

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1971

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ENROLLED

HOUSE BILL No. 795

(By Mr. Dinsmore and McGraw)

—●—

PASSED MARCH 13, 1971

In Effect FROM Passage



FILED IN THE OFFICE  
JOHN O. COCKEFELDER, IV  
SECRETARY OF STATE  
THIS DATE 4-2-71

795

**ENROLLED**  
**House Bill No. 795**  
(By MR. DINSMORE and MR. MCGRAW)

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

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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
- 2 chapter shall apply to every general, primary, and spe-

3 cial election in which candidates are nominated or elected  
4 or in which voters pass upon any public question sub-  
5 mitted to them, except that the provisions hereof shall  
6 be construed to be operative in municipal elections only  
7 in those instances in which they are made expressly so  
8 applicable.

9 Unless the context clearly requires a different mean-  
10 ing, as herein used:

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

13 "Election" shall mean the procedure whereby the voters  
14 of this state or any subdivision thereof elect persons to  
15 fill public offices, or elect members of a constitutional  
16 convention, or vote on public questions;

17 "Any election" or "all elections" shall include every  
18 general, primary, or special election held in this state,  
19 or in any of its subdivisions, for the purpose of nom-  
20 inating or electing federal or state officers, or county,  
21 city, town or village officers of any subdivision now  
22 existing or hereafter created, or for the purpose of elect-  
23 ing members of a constitutional convention, or for voting

24 upon any public question submitted to the people of  
25 the state or any of the aforesaid subdivisions;

26 "Office" shall be construed to mean "public office"  
27 which shall include (1) any elective office provided for  
28 by the constitution or laws of the United States or of  
29 this state to which a salary or other compensation at-  
30 taches, and (2) membership in a constitutional conven-  
31 tion;

32 "Candidate" shall mean any person to be voted for at  
33 an election;

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

38 The term "minor" as used in article four, section one  
39 of the state constitution and as used in this chapter shall  
40 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  
2 elections held within the precincts of the counties and  
3 municipalities in which they respectively reside. But

4 no person who has not been registered as a voter as  
5 required by law, or who is a minor, or of unsound mind,  
6 or a pauper, or who is under conviction of treason, felony  
7 or bribery in an election, or who, in the case of state-  
8 county elections has not been a bona fide resident of  
9 the state for one year and of the county in which he  
10 offers to vote for sixty days next preceding such election,  
11 or who, in the case of a special election to elect members  
12 to a constitutional convention, has not been a bona fide  
13 resident of the state for one year and of the county  
14 in which he offers to vote for sixty days next preceding  
15 such election, or who in the case of municipal elections  
16 has not been a bona fide resident of the state for one  
17 year and of the municipality in which he offers to vote  
18 for sixty days next preceding such election, shall be  
19 permitted to vote at such election while such disability  
20 continues. Subject to the qualifications otherwise pre-  
21 scribed in this section, however, a minor shall be per-  
22 mitted to vote in a primary election if he will have  
23 reached the age of eighteen years on the date of the  
24 general election next to be held after such primary elec-  
25 tion.

26     Notwithstanding the foregoing provisions of this sec-  
27     tion, citizens of the state who are between the ages of  
28     eighteen and twenty-one and who are otherwise qualified  
29     to vote shall not be entitled to vote except in elections  
30     held on and after July one, one thousand nine hundred  
31     seventy-one, within the precincts of the counties and mu-  
32     nicipalities 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  
2     at any election unless he shall have been duly registered  
3     or shall have placed himself within the "challenged  
4     voters" provision of this chapter, and only those persons  
5     who possess the constitutional and statutory qualifica-  
6     tions for voting shall be permitted to register, except  
7     that minors, otherwise qualified, who shall have attained  
8     the age of eighteen years by the time of the next ensuing  
9     election, may be permitted to register.

10    On and after the effective date of this act, citizens of  
11    the state who are between the ages of eighteen and  
12    twenty-one and who are otherwise qualified to vote shall

13 be permitted to register to vote, and the voter registration  
14 of any citizen of the state who prior to the effective date  
15 of this act registered to vote and who was between the  
16 ages of eighteen and twenty-one at the time of registra-  
17 tion and who was otherwise qualified to vote shall be  
18 valid.



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

Russell M. Beale

Chairman Senate Committee

Phyllis J. Rutledge

Chairman House Committee

Originated in the House.

Takes effect from passage.

Thomas D. Myers

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

C. Hans McCourt

President of the Senate

Lewis N. McManus

Speaker House of Delegates

The within approved this the 1st  
day of April, 1971.

Arch. R. R. R.

Governor



PRESENTED TO THE  
GOVERNOR

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

RECEIVED

APR 2 11 53 PM '71

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA