

No. 183

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

ENROLLED

Committee Substitute for
SENATE BILL NO. 183

(By Senators Hitchcock and M. Mancini)

PASSED April 4, 1989

In Effect 90 days from Passage

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 183

(SENATORS WHITLOW AND M. MANCHIN, *original sponsors*)

[Passed April 4, 1989; in effect ninety days from passage.]

AN ACT to amend and reenact sections three, ten, eleven, twenty-two and thirty, article two, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the registration of voters; changing the date by which the county clerk must commence the cancellation of registrations; setting forth the basis for cancellation of registrations; restating the misdemeanor crime for the failure of election officials to perform duties and incorporating the penalty therefor by reference; changing the hours of registration within the county clerk's office; authorizing the county commission to appoint registrars for purposes other than biennial check-ups; setting forth the minimum amount of hours in which temporary registration offices must remain open; authorizing the county commission to establish additional temporary registration offices; and expanding the time in which incomplete postcard registrations may be corrected.

Be it enacted by the Legislature of West Virginia:

That sections three, ten, eleven, twenty-two and thirty, 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; and criminal penalty.

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

10 Within one hundred 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
15 to the election resulting from the poll clerks
16 erroneously checking or failing to check the registra-
17 tion records as required by the provisions of section
18 thirty-four, article one of this chapter.

19 Within one hundred twenty days following the
20 general election, the clerk shall cancel the registration
21 of each person who has failed to vote at least once in
22 any statewide, special or municipal election held after
23 the statewide general election held four years
24 previously as indicated by his or her registration
25 record. Any clerk failing to perform such duty is guilty
26 of a misdemeanor as provided in section thirty-six of
27 this article. The clerk of the county commission shall
28 notify by mail each person whose registration is
29 canceled for failure to vote. The notice shall inform
30 the voter that:

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

32 (1) Register again, either in person at the county

33 clerk's office or by mail, according to the provisions of
34 section three or forty-one of this article; or

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

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

45 A blank copy of the affidavit form shall be included
46 with the notice to the voter.

47 The clerk shall replace the registration card of any
48 voter who files a completed affidavit of reinstatement
49 in the registration records.

**§3-2-10. County commission's duties and powers; hours
during registration period.**

1 Subject to the authority of the secretary of state, the
2 county commission shall be chief registration author-
3 ity in each respective county and all subdivisions
4 therein, and shall supervise the county clerk and
5 registrars in the performance of their respective
6 duties.

7 The county commission shall have power on its own
8 motion to summon and to interrogate any person
9 concerning the registration of voters, to investigate
10 any irregularities in registration, to summon and
11 examine witnesses, to require the production of any
12 relevant books and papers, and to conduct hearings on
13 any matters relating to registration of voters.

14 Notwithstanding any provision of any other section
15 of this code, the office of the clerk of the county
16 commission shall remain open from 9:00 a.m. until 8:00
17 p.m. on the Friday and Monday, and from 9:00 a.m.
18 until 5:00 p.m. on the Saturday prior to the close of the
19 registration periods for statewide primary and general

20 elections.

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

1 The county commission of each county may appoint
2 registrars to make a biennial checkup or to conduct
3 other authorized registration activities allowed by this
4 article. Two persons of opposite political parties shall
5 together serve as registrars for from one to ten
6 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
11 employee, under the laws of this state or of the United
12 States; or cannot read or write the English language.
13 If any 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
17 registrars. Each registrar, before entering upon the
18 discharge of his or her duties, shall take an oath that
19 he or she will perform the duties of the office to the
20 best of his or her ability, which oath shall be filed in
21 the 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
26 committee of each of the two political parties to
27 submit a list of names, equal to one half of the total
28 number to be appointed, of persons qualified to act as
29 registrars; and the county commission shall, if such
30 lists are submitted, appoint the qualified persons
31 recommended and shall notify each registrar of his or
32 her appointment. Every list so presented shall be filed
33 and preserved for one year by the clerk of the county
34 commission. Any and every act performed by any
35 registrar under the provisions of this article is void
36 unless performed in conjunction with a registrar of
37 the opposite political 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
44 copy of the laws and regulations relating to registra-
45 tion of voters, written instructions for performing
46 their duties, and all necessary forms and other
47 supplies, including maps with municipal precincts
48 superimposed over county precincts in cases where
49 boundaries differ, and a certified list of all registered
50 voters within the precinct or precincts for which such
51 registrars were appointed, upon such form as may be
52 prescribed by the secretary of state. Registrars
53 appointed for the purpose of conducting a biennial
54 checkup shall proceed together to make a house-to-
55 house canvass in their precincts as allowed by section
56 twenty-one of this article. Each biennial checkup shall
57 be completed at least sixty days before the statewide
58 primary election following the appointment of the
59 registrars. In making the checkup the registrars shall
60 not reregister any person who is already registered in
61 such precinct, but shall determine whether or not
62 such person is duly registered and qualified to vote
63 therein. Registrars may be appointed under the
64 provisions of this article to conduct registration at
65 temporary registration offices established throughout
66 the county.

