

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



ENROLLED

*Com. Sub. for*  
HOUSE BILL No. 378

(By Mr. *Originating in the* )  
*Com. on the Judiciary*



PASSED March 14 1949

In Effect 90 days from Passage



378

## ENROLLED

COMMITTEE SUBSTITUTE FOR

# House Bill No. 378

(Originating in the Committee on the Judiciary)

[Passed March 12, 1949; in effect ninety 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,
- 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,  
10 or 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  
14 to the people of the state or any of the aforesaid sub-  
15 divisions.

16 The masculine pronoun shall be construed to include  
17 the feminine. "Subdivision" shall mean any county, city,  
18 town, village or any other other unit in which the voters  
19 are authorized to elect public officers or to vote upon  
20 public questions submitted to them. "County court" shall,  
21 where such tribunal has not been established, be con-  
22 strued to mean the tribunal created in lieu thereof. "Clerk  
23 of the county court" shall be construed to include any  
24 authorized deputy.

25 "Officer" shall be construed to mean public office.

26 "Public question" shall mean any issue or proposition,

27 now or hereafter required by the governing body of this  
28 state or any of its subdivisions, to be submitted to the  
29 voters of the state or subdivision for decision at elections.

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

33 "Biennial check-up" shall mean the process by which  
34 the registrars, during the year one thousand nine hundred  
35 fifty, and every two years subsequent thereto, if in the  
36 discretion of the county court a biennial check-up is  
37 deemed necessary shall proceed to register all persons  
38 who are not registered, but who qualify for registration;  
39 or to check and, if necessary, alter, amend, correct, or  
40 cancel the registration records of those persons previously  
41 registered, including the acceptance of applications for  
42 transfer of the registration of any person previously regis-  
43 tered at another address within the county, or for the  
44 change of party affiliation.

45 "Quadrennial check-up" shall mean the process by  
46 which registrars, during the year one thousand nine hun-  
47 dred fifty-two, and every four years subsequent thereto,

48 shall proceed to register all persons who are not registered,  
49 but who qualify for registration; or to check and, if neces-  
50 sary, alter, amend, correct, or cancel the registration rec-  
51 ords of those persons previously registered, including the  
52 acceptance of applications for transfer of the registration  
53 of any person previously registered at another address  
54 within the county, or for the change of party affiliation.

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

57 "Registrar" shall be construed to include deputy regis-  
58 trar. In determining or reckoning any period of time  
59 mentioned in this act the day upon which the act is done,  
60 paper filed, or notice given shall be excluded from, and  
61 the date of any election, hearing or other subsequent  
62 event, as the case may be, shall be included in the calcu-  
63 lation or reckoning; but if the last day upon which any  
64 act may be done, paper filed, or notice given, shall fall  
65 on a Sunday or legal holiday the next following ordinary  
66 business day shall be considered as the last day for such  
67 purpose.

Sec. 16. *Appointment of Registrars; Qualifications and*

2 *Duties.*—The county court of each county shall, not less  
3 than eighteen nor more than twenty weeks prior to the  
4 date of a state-wide primary election, appoint two com-  
5 petent persons, for one or more but not to exceed ten  
6 voting precincts in the county, to act as registrars for  
7 the purpose of making a biennial or quadrennial check-up  
8 required by this article. No person shall be eligible to  
9 appointment as a registrar, or in any way act as such,  
10 if he has been convicted of a felony or if he holds any  
11 elective or appointive office, or is a public employee,  
12 under the laws of this state or of the United States; or  
13 cannot read or write the English language; or is a can-  
14 didate to be voted for at such election. If any such regis-  
15 trar shall fail or refuse to serve or is properly dismissed,  
16 the vacancy shall be filled either by the county court or  
17 by the clerk thereof in vacation, in the manner pro-  
18 vided for the appointment of registrars. Each regis-  
19 trar before entering upon the discharge of his duties,  
20 shall take an oath that he will perform the duties of  
21 the office to the best of his ability, which oath shall be  
22 filed in the office of the clerk of the county court.

23 An equal number of such registrars shall be selected  
24 from the two political parties which, at the last preced-  
25 ing election, cast the highest number and next highest  
26 number of votes in the county in which the election is  
27 to be held. The county court shall, at least four weeks  
28 prior to making such appointment, request the county  
29 executive committee of each of the said two political  
30 parties to submit a list of names, equal to one-half of  
31 the total number to be appointed, of persons qualified  
32 to act as registrars; and the county court shall, if such  
33 lists are submitted, appoint the respective registrars  
34 therefrom, and shall notify each registrar of his ap-  
35 pointment. Every such list so presented shall be filed  
36 and preserved for one year by the clerk of such court  
37 in his office. Any and every act performed by any  
38 registrar under the provisions of this article shall be  
39 void unless performed in conjunction with a registrar  
40 of the opposite political party at the same time and  
41 place.

