

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

HOUSE BILL No. 145

(Originating in the Committee on the Judiciary.)
(By Mr. _____)



PASSED March 7 1947

In Effect ninety days from Passage



145

ENROLLED
COMMITTEE SUBSTITUTE FOR
House Bill No. 145

(Originating in the House Committee on the Judiciary)

[Passed March 7, 1947; in effect ninety days from passage.]

AN ACT to amend and reenact sections two, five, sixteen, seventeen, twenty and thirty-three, article two, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend such article by adding thereto a new section to be designated section twenty-five, all relating to the registration of voters.

Be it enacted by the Legislature of West Virginia:

That sections two, five, sixteen, seventeen, twenty and thirty-three, article two, chapter three, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that such article be amended by adding thereto a new section to be designated section twenty-five, all to read as follows:

CHAPTER 3. ELECTIONS.

Article 2. Registration of Voters

Sec. 2. *Definitions.*—For the purpose of this article,

2 unless the context clearly requires a different meaning:

3 “Qualified voter” shall mean any person who possesses
4 the statutory and constitutional requirements for voting.

5 “Election” shall mean the procedure whereby the voters
6 of this state or any subdivision thereof elect persons to
7 fill public offices or vote on public questions.

8 “Any election” or “all elections” shall include every
9 general, primary, or special election held in this state, or
10 in any of its subdivisions, for the purpose of nominating
11 or electing federal, state, county, city, town or village
12 officers of any subdivision now existing or hereafter cre-
13 ated, or for voting upon any public question submitted to
14 the people of the state or any of the aforesaid subdivi-
15 sions.

16 The masculine pronoun shall be construed to include
17 the feminine.

18 “Subdivision” shall mean any county, city, town, vil-
19 lage or any other unit in which the voters are authorized

20 to elect public officers or to vote upon public questions
21 submitted to them.

22 "County court" shall, where such tribunal has not been
23 established, be construed to mean the tribunal created
24 in lieu thereof.

25 "Clerk of the county court" shall be construed to in-
26 clude any authorized deputy.

27 "Office" shall be construed to mean public office.

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

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

35 "Biennial check-up" shall mean the process by which
36 the registrars, during the year one thousand nine hundred
37 forty-eight and every two years subsequent thereto, pro-
38 ceed to register all persons who are not registered, but
39 who qualify for registration; or to check and, if necessary,
40 alter, amend, correct, or cancel the registration records

41 of those persons previously registered, including the ac-
42 ceptance of applications for the transfer of the registra-
43 tion of any person previously registered at another ad-
44 dress within the county, or for the change of party
45 affiliation.

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

48 "Registrar" shall be construed to include deputy reg-
49 istrar.

50 In determining or reckoning any period of time men-
51 tioned in this act the day upon which the act is done,
52 paper filed, or notice given shall be excluded from, and
53 the date of any election, hearing or other subsequent
54 event, as the case may be, shall be included in the calcu-
55 lation or reckoning; but if the last day upon which any
56 act may be done, paper filed, or notice given, shall fall
57 on a Sunday or legal holiday, the next following ordinary
58 business day shall be considered as the last day for such
59 purpose.

Sec. 5. *Permanent and Uniform Registration.*—A per-
2 manent registration system shall hereby be established

3 which shall be uniform throughout the state and all of
4 its subdivisions. No voter so registered shall be required
5 to register again for any election while he continues to
6 reside at the same address, or, having moved from such
7 address, is properly transferred according to the provi-
8 sions of section thirty-three of this article, unless his reg-
9 istration is cancelled as provided in this article. If a voter
10 fails to vote at least once during a period of three years,
11 his registration shall be cancelled and he shall, by letter
12 or postal card, be given proper notice thereof by the
13 clerk of the county court, to the effect that in order to
14 vote he must register again.

Sec. 16. *Appointment of Registrars; Qualifications and*
2 *Duties.*—The county court of each county shall, not less
3 than sixteen nor more than eighteen weeks prior to the
4 date of each state-wide primary election, appoint a num-
5 ber of competent persons, not to exceed two for each
6 voting precinct in the county, to act as registrars for the
7 purpose of making the biennial check-up required by this
8 article. No person shall be eligible to appointment as a
9 registrar, or in any way act as such, if he has been con-

10 victed of a felony or if he holds any elective or appointive
11 office, or is a public employee, under the laws of this state
12 or of the United States; or cannot read or write the Eng-
13 lish language; or is a candidate to be voted for at such
14 election. If any such registrar shall fail or refuse to serve
15 or is properly dismissed, the vacancy shall be filled either
16 by the county court or by the clerk thereof in vacation,
17 in the manner provided for the appointment of registrars.
18 Each registrar before entering upon the discharge of his
19 duties, shall take an oath that he will perform the duties
20 of the office to the best of his ability, which oath shall be
21 filed in the office of the clerk of the county court.

22 An equal number of such registrars shall be selected
23 from the two political parties which, at the last preceding
24 election, cast the highest number and next highest num-
25 ber of votes in the county in which the election is to be
26 held. The county court shall, at least four weeks prior
27 to making such appointment, request the county execu-
28 tive committee of each of the said two political parties
29 to submit a list of names, equal to one-half of the total
30 number to be appointed, of persons qualified to act as

31 registrars; and the county court shall, if such lists
32 are submitted, appoint the respective registrars there-
33 from, and shall notify each registrar of his appointment.
34 Every such list so presented shall be filed and preserved
35 for one year by the clerk of such court in his office. Any
36 and every act performed by any registrar under the pro-
37 visions of this article shall be void unless performed in
38 conjunction with a registrar of the opposite political party
39 at the same time and place.

40 Before acting, all such registrars shall attend a session,
41 or sessions, of instruction by the clerk of the county court,
42 or some person designated by him, concerning the per-
43 formance of their duties. For his attendance at such ses-
44 sion, or sessions, not to exceed two in number, each regis-
45 trar shall for each day he attends be entitled to one day's
46 compensation, as provided in the following section.

47 Immediately following such instruction the clerk of the
48 county court shall deliver to the registrars a copy of the
49 laws and regulations with reference to the registering of
50 voters, and all necessary forms and other supplies, in-
51 cluding a certified list of all registered voters within the

52 precinct for which such registrars were appointed, upon
53 such form as may be prescribed by the secretary of state.
54 Such registrars shall thereupon proceed together to make
55 a house-to-house canvass in their precinct for the pur-
56 pose of making the biennial check-up required by section
57 twenty-five of this article. In making such check-up the
58 registrars shall not again register any person who is al-
59 ready registered in such precinct, but shall determine
60 whether or not such person is duly registered and quali-
61 fied to vote therein.

62 For the purpose of making further corrections and of
63 registering or transferring the registration of persons who
64 were missed during the house-to-house canvass or who
65 have since become qualified to register in the precinct, the
66 registrars shall sit together at some public place therein
67 for at least one day during the sixth week preceding each
68 state-wide primary or general election. The county court
69 shall designate the place and fix the date or dates for such
70 sittings in each precinct and shall cause notice thereof
71 to be placed in at least ten conspicuous places in the pre-
72 cinct not less than five days before the date fixed for the

73 first sitting therein. The clerk of the county court may
74 publish a notice in two newspapers of opposite politics
75 and of general circulation in the county, giving the time
76 and places where such registrars shall sit. The clerk of
77 the county court is also authorized to publish such notices
78 as may be proper in his opinion to advise the electorate
79 of the respective dates after which transfers and regis-
80 tration, and changes of registration, may not be made
81 with respect to any general or primary election.

82 Upon the completion of the biennial check-up and im-
83 mediately following the last sitting before each election,
84 the registrars shall return the records and lists to the
85 clerk of the county court, together with an affidavit that
86 the returns, records and lists returned to the clerk are
87 true and correct to the best of their knowledge and be-
88 lief. The clerk of the county court shall make the neces-
89 sary changes in his other registration records. The list
90 checked by the registrars in each precinct shall be com-
91 pared with the register of deaths kept by the clerk of the
92 county court in his office. Each person named in the list
93 whose death has not been recorded shall be given proper

94 notice by the clerk of the county court, that his regis-
95 tration has been cancelled and that in order to vote he
96 must register again. The notice shall be mailed to such
97 person's last address appearing on the registration record.

Sec. 17. *Compensation of Registrars.*—As compensation
2 for his services during the house-to-house canvass each
3 registrar shall be paid at a rate, to be fixed by the county
4 court, of not less than five nor more than fifteen cents
5 for each person newly registered; and for each transfer
6 and for each previous registration checked, whether can-
7 celled or not, he shall be paid not less than four nor more
8 than eight cents. Each registrar shall be paid not less than
9 three nor more than seven dollars for each day he attends
10 a session of instruction by the clerk of the county court
11 and for each day he serves at the sittings provided for
12 in the preceding section.

13 Any part or all of the compensation of any registrar
14 may be withheld by the county court until such time as
15 the county court shall have agreed that the duties of such
16 registrar have been fulfilled.

Sec. 20. *Custody of Registration Records; Public In-*

2 *spection.*—The registration records shall not be removed
3 from the custody of the county court except for use in an
4 election, or by the order of a court of record. The regis-
5 tration records shall be open for public inspection under
6 reasonable regulations prescribed by the county court.

Sec. 25. *Biennial Check-up.*—During the year one thou-
2 sand nine hundred forty-eight and every two years sub-
3 sequent thereto, the registrars, according to directions
4 prescribed by the secretary of state and as provided in
5 section sixteen of this article, shall proceed to register
6 the names of all persons not registered but who are qual-
7 ified to register, and shall also check and, if necessary,
8 alter, amend, correct or cancel the registration records of
9 the voters of the respective precincts, so as to provide a
10 complete and accurate record of all persons qualified to
11 vote.

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 fill-
5 ing in, and, if he is able, signing under oath or affirma-

6 tion the necessary form, which may be procured in per-
7 son or by mail from the office of the clerk of the county
8 court, or from the registrars during the biennial check-
9 up. The form of such notice shall be prescribed by the
10 secretary of state.

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

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

Forest L. McNear
Chairman Senate Committee

B. L. Matthews
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Howard Myers
Clerk of the Senate

Garrett
Clerk of the House of Delegates

Arnold M. Vickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within Approved this the 13
day of March, 1947.

Clarence Meadows
Governor.



Filed In the Office of the Secretary of State
of West Virginia

MAR 13 1947

WM. S. URBAN,
SECRETARY OF STATE