

P1614

REGISTRATION LAW



Chapter 45 of the Acts of the Legislature, 1911



ISSUED BY

The Democratic State Executive Committee

HEADQUARTERS, PARKERSBURG, W. VA.

REGISTRATION LAW

Chapter 45 of the Acts of the Legislature, 1911.

Be it enacted by the Legislature of West Virginia:

That chapter nineteen of the acts of the legislature of West Virginia, at the session of one thousand nine hundred and eight, approved on the fourth day of March, one thousand nine hundred and eight, be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 1. The county court of each county in this state shall hold a regular or special session at the court house of their county, on the second Monday in August of each and every year when there is a general election to be held, and shall then appoint for each voting precinct in their county, two competent persons as registrars, one each from the political parties which at the last preceding election cast the highest number of votes in the county in which the election is to be held. But if at any time during said session, the county executive committee of either political party from which said registrars are to be selected, through its chairman or secretary, shall present to the court, or shall before any such appointments are made, at any time file in the office of the clerk of the county court of said county, a writing signed by the chairman of said committee, on their behalf, requesting the appointment of a qualified voter of their political party, and who shall appear to be competent to said court, the court shall appoint the person named in such writing as such registrar; or, if the court reject any one so recommended, it shall notify the chairman of the committee of said rejection, and such chairman shall recommend another to be so appointed, until a competent person is accepted by the court. Every writing so presented shall be filed, preserved and kept by the clerk of said court in his office. And if it shall appear that said writing was a forgery, and that it was forged by the person presenting the same to the court, or that he presented the same to the court knowing it to be a forgery, upon conviction thereof such person shall be confined in the penitentiary not less than one nor more than five years; or at the discretion of the court he may be fined not less than one hundred dollars, nor more than five hundred dollars, and be confined in the county jail not less

than three nor more than six months. No person shall be eligible to appointment as registrar, or any way act as such, who has been convicted of a felony, who is not a qualified voter in the precinct for which he is appointed, who cannot read or write the English language, or who is a candidate to be voted for at such election; provided, that if in any precinct there should not be a competent person in the opinion of the chairman of the executive committee, or the county court, the chairman of said committee may recommend some competent voter of said county from some other precinct therein, to act as such registrar. If any such registrar shall fail or refuse to serve, the vacancy shall be filled either by the county court or by the clerk thereof, in vacation, in the manner hereinbefore provided for the appointment of registrars, and said clerk shall forthwith notify such party of his appointment as such registrar, and record such appointment in the minute book of said county court. If no appointment is made to fill such vacancy, or if either of such registrars fail or refuse to act, it shall be lawful for the other registrar to register the voters in such precinct and discharge his duties hereunder. Said registrars shall, before entering upon the discharge of their duties, take an oath to support the constitution of the United States, the constitution of West Virginia, and to perform the duties of their office to the best of their ability, and that they will support the nominees of the party for which they are respectively appointed. Said oath shall be filed in the office of the clerk of the county court.

Sec. 2. The county court shall cause to be prepared suitable books and blanks for the registration of voters, and the facts required by this act, and the clerk of said county court shall distribute said books and blanks to the registrars of the respective voting precincts. The books aforesaid shall be so arranged as to admit of the alphabetical classification of the names of the voters and ruled in parallel columns, on which shall be entered, first, the number; second, the names of the persons registered; third, color; fourth, age; fifth, place of birth; sixth, time of residence in precinct, county and state; seventh, if naturalized, the date of the papers and the court by which issued; eighth, date of registration.

Sec. 3. The clerk of said county court shall within five days after the appointment of said registrars as aforesaid, notify each of the registrars so appointed of his appointment and give the name of the other registrar; which notice may be sent by registered mail, and the clerk shall likewise on or before the third Monday in August next after the appointment of said registrars as aforesaid, cause to be delivered to the said registrars copies of the books and blanks prepared as aforesaid, for the registration of voters for the respective precincts, and upon the receipt of said books and blanks, the said registrars shall meet together on the first Monday of September thereafter, and proceed to register the names of all the qualified voters within their respective precincts and shall endeavor to ascertain and register each and every qualified voter entitled to vote within the precinct, and for this purpose shall visit the usual place of abode of each and every voter. And said registrars to ascertain the qualified voters shall examine the registration lists made for such precinct for the last preceding general election, and

shall transfer the names of all voters registered on such former list who at the time of such registration being made, may be qualified voters in said precinct to the registration being so made. And the clerk of said county court shall furnish to each of said registrars a certified copy of the registration list made for such precinct for the last preceding general election, for which he shall receive two cents a name for each copy, to be allowed by the county court payable out of the county treasury.

