WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

HOUSE BILL No. 795

(By Mr. Dingess and McGraw)

PASSED March 13, 1971

In Effect from Passage

795

HEFD BY THE GOVE:
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 4-2-71
ENROLLED

House Bill No. 795
(By Mr. Dinsmore and Mr. McGraw)

[Passed March 13, 1971; in effect from passage.]

AN ACT to amend and reenact sections two and three, article one, and section two, article two, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, to define the term "minor" as used in article four, section one of the state constitution and as used in the West Virginia election code to mean a person who has not become eighteen years of age, and to permit a minor to vote in a primary election if he will have reached the age of eighteen years on the date of the general election next to be held after such primary election, to provide that citizens of the state who are between the ages of eighteen and twenty-one and who are otherwise qualified to vote shall not be entitled to vote except in elections held on and after July one, one thousand nine
hundred seventy-one, within the precincts of the counties and municipalities in which they respectively reside, to permit a minor, otherwise qualified, to register if he shall have attained the age of eighteen years by the time of the next ensuing election, and to provide that on and after the effective date of this act, citizens of the state who are between the ages of eighteen and twenty-one and who are otherwise qualified to vote shall be permitted to register to vote, and the voter registration of any citizen of the state who prior to the effective date of this act registered to vote and who was between the ages of eighteen and twenty-one at the time of registration and who was otherwise qualified to vote shall be valid.

Be it enacted by the Legislature of West Virginia:

That sections two and three, article one, and section two, 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:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-2. Scope of chapter; definitions.

1 Unless restricted by the context, the provisions of this chapter shall apply to every general, primary, and spe-
cial election in which candidates are nominated or elected or in which voters pass upon any public question submitted to them, except that the provisions hereof shall be construed to be operative in municipal elections only in those instances in which they are made expressly so applicable.

Unless the context clearly requires a different meaning, as herein used:

"Voter" shall mean any person who possesses the statutory and constitutional qualifications for voting;

"Election" shall mean the procedure whereby the voters of this state or any subdivision thereof elect persons to fill public offices, or elect members of a constitutional convention, 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 or state officers, or county, city, town or village officers of any subdivision now existing or hereafter created, or for the purpose of electing members of a constitutional convention, or for voting
upon any public question submitted to the people of
the state or any of the aforesaid subdivisions;
"Office" shall be construed to mean "public office"
which shall include (1) any elective office provided for
by the constitution or laws of the United States or of
this state to which a salary or other compensation at-
taches, and (2) membership in a constitutional conven-
tion;
"Candidate" shall mean any person to be voted for at
an election;
"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.
The term "minor" as used in article four, section one
of the state constitution and as used in this chapter shall
mean a person who has not become eighteen years of age.
§3-1-3. Persons entitled to vote.
1 Citizens of the state shall be entitled to vote at all
elections 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 a special election to elect members to a constitutional convention, 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 resident 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. Subject to the qualifications otherwise prescribed in this section, however, a minor shall be permitted to vote in a primary election if he will have reached the age of eighteen years on the date of the general election next to be held after such primary election.
26  Notwithstanding the foregoing provisions of this section, citizens of the state who are between the ages of eighteen and twenty-one and who are otherwise qualified to vote shall not be entitled to vote except in elections held on and after July one, one thousand nine hundred seventy-one, within the precincts of the counties and municipalities in which they respectively reside.

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-2. Voter registration requirements.

1  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, and only those persons who possess the constitutional and statutory qualifications for voting shall be permitted to register, except that minors, otherwise qualified, who shall have attained the age of eighteen years by the time of the next ensuing election, may be permitted to register.

10  On and after the effective date of this act, citizens of the state who are between the ages of eighteen and twenty-one and who are otherwise qualified to vote shall
be permitted to register to vote, and the voter registration
of any citizen of the state who prior to the effective date
of this act registered to vote and who was between the
ages of eighteen and twenty-one at the time of registra-
tion and who was otherwise qualified to vote shall be
valid.
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.

Takes effect 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 1st day of April, 1971.

Governor
PRESENTED TO THE GOVERNOR

Date  3/19/71
Time  11:00 a.m.