WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED

House Bill No. 378

(By Mr. Originating in the

Comm. on the Judiciary)

PASSED March 14, 1949

In Effect 70 days from Passage
AN ACT to amend and reenact sections two, sixteen and twenty-five, article two, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the permanent registration of voters.

Be it enacted by the Legislature of West Virginia:

That sections two, sixteen and twenty-five, article two, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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

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

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

"Officer" 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 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. "Biennial check-up" shall mean the process by which the registrars, during the year one thousand nine hundred fifty, and every two years subsequent thereto, if in the discretion of the county court a biennial check-up is deemed necessary shall proceed to register all persons who are not registered, but who qualify for registration; or to check and, if necessary, alter, amend, correct, or cancel the registration records of those persons previously registered, including the acceptance of applications for transfer of the registration of any person previously registered at another address within the county, or for the change of party affiliation. "Quadrennial check-up" shall mean the process by which registrars, during the year one thousand nine hundred fifty-two, and every four years subsequent thereto,
shall proceed to register all persons who are not registered,
but who qualify for registration; or to check and, if neces-
sary, alter, amend, correct, or cancel the registration rec-
ords of those persons previously registered, including the
acceptance of applications for transfer of the registration
of any person previously registered at another address
within the county, or for the change of party affiliation.

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

"Registrar" shall be construed to include deputy regis-
trar. 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 date of any election, hearing or other subsequent
event, as the case may be, shall be included in the calcu-
lation or reckoning; but 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 such
purpose.

Sec. 16. Appointment of Registrars; Qualifications and
Duties.—The county court of each county shall, not less than eighteen nor more than twenty weeks prior to the date of a state-wide primary election, appoint two competent persons, for one or more but not to exceed ten voting precincts in the county, to act as registrars for the purpose of making a biennial or quadrennial check-up required by this article. No person shall be eligible to appointment as a registrar, or in any way act as such, if he has been convicted of a felony or if he holds any elective or appointive office, or is a public employee, under the laws of this state or of the United States; or cannot read or write the English language; or is a candidate to be voted for at such election. If any such registrar shall fail or refuse to serve or is properly dismissed, the vacancy shall be filled either by the county court or by the clerk thereof in vacation, in the manner provided for the appointment of registrars. Each registrar before entering upon the discharge of his duties, shall take an oath that he will perform the duties of the office to the best of his ability, which oath shall be filed in the office of the clerk of the county court.
An equal number of such registrars shall be selected from the two political parties which, at the last preceding election, cast the highest number and next highest number of votes in the county in which the election is to be held. The county court shall, at least four weeks prior to making such appointment, request the county executive committee of each of the said two political parties to submit a list of names, equal to one-half of the total number to be appointed, of persons qualified to act as registrars; and the county court shall, if such lists are submitted, appoint the respective registrars therefrom, and shall notify each registrar of his appointment. Every such list so presented shall be filed and preserved for one year by the clerk of such court in his office. Any and every act performed by any registrar under the provisions of this article shall be void unless performed in conjunction with a registrar of the opposite political party at the same time and place.

Before acting, all such registrars shall attend a session, or sessions, of instruction by the clerk of the
county court, or some person designated by him, concerning the performance of their duties. For his attendance at such session, or sessions, not to exceed two in number, each registrar shall for each day he attends be entitled to one day’s compensation, as provided in the following section.

Immediately following such instruction the clerk of the county court shall deliver to the registrars a copy of the laws and regulations and reference to the registering of voters, and all necessary forms and other supplies, including a certified list of all registered voters within the precinct for which such registrars were appointed, upon such form as may be prescribed by the secretary of state. Such registrar shall thereupon proceed together to make a house-to-house canvass in their precinct for the purpose of making the biennial or quadrennial check-up required by section twenty-five of this article. In making such check-up the registrars shall not again register any person who is already registered in such precinct, but shall determine whether
or not such person is duly registered and qualified to vote therein.

For the purpose of making further corrections and of registering or transferring the registration of persons who were missed during the house-to-house canvass or who have since become qualified to register in the precinct, the registrars shall sit together at some public place or places within the precincts assigned them for not less than one day beginning Monday of the sixth week preceding the primary or general election and continuing for not more than ten days. The county court shall designate the place and fix the date or dates for such sittings in the precincts and shall cause notice thereof to be placed in at least ten conspicuous places in the precinct not less than five days before the date fixed for the first sitting therein. The clerk of the county court may publish a notice in two newspapers of opposite politics and of general circulation in the county, giving the time and places where such registrars shall sit. The clerk of the county court is also authorized to publish such notices as may be proper.
in his opinion to advise the electorate of the respective
dates after which transfers and registration, and changes
of registration, may not be made with respect to any
general or primary election.

Upon the completion of the biennial or quadrennial
check-up and immediately following the last sitting be-
fore the election, the registrars shall return the records
and lists to the clerk of the county court, together with
an affidavit that the returns, records and lists returned
to the clerk are true and correct to the best of their
knowledge and belief. The clerk of the county court
shall make the necessary changes in his other regis-
tration records. The list checked by the registrars in
each precinct shall be compared with the register of
deaths kept by the clerk of the county court in his of-
office. Each person named in the list whose death has
not been recorded shall be given proper notice by the
clerk of the county court, that his registration has been
cancelled and that in order to vote he must register
again. The notice shall be mailed to such person's last
address appearing on the registration record.
Sec. 25. Biennial or Quadrennial Check-up.—During the year one thousand nine hundred fifty and every two years subsequent thereto, there may be a biennial check-up if in the discretion of the county court such check-up is deemed necessary and advisable; there shall be a quadrennial check-up in every county in the State, beginning with the year one thousand nine hundred fifty-two and every four years subsequent thereto, and the registrars, according to directions prescribed by the secretary of state and as provided in section sixteen of this article, shall proceed to register the names of all persons not registered but who are qualified to register, and shall also check and, if necessary, alter, amend, correct or cancel 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.
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 ___ 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 18TH day of MARCH, 1949.

Governor.