

70:1196

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

— ● —

ENROLLED

Committee Substitute for
HOUSE BILL No. 1196

(By ~~ME~~ Delegate Hamilton + Delegate SMIRL

— ● —

Passed March 8, 1986

In Effect ninety days from Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1196

(By DELEGATE HAMILTON and DELEGATE SMIRL)

[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
2 established which shall be uniform throughout the state

3 and all of its subdivisions. No voter so registered shall
4 be required to register again for any election while he
5 continues to reside at the same address, or, having
6 moved from such address, is properly transferred
7 according to the provisions of section twenty-seven or
8 forty-one of this article, unless his registration is
9 canceled as provided in this article.

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

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

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

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

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

40 (b) That the last day to register to vote in any election
41 is thirty days before that election.

42 A blank copy of the affidavit form shall be included
43 with the notice to the voter.

44 The clerk shall replace the registration card of any
45 voter who files a completed affidavit of reinstatement in
46 the registration records.

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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.

Todd C. Stiche
.....
Clerk of the Senate

Donald J. Kopp
.....
Clerk of the House of Delegates

Don Tombrail
.....
President of the Senate

Joseph P. Allright
.....
Speaker of the House of Delegates

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

Arch A. Moore Jr.
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/13/86

Time 12:39 p.m.

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OFFICE OF THE SECRETARY OF STATE

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THIS DATE 3/26/86