42 Before acting, all such registrars shall attend a ses-  
43 sion, or sessions, of instruction by the clerk of the

44 county court, or some person designated by him, con-  
45 cerning the performance of their duties. For his at-  
46 tendance at such session, or sessions, not to exceed two  
47 in number, each registrar shall for each day he attends  
48 be entitled to one day's compensation, as provided in  
49 the following section.

50 Immediately following such instruction the clerk of  
51 the county court shall deliver to the registrars a copy  
52 of the laws and regulations and reference to the regis-  
53 tering of voters, and all necessary forms and other sup-  
54 plies, including a certified list of all registered voters  
55 within the precinct for which such registrars were  
56 appointed, upon such form as may be prescribed by  
57 the secretary of state. Such registrar shall thereupon  
58 proceed together to make a house-to-house canvass  
59 in their precinct for the purpose of making the bien-  
60 nial or quadrennial check-up required by section twenty-  
61 five of this article. In making such check-up the regis-  
62 trars shall not again register any person who is already  
63 registered in such precinct, but shall determine whether

64 or not such person is duly registered and qualified to  
65 vote therein.

66 For the purpose of making further corrections and  
67 of registering or transferring the registration of per-  
68 sons who were missed during the house-to-house can-  
69 vass or who have since become qualified to register  
70 in the precinct, the registrars shall sit together at some  
71 public place or places within the precincts assigned  
72 them for not less than one day beginning Monday of  
73 the sixth week preceeding the primary or general elec-  
74 tion and continuing for not more than ten days. The  
75 county court shall designate the place and fix the date  
76 or dates for such sittings in the precincts and shall cause  
77 notice thereof to be placed in at least ten conspicuous  
78 places in the precinct not less than five days before the  
79 date fixed for the first sitting therein. The clerk of  
80 the county court may publish a notice in two news-  
81 papers of opposite politics and of general circulation in  
82 the county, giving the time and places where such regis-  
83 trars shall sit. The clerk of the county court is also  
84 authorized to publish such notices as may be proper

85 in his opinion to advise the electorate of the respective  
86 dates after which transfers and registration, and changes  
87 of registration, may not be made with respect to any  
88 general or primary election.

89 Upon the completion of the biennial or quadrennial  
90 check-up and immediately following the last sitting be-  
91 fore the election, the registrars shall return the records  
92 and lists to the clerk of the county court, together with  
93 an affidavit that the returns, records and lists returned  
94 to the clerk are true and correct to the best of their  
95 knowledge and belief. The clerk of the county court  
96 shall make the necessary changes in his other regis-  
97 tration records. The list checked by the registrars in  
98 each precinct shall be compared with the register of  
99 deaths kept by the clerk of the county court in his of-  
100 fice. Each person named in the list whose death has  
101 not been recorded shall be given proper notice by the  
102 clerk of the county court, that his registration has been  
103 cancelled and that in order to vote he must register  
104 again. The notice shall be mailed to such person's last  
105 address appearing on the registration record.

Sec. 25. *Biennial or Quadrennial Check-up.*—During  
2 the year one thousand nine hundred fifty and every two  
3 years subsequent thereto, there may be a biennial check-  
4 up if in the discretion of the county court such check-up  
5 is deemed necessary and advisable; there shall be a quad-  
6 rennial check-up in every county in the State, beginning  
7 with the year one thousand nine hundred fifty-two and  
8 every four years subsequent thereto, and the registrars,  
9 according to directions prescribed by the secretary of state  
10 and as provided in section sixteen of this article, shall pro-  
11 ceed to register the names of all persons not registered  
12 but who are qualified to register, and shall also check and,  
13 if necessary, alter, amend, correct or cancel the registra-  
14 tion records of the voters of the respective precincts, so as  
15 to provide a complete and accurate record of all persons  
16 qualified to vote.

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

Joseph L. McMan  
Chairman Senate Committee

L. S. Matthews  
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

Howard Myers  
Clerk of the Senate

J. A. Ruff  
Clerk of the House of Delegates

Augustine S. Hunter  
President of the Senate

W. C. Cannon  
Speaker House of Delegates

The within APPROVED this the 18TH  
day of MARCH, 1949.

Chas. L. Patton  
Governor.



Filed in the Office of the Secretary of State  
of West Virginia MAR 18 1949  
D. PITT O'BRIEN,  
SECRETARY OF STATE