

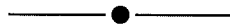
FILED

2005 MAY -3 P 4: 08

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

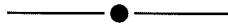
FIRST REGULAR SESSION, 2005



ENROLLED

House Bill No. 3002

(By Delegates Amores and Trump)



Passed April 9, 2005

In Effect Ninety Days from Passage

FILED

2005 MAY -3 P 4: 08

OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

H. B. 3002

(BY DELEGATES AMORES AND TRUMP)

[Passed April 9, 2005; in effect ninety days from passage]

AN ACT to amend and reenact §3-2-6 and §3-2-31 of the Code of West Virginia, 1931, as amended, all relating to registration of voters generally; providing that a voter may register up to the twenty-first day before an election; and conforming the requirement that a voter designate a political party before the primary no later than the close of voter registration before the primary.

Be it enacted by the Legislature of West Virginia:

That §3-2-6 and §3-2-31 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-6. Time of registration application before an election.

- 1 (a) Voter registration before an election shall close on the
- 2 twenty-first day before the election, or on the first day thereaf-
- 3 ter which is not a Saturday, Sunday or legal holiday.

4 (b) An application for voter registration, transfer of
5 registration, change of name or change of political party
6 affiliation submitted by an eligible voter by the close of voter
7 registration shall be effective for any subsequent primary,
8 general or special election if the following conditions are met:

9 (1) The application contains the required information as set
10 forth in subsection (c), section five of this article: *Provided*,
11 That incomplete applications for registration containing
12 information which are submitted within the required time may
13 be corrected within four days after the close of registration if
14 the applicant provides the required information; and

15 (2) The application is received by the appropriate clerk of
16 the county commission no later than the hour of the close of
17 registration or is otherwise submitted by the following dead-
18 lines:

19 (A) If mailed, the application shall be addressed to the
20 appropriate clerk of the county commission and postmarked by
21 the postal service no later than the date of the close of registra-
22 tion: *Provided*, That if the postmark is missing or illegible, the
23 application shall be presumed to have been mailed no later than
24 the close of registration if it is received by the appropriate clerk
25 of the county commission no later than the third day following
26 the close of registration;

27 (B) If accepted by a designated agency or motor vehicle
28 licensing office, the application shall be received by that agency
29 or office no later than the close of registration;

30 (C) If accepted through a registration outreach program, the
31 application shall be received by the clerk, deputy clerk or
32 registrar no later than the close of registration; and

33 (3) The verification notice required by the provisions of
34 section sixteen of this article mailed to the voter at the residence
35 indicated on the application is not returned as undeliverable.

**§3-2-31. Rules pertaining to voting after registration or change of
address within the county.**

1 (a) A voter who designates a political affiliation with a
2 major party on a registration application filed no later than the
3 close of voter registration before the primary may vote the
4 ballot of that political party in the primary election. Political
5 parties, through the official action of their state executive
6 committees, shall be permitted to determine whether unaffili-
7 ated voters or voters of other parties shall be allowed to vote
8 that party's primary election ballot upon request.

9 (b) A voter whose registration record lists one residence
10 address but the voter has since moved to another residence
11 address within the precinct shall be permitted to update the
12 registration at the polling place and vote without challenge for
13 that reason.

14 (c) A voter whose registration record lists one residence
15 address but the voter has since moved to another residence
16 address in a different precinct in the same county shall be
17 permitted to update the registration at the polling place serving
18 the new precinct and shall be permitted to vote a challenged or
19 provisional ballot at the new polling place. If the voter's
20 registration is found on the registration records within the
21 county during the canvass and no other challenge of eligibility
22 was entered on election day, the challenge shall be removed and
23 the ballot shall be counted.

24 (d) A voter whose registration record has been placed on an
25 inactive status or transferred to an inactive file and who has not
26 responded to a confirmation notice sent pursuant to the provi-

27 sions of section twenty-four, twenty-five or twenty-six of this
28 article and who offers to vote at the polling place where he or
29 she is registered to vote shall be required to affirm his or her
30 present residence address under penalty of perjury, as provided
31 in section thirty-six of this article.

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


Chairman Senate Committee

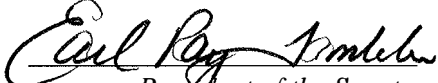

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

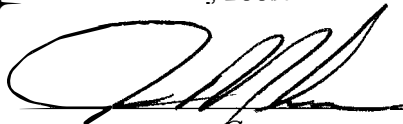

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within yes approved this the 3rd
day of May, 2005.


Governor

PRESENTED TO THE
GOVERNOR

MAY 2 2005

Time 10:00 am