And in registering each voter, said registrars shall (as far as possible) give the Christian name and his surname, and shall designate the place of his residence, his age and color, and whether he is a native or foreign born, which information shall be given in the proper column provided in the books furnished by the clerk of the county court as hereinbefore provided.

Sec. 4. Before the registrars shall register the name of any person as a qualified voter, they must be satisfied of his qualification, or have him make the affidavit as hereinafter provided, showing his right to register, and for the purposes of this act they are hereby given authority to administer oaths, and they may require the person desiring to register to answer under oath the following questions:

First: Are you a citizen of the United States?

Second: Are you a native or naturalized citizen? If the person offering to be registered claims to be a naturalized citizen of the United States he shall produce for the inspection of the officers of registration, a certificate or other evidence of his naturalization, and also state under oath or affirmation that he is the identical person named therein; but the production of the certificate shall not be required if the person offering to be registered states under oath, when and where he was naturalized, that he had a certificate of naturalization, and that against his will the same is lost, destroyed or beyond his power to produce the same; or, if he states under oath that by reason of the naturalization of his parents, or one of them, he has become a citizen of the United States, and where and when his parents were naturalized.

Third: Will you have resided in this state for one year immediately preceding the coming election?

Fourth: Have you been absent from this state within the year immediately preceding the coming election? (If yes, when?)

Fifth: When you left this state, did you leave for a temporary purpose with intention of returning; or for the purpose of remaining away?

Sixth: Did you while absent look upon or regard this state as your home?

Seventh: Did you while absent vote in any other state?

Eighth: Will you have resided in this county for sixty days prior to the coming election?

Ninth: When did you last come into this county?

Tenth: Did you come into this county for the mere purpose of voting in this county?

Eleventh: Are you an actual resident of this precinct?

Twelfth: Are you twenty-one years of age, or will be such at the coming election, to the best of your knowledge and belief?

Every person shall be registered who will be entitled to vote at the first election occurring after the registration by reason of his arriving at twenty-one years of age before the time, or by reason of his having resided for a sufficient length of time in the state and county, provided he is otherwise qualified.

Sec. 5. If said registrars after examining any voter are not satisfied as to his right to be registered, then said registrars shall require said voter to make an affidavit in writing, on a blank form to be furnished, which affidavit shall be duly subscribed and sworn to by said voter before either of said registrars, and in which affidavit said voter shall answer fully the questions giving information as required under section four of this chapter, and if said affidavit shows that he is a voter in said precinct, he shall then be registered by said registrars. Said registrars having registered such voter upon his affidavit, may mark said affidavit "challenged," and return the same, with their list of registration, to the clerk of the county court, and said clerk shall preserve said affidavit in his office, and either registrar or any citizen or any voter of the county may appear before the county court and have the right of said voter's registration determined by said county court. And any person who shall wilfully make any such affidavit falsely shall be guilty of felony, and upon conviction thereof, shall be confined in the penitentiary not less than one nor more than three years; or, in the discretion of the court, may be confined in the county jail not less than one nor more than six months.

Sec. 6. The said registrars after having completed the registration as far as in their power, shall for the purpose of amending, correcting and completing said registration, sit together at some convenient place within the voting precinct for two days, commencing on the first Monday in October, from nine o'clock a. m. to one o'clock p. m., and from two o'clock p. m. to nine o'clock p. m., and shall give notice of the time and place of their sitting for such registration and correction by posting written or printed notices of the time and place of such sitting for ten days prior thereto at not less than five of the most conspicuous places in said voting precinct, one of which shall be at the place of voting in said precinct. And at the time of said sitting the books of registration shall be open for public inspection, and the said registrars in the manner hereinbefore provided shall register all qualified voters who have not theretofore been so registered by them, and complete and finish the registration of the voters within their said precinct, and make out two alphabetical lists of the registered voters within said precinct entitled to vote at the ensuing election as registered by them, giving the information as to each voter as hereinbefore required, and shall sign and return the same to the clerk of the county court on said second Monday in

October, and the same shall be open to the inspection of the public when filed in said clerk's office until five days prior to the election.

Any person desiring a copy of the registered voters made by said registrars as returned by them to the county court, may request the same and the registrars shall make and deliver a copy of said registered voters upon the payment to them of two cents a name for each copy so furnished.

