

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945



ENROLLED

Committee Substitute for

HOUSE BILL No. 208

*Originating in the House Committee
on the Judiciary*

(By Mr.)



PASSED March 9 1945

In Effect 90-days from Passage

208

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COMMITTEE SUBSTITUTE FOR

House Bill No. 208

(Originating in the House Committee on the Judiciary.)

[Passed March 9, 1945; in effect ninety days from passage.]

AN ACT to repeal section twenty-five, article two, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend and reenact sections sixteen, seventeen, thirty-three, thirty-eight and forty-seven of such article and chapter, all relating to the registration of voters.

Be it enacted by the Legislature of West Virginia:

That section twenty-five, article two, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that sections sixteen, seventeen, thirty-three, thirty-eight and forty-seven of such article and chapter be amended and reenacted to read as follows:

Section 16. *Appointment of Registrars; Qualifications and Duties.*—The county court of each county shall, not

3 less than twelve nor more than fourteen weeks prior to the
4 date of any state-wide primary or general election, appoint
5 for each magisterial district of its county not more than ten
6 nor less than two competent persons to act as registrars
7 therein. No person shall be eligible to appointment as a
8 registrar, or in any way act as such if he has been convicted
9 of a felony or if he holds any elective or appointive of-
10 fice, or is a public employee, under the laws of this state
11 or of the United States; or cannot read or write the
12 English Language; or is a candidate to be voted for at
13 such election. If any such registrar shall fail or refuse
14 to serve or is properly dismissed, the vacancy shall be
15 filled either by the county court or by the clerk thereof
16 in vacation, in the manner provided for the appointment
17 of registrars. Each registrar before entering upon the
18 discharge of his duties, shall take an oath that he will
19 perform the duties of the office to the best of his ability
20 which oath shall be filed in the office of the Clerk of the
21 County Court. An equal number of such registrars shall
22 be selected from the political parties which at the last
23 preceding election, cast the highest and next highest

24 number of votes in the county in which the election is to
25 be held. The county executive committees of the two po-
26 litical parties may, not less than one hundred twenty days
27 before any election for which registrars are to be ap-
28 pointed, submit to the county court, or to the clerk there-
29 of in vacation, a list of names of persons qualified to vote
30 in each district of said county, and who are qualified to
31 act as registrars therein, and the county court shall, if
32 such lists are submitted, appoint the respective registrars
33 therefrom. Every such list so presented shall be filed and
34 preserved for one year by the clerk of such court in his
35 office. The registrars shall sit at the places, dates and
36 hours, hereafter provided for, for the purpose of regis-
37 tering voters, and for the purpose of altering, correcting,
38 changing, and amending the registration records of any
39 voter so desiring to have his registration record altered,
40 corrected, changed or amended.

41 Before acting, all such registrars shall attend a session,
42 or sessions, of instruction by the clerk of the county court,
43 or some person designated by him, concerning the per-
44 formance of their duties. For his attendance at such ses-

45 sion, or sessions, not to exceed three in number, each
46 registrar shall be entitled to one day's compensation for
47 each day he attends.

48 The county court shall designate the places, the dates
49 and the hours of sittings by registrars in each magisterial
50 district and cause notice thereof to be placed in at least
51 five conspicuous places in each precinct within the area
52 served, not less than five days prior to the first sitting
53 in such area. The places designated must be reasonably
54 accessible to the members of the public residing in the
55 area to be served. The dates of such sittings shall be fixed
56 so as to commence on the eighth Monday preceding any
57 state wide primary or general election. In any magis-
58 terial district having a voting population of less than
59 fifteen thousand, the total number of days on which regis-
60 trars shall sit shall be not less than four, and in all other
61 districts, not less than ten. For the convenience of the
62 public, the court shall so arrange the schedule of hours
63 that at all times not less than two registrars of opposite
64 political parties shall sit together between the hours of
65 nine in the morning and five in the afternoon on the first

66 day and each alternate day thereafter, and between the
67 hours of three in the afternoon and ten at night on the
68 second day and each alternate day thereafter.

Sec. 17. *Salary of Registrars.*—Each registrar appointed
2 as provided in the preceding section shall, for the per-
3 formance of his duties, be paid not less than three dollars
4 nor more than seven dollars a day, at the discretion of
5 the county court, and in addition thereto five cents for
6 each mile necessarily traveled in the performance of such
7 duties. Any part or all of the salary and mileage of any
8 registrar may be withheld until the duties of the registrar
9 have been fulfilled.

Sec. 25. *Quadrennial Check-up.*—This section is re-
2 pealed.

Sec. 33. *Transfers.*—Whenever a voter removes his
2 residence from one place to another within the same
3 county he shall request that the change be made on his
4 registration record. Such request shall be made by filling
5 in, and, if he is able, signing under oath or affirmation
6 the necessary form, which may be procured in person or

7 by mail from the office of the clerk of the county court.

8 The form of such notice shall be prescribed by the secre-
9 tary of state.

10 Upon receipt of such notice the clerk of the county
11 court shall cause the signature thereon to be compared
12 with the signature of the applicant upon his registration
13 card and, if such signatures correspond, shall make entry
14 of such change of residence upon all the registration rec-
15 ords and the necessary transfers in the files. If the clerk
16 of the county court is not satisfied as to the genuineness
17 of the signature of the notice of change of residence, and
18 if the right of such applicant to register is challenged, ac-
19 cording to the procedure hereinbefore prescribed, such
20 transfer shall not be made.

Sec. 38. *Time of Hearings before County Court.*—The
2 county court shall hold such hearings as shall be neces-
3 sary for the purpose of reviewing any case pertaining to
4 registration, but no such hearings shall be held within
5 the twenty days immediately preceding the election in
6 which the person whose registration is affected seeks to
7 vote.

Sec. 47. *Withholding of Information; Penalties.*—Any
2 person who neglects or refuses to furnish to the secretary
3 of state, the county court, or the clerk of the county court
4 any information which they are authorized to obtain in
5 connection with registration, or to exhibit any records,
6 papers, or documents herein authorized to be inspected
7 by them, shall be guilty of a misdemeanor, and upon con-
8 viction thereof shall be fined not more than one thousand
9 dollars, or confined in the county jail for not more than
10 one year, or both, at the discretion of the court.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles C Morris

Chairman Senate Committee

J. A. deGruyter Jr.

Chairman House Committee

Originated in the

House

Takes effect

90 days from

passage.

Horatio Meyer

Clerk of the Senate

J. A. deGruyter Jr.

Clerk of the House of Delegates

Wm. S. Tickers

President of the Senate

John E. Amos

Speaker House of Delegates

The within

Approved

this the

16th

day of

March

, 1945.

Blair Madsen

Governor.



Filed in the office of the Secretary of State
of West Virginia **MAR 16 1945**

Wm. S. O'BRIEN,
Secretary of State