which remains, but the remaining portions shall be in full
force and effect as if the portions declared unconstitu-
tional had never been a part of the act.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within Approved this the 14th day of March, 1941.

Governor.