WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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ENROLLED

Committee Substitute for

HOUSE BILL No. 1194

(By Delegate Hamilton and Delegate Smirl)

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Passed March 8, 1986

In Effect ninety days from Passage
AN ACT to amend and reenact section three, article two, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the establishment of a permanent registration system; providing for the correction of errors and omissions on the voter registration records following each election; requiring the cancellation of the registration of persons failing to vote during a period covering any two statewide primary and two general elections; providing for the reinstatement of voters whose registration has been canceled for failure to vote; allowing reinstatement to be by affidavit; requiring notice of reinstatement requirements.

Be it enacted by the Legislature of West Virginia:

That section three, 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 2. REGISTRATION OF VOTERS.

§3-2-3. Registration, cancellation and reinstatement.

1 A permanent registration system shall hereby be established which shall be uniform throughout the state
and all of its subdivisions. No voter so registered shall be required to register again for any election while he continues to reside at the same address, or, having moved from such address, is properly transferred according to the provisions of section twenty-seven or forty-one of this article, unless his registration is canceled as provided in this article.

Within one hundred and twenty days following any election, the clerk of the county commission shall, as evidenced by the presence or absence of signatures on the pollbooks for such election, correct any errors or omissions on the voter registration records pertaining to the election resulting from the poll clerks erroneously checking or failing to check the registration records as required by the provisions of section thirty-four, article one of this chapter.

At the same time that the checkup is made as required by this section, the clerk shall cancel the registration of each person who has failed to vote at least once in any statewide, special or municipal election held during a period covering two statewide primary and two general elections as indicated by his or her registration record. The clerk of the county commission shall notify by mail each person whose registration is canceled for failure to vote. The notice shall inform the voter that:

(a) In order to be reinstated he or she must:

(1) Register again, either in person at the county clerk's office or by mail, according to the provisions of section three or forty-one of this article; or

(2) Execute and file an affidavit of reinstatement of registration at the same residence address not later than thirty days before the next primary or general election, except that reinstatement by affidavit shall not be permitted if the voter registration in question was canceled because the voter failed to make his first vote in person as required by the provisions of subsection (e), section forty-one of this article, and

(b) That the last day to register to vote in any election is thirty days before that election.
A blank copy of the affidavit form shall be included with the notice to the voter.

The clerk shall replace the registration card of any voter who files a completed affidavit of reinstatement in the registration records.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Joel C. West
Clerk of the Senate

Donald L. Kepp
Clerk of the House of Delegates

Dan Tomlinson
President of the Senate

Joseph P. Alleva
Speaker of the House of Delegates

The within approved this the 25th day of ____________________, 1986.

Robert D. Orr Jr.
Governor