67 The registrars shall require valid identification and
68 proof of age of each registrant, and shall inquire and
69 attempt to establish whether the registrant resides
70 within a municipality. The registrars shall have the
71 registrant complete the voter registration form for
72 county-state permanent registration and if the person
73 resides within the limits of a municipality for which a
74 separate registration file is kept, the registrars shall
75 also have the registrant complete the form for munic-
76 ipal 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 munici-
7 pality in accordance with section five, article one of
8 this chapter. The clerk or deputy clerk shall have the
9 person registering fill in and complete the prescribed
10 voter registration form for county-state permanent
11 registration. If the person resides within the limits of
12 a 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
20 be 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 a minimum of four hours each day on
32 at least three days, including one Saturday and one
33 evening, not more than sixty days nor less than thirty
34 days prior to each primary and each general election.
35 The hours shall be posted and advertised as a Class
36 III-O legal advertisement with the publication area
37 being the magisterial district. Additional temporary
38 offices may be established throughout the county for
39 the public convenience. The clerk of the county
40 commission shall also solicit public service advertising
41 of such registration offices and times on radio, televi-
42 sion and newspapers serving that county.

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

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

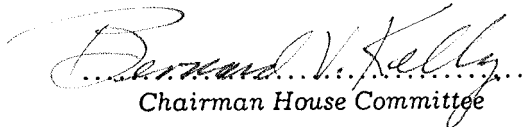
60 If found necessary, the county commission may
61 order and direct the clerk of the county commission to
62 maintain additional office hours in the evening or at
63 other proper times and places for accommodation of
64 voter registration.

§3-2-30. Time of registration prior to election; changes.

1 No person may vote in an election when he has
2 registered or his voter registration has been altered,
3 amended or corrected within a period of thirty days
4 next preceding such election: *Provided*, That postcard
5 registrations containing incomplete information which
6 are received by the county clerk no later than the
7 close of registration may be corrected within four days
8 after the close of registration if such information is
9 available. This inhibition shall not prevent, during
10 such period of thirty days, additional registrations and
11 changes in voter registrations with reference to future
12 elections. If, during such period of thirty days preced-
13 ing an election, a voter is registered or his voter
14 registration is altered, amended or corrected, he shall
15 not be permitted or qualified to vote at such election.

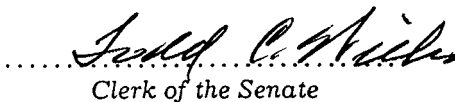
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

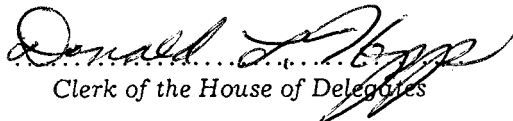

Chairman Senate Committee

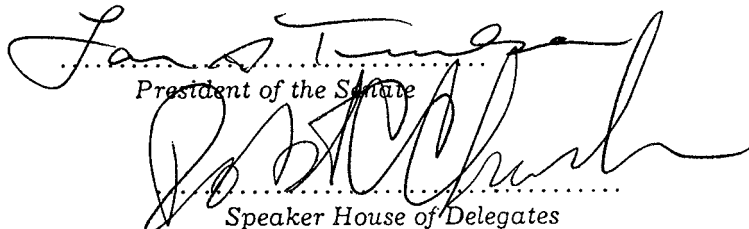

Chairman House Committee

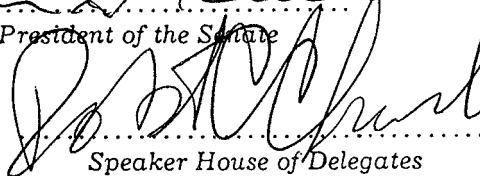
Originated in the Senate.

In effect ninety days from passage.

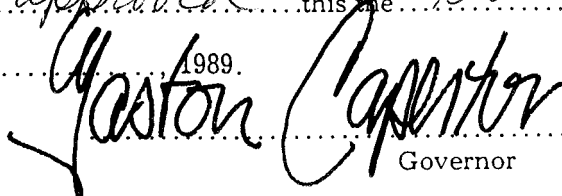

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 15th
day of April, 1989.


Governor

PRESENTED TO THE

GOVERNOR

Date 4/7/89

Time 5:11

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