

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 795

(By Mr. Dinsmore and McGraw)



PASSED MARCH 13, 1971

In Effect FROM Passage



FILED BY THE CLERK
JOHN W. LOCKEFELLED, IV
SECRETARY OF STATE
THIS DATE 4-2-71

795

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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
- 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 W. Beale

Chairman Senate Committee

Phyllis J. Rutledge

Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard 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. S. Jones, Jr.

Governor



PRESENTED TO THE
GOVERNOR

Date 3/19/71

Time 11:00 a.m.

RECEIVED

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA