

No: 1198

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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ENROLLED

Com. Sub. for
HOUSE BILL No. 1198

(By ~~Mr.~~ Del. Hamilton & Del. Mastrantoni)

— ● —

Passed March 8, 1986

In Effect July 1, 1986 ~~Passage~~

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1198
(By DELEGATE HAMILTON and DELEGATE MASTRANTONI)

[Passed March 8, 1986; in effect July 1, 1986.]

AN ACT to amend and reenact section five, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend sections eleven and twenty-two, article two of said chapter; and to amend and reenact section eleven, article three of said chapter, all relating to requiring municipalities to provide maps of their boundaries to clerks of county commissions; requiring appointments as registrars to be persons from both major political parties; requiring clerks of county commissions to give registrars written instructions for performing their duties; requiring registrars when making house-to-house canvasses and clerks of county commissions or their deputies when registering voters, (1) to require registrants to prove their identities and ages, (2) attempt to establish whether the registrants reside within a municipality, and (3) have registrants residing within municipalities complete a municipal registration form if that municipality has a separate registration file for it; requiring clerks to have registrants signing municipal registration forms to do so under oath or affirmation; requiring temporary registration offices to be open for three days between thirty and sixty days prior to elections; and requiring the clerks to cancel registration of voters for

whom an obituary is published in a newspaper or for whom a death certificate is received from a state or local registrant of vital statistics; preparation, number and handling of absent voters' ballots; time in which to estimate and determine the number of absent voters' ballots required.

Be it enacted by the Legislature of West Virginia:

That section five, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that sections eleven and twenty-two, article two, of said chapter be amended and reenacted; and that section three, article three of said chapter be amended and reenacted to read as follows:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-5. Voting precincts and places established; number of voters in precincts; precinct map; municipal map.

1 The precinct shall be the basic territorial election
2 unit. The county commission shall divide each magiste-
3 rial district of the county into election precincts, shall
4 number the precincts, shall determine and establish the
5 boundaries thereof, and shall designate one voting place
6 in each precinct, which place shall be established as
7 nearly as possible at the point most convenient for the
8 voters of the precinct. Each magisterial district shall
9 contain at least one voting precinct and each precinct
10 shall have but one voting place therein.

11 Each precinct within any urban center shall contain
12 not less than three hundred nor more than eight
13 hundred registered voters. Each precinct in a rural or
14 less thickly settled area shall contain not less than two
15 hundred nor more than seven hundred registered voters,
16 unless upon a written finding by the county commission
17 that establishment of or retention of a precinct of less
18 than two hundred voters would prevent undue hardship
19 to the voters, the secretary of state determines that such
20 precinct be exempt from the two hundred voter min-
21 imum limit. If, at any time the number of registered

22 voters exceeds the maximum number specified, the
23 county commission shall rearrange the precincts within
24 the political division so that the new precincts each
25 contain a number of registered voters within the
26 designated limits. If a county commission fails to
27 rearrange the precincts as required, any qualified voter
28 of the county may apply for a writ of mandamus to
29 compel the performance of this duty.

30 In order to facilitate the conduct of local and special
31 elections and the use of election registration records
32 therein, precinct boundaries shall be established to
33 coincide with the boundaries of any municipality of the
34 county and with the wards or other geographical
35 districts of the municipality except in instances where
36 found by the county commission to be wholly imprac-
37 ticable so to do. Governing bodies of all municipalities
38 shall provide accurate and current maps of their
39 boundaries to the clerk of any county commission of a
40 county in which any portion of the municipality is
41 located.

42 The provisions of this section are subject to the
43 provisions of section twenty-eight, article four of this
44 chapter relating to the number of voters in precincts in
45 which voting machines are used.

46 The county commission shall keep available at all
47 times during business hours in the courthouse at a place
48 convenient for public inspection a map or maps of the
49 county and municipalities with the current boundaries
50 of all precincts.

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-11. Appointment of registrars; qualifications and duties.

1 The county commission of each county may, not less
2 than eighteen nor more than twenty weeks prior to the
3 date of a statewide primary election, appoint registrars
4 to make a biennial checkup allowed by this article. Two
5 persons of opposite political parties shall together serve
6 as registrars for from one to ten precincts.

7 No person is eligible to be appointed a registrar, or

8 in any way act as such, if he or she has been convicted
9 of a felony; or if he or she holds, or is a candidate for,
10 any elective or appointive office; or is a public employee,
11 under the laws of this state or of the United States; or
12 cannot read or write the English language. If any
13 registrar fails or refuses to serve or is properly
14 dismissed, the vacancy shall be filled either by the
15 county commission or by the clerk thereof in vacation,
16 in the manner provided for the appointment of regis-
17 trars. Each registrar, before entering upon the dis-
18 charge of his or her duties, shall take an oath that he
19 or she will perform the duties of the office to the best
20 of his or her ability, which oath shall be filed in the
21 office of the clerk of the county commission.

22 An equal number of such registrars shall be selected
23 from the two major political parties. The county
24 commission shall, at least four weeks prior to making
25 such appointment, request the county executive commit-
26 tee of each of the two political parties to submit a list
27 of names, equal to one half of the total number to be
28 appointed, of persons qualified to act as registrars; and
29 the county commission shall, if such lists are submitted,
30 appoint the qualified persons recommended and shall
31 notify each registrar of his or her appointment. Every
32 list so presented shall be filed and preserved for one
33 year by the clerk of the county commission. Any and
34 every act performed by any registrar under the
35 provisions of this article is void unless performed in
36 conjunction with a registrar of the opposite political
37 party at the same time and place.

38 Before acting, all such registrars shall attend a
39 session, or sessions, of instruction by the clerk of the
40 county commission, or some person designated by him
41 or her, concerning the performance of their duties.

42 Immediately following such instruction the clerk of
43 the county commission shall give to the registrars a copy
44 of the laws and regulations relating to registration of
45 voters, written instructions for performing their duties,
46 and all necessary forms and other supplies, including
47 maps with municipal precincts superimposed over
48 county precincts in cases where boundaries differ, and

49 a certified list of all registered voters within the
50 precinct or precincts for which such registrars were
51 appointed, upon such form as may be prescribed by the
52 secretary of state. Such registrars shall proceed together
53 to make a house-to-house canvass in their precincts for
54 the purpose of making the biennial checkup allowed by
55 section twenty-one of this article. Each biennial checkup
56 shall be completed at least sixty days before the
57 statewide primary election following the appointment of
58 the registrars. In making the checkup the registrars
59 shall not reregister any person who is already registered
60 in such precinct, but shall determine whether or not
61 such person is duly registered and qualified to vote
62 therein.

63 The registrars shall require valid identification and
64 proof of age of each registrant, and shall inquire and
65 attempt to establish whether the registrant resides
66 within a municipality. The registrars shall have the
67 registrant complete the voter registration form for
68 county-state permanent registration and if the person
69 resides within the limits of a municipality for which a
70 separate registration file is kept, the registrars shall
71 also have the registrant complete the form for municipal
72 registration.

**§3-2-22. Registration in clerk's office; cancellation of
registrations of deceased persons; temporary
registration offices.**

1 The clerk or any deputy clerk of the county commis-
2 sion may register any qualified person as a voter. The
3 clerk or deputy shall first require valid identification
4 and proof of age, and inquire and attempt to establish
5 whether the voter resides within the limits of a
6 municipality using the map provided by the municipal-
7 ity in accordance with section five, article one of this
8 chapter. The clerk or deputy clerk shall have the person
9 registering fill in and complete the prescribed voter
10 registration form for county-state permanent registra-
11 tion. If the person resides within the limits of a
12 municipality for which a separate registration file is
13 kept, the clerk or deputy shall also have the person
14 complete the form for municipal registration. The

15 registrant shall sign the form or forms under oath or
16 affirmation. The clerk, upon proper proof, may alter,
17 amend, correct or cancel the registration record of any
18 voter. Such registration or alteration, amendment,
19 correction or cancellation of registration records shall be
20 carried on throughout the year.

