

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 623

By Senators Tarr and Woodrum

[Passed March 8, 2024; to take effect January 1,

2025]

1 AN ACT to amend and reenact §3-2-11 of the Code of West Virginia, 1931, as amended, relating
2 to requiring Division of Motor Vehicles to provide images of persons issued any
3 identification or license to the Secretary of State for voter identification purposes; requiring
4 Division of Motor Vehicles to create regular process; requiring Division of Motor Vehicles to
5 release and forward certain information; and providing an internal effective date for the
6 amendments to this section.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-11. Registration in conjunction with driver licensing.

1 (a) The Division of Motor Vehicles or other division or department that may be established
2 by law to perform motor vehicle driver licensing services, shall obtain as an integral and
3 simultaneous part of every process of application for the issuance, renewal, or change of address
4 of a motor vehicle driver's license, or official identification card pursuant to §17B-2-1 *et seq.* of this
5 code, when the division's regional offices are open for regular business, the following information
6 from each qualified registrant:

7 (1) Full name, including first, middle, last, and any premarital names;

8 (2) Date of birth;

9 (3) Residence address and mailing address, if different;

10 (4) The applicant's electronic signature and photograph;

11 (5) Telephone number, if available;

12 (6) Email address, if available;

13 (7) Political party membership, if any;

14 (8) Driver's license number and last four digits of Social Security number;

15 (9) A notation that the applicant has attested that he or she meets all voter eligibility
16 requirements;

17 (10) United States citizenship status;

18 (11) Whether the applicant affirmatively declined to become registered to vote during the
19 transaction with the Division of Motor Vehicles;

20 (12) Date of application; and

21 (13) Any other information specified in rules adopted to implement this section.

22 (b) Unless the applicant affirmatively declines to become registered to vote or update his or
23 her voter registration during the transaction with the Division of Motor Vehicles, the Division of
24 Motor Vehicles shall release all of the information obtained pursuant to subsection (a) of this
25 section to the Secretary of State, who shall forward the information to the county clerk for the
26 relevant county to process the newly registered voter or updated information for the already-
27 registered voter pursuant to law. The Division of Motor Vehicles shall notify the applicant that by
28 submitting his or her signature, the applicant grants written consent for the submission of the
29 information obtained and required to be submitted to the Secretary of State pursuant to this
30 section.

31 (c) As soon as practicable, but no later than 90 days following the effective date of
32 amendments made during the 2024 regular legislative session, the Division of Motor Vehicles
33 shall create a regular process, including, but not limited to, the requirements of §3-2-11(p) of this
34 code, that ensures the Secretary of State can fulfill his or her duties as provided by §3-2-3 of this
35 code to confirm that any applicant to register to vote in West Virginia through the Division of Motor
36 Vehicles is in fact a U.S. citizen eligible to vote in West Virginia and to ensure that persons who are
37 noncitizens of the United States have not and cannot register to vote in West Virginia.

38 (d) Information regarding a person's failure to sign the voter registration application is
39 confidential and may not be used for any purpose other than to determine voter registration.

40 (e) A qualified voter who submits the required information or update to his or her voter
41 registration, pursuant to the provisions of subsection (a) of this section, in person at a driver
42 licensing facility at the time of applying for, obtaining, renewing, or transferring his or her driver's
43 license or official identification card, and who presents identification and proof of age at that time,

44 is not required to make his or her first vote in person or to again present identification in order to
45 make that registration valid.

46 (f) A qualified voter, who submits, by mail or by delivery by a third party, an application for
47 registration on the form used in conjunction with driver licensing, is required to make his or her first
48 vote in person and present identification as required for other mail registration in accordance with
49 §3-2-10(g) of this code. If the applicant has been previously registered in the jurisdiction and the
50 application is for a change of address, change of name, change of political party affiliation, or other
51 correction, the presentation of identification and first vote in person is not required.

52 (g) An application for voter registration submitted pursuant to the provisions of this section
53 updates a previous voter registration by the applicant and authorizes the cancellation of
54 registration in any other county or state in which the applicant was previously registered.

55 (h) A change of address from one residence to another within the same county which is
56 submitted for driver licensing or nonoperator's identification purposes in accordance with
57 applicable law, serves as a notice of change of address for voter registration purposes if requested
58 by the applicant after notice and written consent of the applicant.

59 (i) Completed applications for voter registration or change of address for voting purposes
60 received by an office providing driver licensing services shall be forwarded to the Secretary of
61 State within five days of receipt unless other means are available for a more expedited
62 transmission. The Secretary of State shall remove and file any forms which have not been signed
63 by the applicant and shall forward completed, signed applications to the clerk of the appropriate
64 county commission within five days of receipt.

65 (j) Voter registration application forms containing voter information which are returned to a
66 driver licensing office unsigned shall be collected by the Division of Motor Vehicles, submitted to
67 the Secretary of State, and maintained by the Secretary of State's office according to the retention
68 policy adopted by the Secretary of State.

69 (k) The Secretary of State shall establish procedures to protect the confidentiality of the

70 information obtained from the Division of Motor Vehicles, including any information otherwise
71 required to be confidential by other provisions of this code.

72 (l) A person registered to vote pursuant to this section may cancel his or her voter
73 registration at any time by any method available to any other registered voter.

74 (m) This section does not require the Division of Motor Vehicles to determine eligibility for
75 voter registration and voting.

76 (n) Except for the changes made to subsection (b) of this section during the 2017 regular
77 legislative session, the changes made to this section during the 2016 regular legislative session
78 become effective on July 1, 2021, and any costs associated therewith shall be paid by the Division
79 of Motor Vehicles. The Commissioner of the Division of Motor Vehicles, the Secretary of the
80 Department of Transportation, and the Secretary of State shall each appear before the Joint
81 Committee on Government and Finance and the Joint Standing Committee on the Judiciary,
82 during the first interim meetings of such committees occurring after September 1, 2019, to present
83 written reports containing a full and complete list of any infrastructure each agency requires to
84 achieve the purposes of this section. Along with the report required by this subsection, the Division
85 of Motor Vehicles shall submit a written schedule to both committees outlining how the division will
86 implement the requirements of this section by July 1, 2021.

87 (o) The Secretary of State shall propose rules for legislative approval in accordance with
88 §29A-3-1 *et seq.* of this code to implement the requirements of this section.

89 (p) Notwithstanding any other provisions of this code to the contrary, the Division of Motor
90 Vehicles shall expeditiously and comprehensively release and forward all information obtained
91 pursuant to subsection (a) of this section purporting to document an applicant's status as a U.S.
92 citizen to the Secretary of State of any applicant attempting to register to vote in West Virginia.
93 This information shall be used for the express purpose of expediting the Secretary of State's
94 fulfillment of his or her duties pursuant to §3-2-11(c) and §3-2-3 of this code requiring the Secretary
95 of State to confirm that persons who are noncitizens of the United States have not and cannot

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96 register to vote in the state of West Virginia.

97 (q) The amendments to this section enacted by the Legislature in the 2024 regular session

98 are effective January 1, 2025.