Sec. 7. It shall be the duty of the county court of each county to convene in regular or special session on the second Monday in October preceding any general election, for the purpose of hearing any matters as to the registration of voters, at which said meeting of the county court they shall examine the returns made to them by the registrars throughout the county, and filed with the clerk of the county court, as hereinbefore provided. And if they are satisfied that persons have been registered who are not entitled to vote they shall cause their names to be stricken from the list of voters, and if they should find that persons' names have been omitted by the registrars who should be registered, the court shall cause their names to be registered as qualified voters; but in no case shall the court erase the name of any voter until he shall have had five days' notice of the application to strike his name from such registration list and he shall have the right to rebut any evidence produced against him, and shall have his name restored to said list if improperly stricken therefrom. From the decision of the county court an appeal may be taken by the voter, or either of the registrars, or any voter of said county, to the circuit court of said county, and from the decision of the circuit court an appeal may likewise be taken to the supreme court of appeals. In no case shall the clerk enter any name upon the list of registered voters, or strike any name therefrom, except by order of the county court entered of record. And any person who shall enter any name upon the registration list or omit any name from the registration list, without an order of the court, entered of record so directing, he shall be guilty of a felony, and upon conviction shall be confined in the penitentiary not less than one nor more than three years for each offense.

Sec. 8. It shall be the duty of the circuit court and the supreme court of appeals to hold such sessions as may be necessary to determine any cases involving the registration of voters in this state prior to any election, and such cases shall have precedence over all others; but in any case where a voter has been registered by order of the county court, or by the registrars, he shall be entitled to vote at any election held until such order of the county court or registrars is reversed.

Sec. 9. Any voter who shall have been registered in any precinct as hereinbefore provided, and who shall have removed from said precinct to another precinct in the same county, may obtain from the registrars of the precinct in which he is registered, or from the clerk of the county court, in case the registration books have been filed with the said clerk, a certificate of transfer and present same to the election commissioners of the precinct wherein he resides, and if the commissioners of election in such precinct shall be satisfied that such voter is a legal resident in the precinct wherein

he offers to vote, they shall register such voter and allow him to vote. When said certificate is issued the name of said voter shall be stricken by the registrar, or the clerk of the county court, from the books from which said certificate is issued, and such certificate shall be preserved by the commissioners and returned with the election returns to the clerk of the county court. And any clerk or registrar issuing a false certificate wilfully hereunder shall be guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary not less than one nor more than three years.

Sec. 10. The clerk of the county court shall furnish one copy of said registration books to the election commissioners of the respective voting precincts, with the ballot boxes and other election supplies to be used by them in the conduct of the election in their said voting precincts.

Sec. 11. No person shall be allowed to vote at any election hereafter held in this state unless he shall have been registered as herein provided, and the commissioners of every election shall only allow those to vote whose names appear upon the registration books furnished by the clerk of the county court to them, or who present a proper certificate of transfer, as herein provided; and any commissioner of election who shall wilfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty nor more than one hundred dollars, and imprisoned in the county jail not less than ten nor more than ninety days for every such offense.

Sec. 12. Any registrar who shall wilfully register the name of any person not a qualified voter in his precinct, or wilfully reject from registration the name of any qualified voter shall be guilty of a felony, and upon conviction thereof shall be confined in the penitentiary not less than one nor more than five years; and any registrar who shall fail to perform any other duty required of him under this act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than five hundred dollars, and confined in the county jail not less than one nor more than six months, in the discretion of the court.

Sec. 13. Each of said registrars shall receive as compensation for their services under this act the sum of ten cents for each name so registered by them, to be allowed by the county court payable out of the county treasury. But if the registration of voters is made necessary by the calling of a special election in a district, independent district, or municipality, the compensation therefor shall be laid by the board or body calling said election, out of any fund at their disposal.

Sec. 14. The commissioners of election shall return the registration books of such election precinct together with the ballot boxes, etc., to the clerk of the county court.

Sec. 15. This act shall not apply to municipal elections held in cities, towns and villages, but the law-making power in any city, town or village, may adopt the provisions of this act, and may change the time of making the registration and making return thereon, and may provide that the duties

to be performed by the county court hereunder shall be performed by such municipal authorities as may be named in such ordinance or act, and when so adopted and modified the same shall be applicable to such city, town or village.

Sec. 16. Any and all duties required of any person or officer by this act, may be enforced and compelled to be performed by such person or officer or court by writ of **mandamus** or other proper legal proceedings issued by the circuit court of said county, or the supreme court of appeals.

Sec. 17. All acts and parts of acts inconsistent with this act are hereby repealed.