21 During the biennial checkup period of every even-
22 numbered year, the clerk or deputy clerk shall visit
23 every public or private institution, excluding hospitals,
24 in which reside aged, infirm, disabled or chronically ill
25 persons and every high school to register qualified
26 voters. The clerk shall establish at least one temporary
27 registration office per magisterial or tax district,
28 whichever is more numerous, to register qualified
29 persons or to alter, amend, correct or cancel such
30 registration records. Temporary registration offices
31 shall be open at least three days, including one Saturday
32 and one evening, not more than sixty days nor less than
33 thirty days prior to each primary and each general
34 election. The hours shall be posted and advertised as a
35 Class III-O legal advertisement with the publication
36 area being the magisterial district. The clerk of the
37 county commission shall also solicit public service
38 advertising of such registration offices and times on
39 radio, television and newspapers serving that county.

40 Within fifteen days following receipt of a death
41 certificate from the state or local registrar of vital
42 statistics or the publication in a newspaper of the county
43 an obituary clearly identifying a deceased person by
44 name, residence and age, the clerk of the county
45 commission shall cancel the voter registration, if any, of
46 the person shown to be deceased by such certificate or
47 obituary.

48 Sixty days prior to a general election, the clerk of the
49 county commission shall review each death certificate
50 received by him and shall cancel the voter registration,
51 if any, of each deceased person whose voter registration
52 has not previously been canceled. By the forty-fifth day
53 prior to a general election each clerk of a county
54 commission shall certify to the secretary of state that he
55 has performed the duty required by this paragraph.

56 If found necessary, the county commission may order
57 and direct the clerk of the county commission to
58 maintain additional office hours in the evening or at
59 other proper times and places for accommodation of
60 voter registration.

§3-3-11. Preparation, number and handling of absent voters' ballots.

1 Absent voters' ballots shall be in all respects like other
2 ballots. Not less than seventy days prior to the date on
3 which any primary, general or special election is to be
4 held, unless a lesser number of days is provided for in
5 any specific election law in which case such lesser
6 number of days shall apply, the clerks of the circuit
7 courts of the several counties shall estimate and
8 determine the number of absent voters' ballots of all
9 kinds which will be required in their respective counties
10 for any such election. The ballots for the election of all
11 officers, or the ratification, acceptance or rejection of
12 any measure, proposition or other public question to be
13 voted on by the voters, shall be prepared and printed
14 under the direction of the board of ballot commissioners
15 constituted as provided in article one of this chapter.
16 The several county boards of ballot commissioners shall
17 prepare and have printed, in such number as they shall
18 determine, such absent voters' ballots as are to be
19 printed under their directions as hereinbefore provided,
20 and such ballots shall be delivered to the clerk of the
21 circuit court of the county not less than forty-two days
22 prior to the day of the election at which they are to be
23 used. Before any ballot is mailed or delivered, the clerk
24 of the circuit court shall affix his official seal and he
25 and the other members of the board of ballot commis-
26 sioners shall place their signatures near the lower left-
27 hand corner on the back thereof. An absent voter's ballot
28 not containing such seal and signatures shall be invalid
29 and shall be subject to challenge by any election
30 commissioner or poll clerk.

31 The clerk of the circuit court shall be primarily
32 responsible for the preparation, mailing, receiving,
33 delivering and otherwise handling of all absent voters'
34 ballots. He shall keep such record, as may be prescribed

35 by the secretary of state, of all ballots so delivered for
36 the purpose of absentee voting, as well as all ballots, if
37 any, marked before him, and shall deliver to the
38 commissioner of election to whom the ballots for the
39 precinct are delivered and at the time of the delivery
40 of such ballots a certificate stating the number of ballots
41 delivered or mailed to absent voters, and those marked
42 before him, if any, and the names of the voters to whom
43 such ballots have been delivered or mailed, or by whom
44 they have been marked, if marked before him.

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

Bruce O. Williams
Chairman Senate Committee

Floyd Fulbe
Chairman House Committee

Originating in the House.

Takes effect July 1, 1986.

Isaac C. Wells
Clerk of the Senate

Donald G. Kopp
Clerk of the House of Delegates

Dan Tonkovich
President of the Senate

Joseph P. Allright
Speaker of the House of Delegates

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

Arthur A. Shouse, Jr.
Governor

PRESENTED TO THE

GOVERNOR

Date 3/21/86

Time 4:41 p.m.

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OFFICE OF THE
SECRETARY OF STATE

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86