

1 **Senate Bill No. 130**

2 (By Senators Unger and Fitzsimmons)

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4 [Introduced February 13, 2013; referred to the Committee on the
5 Judiciary.]
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10 A BILL to amend and reenact §3-2-6 of the Code of West Virginia,
11 1931, as amended, relating to lengthening the period for voter
12 registration; permitting registration during early voting at
13 the county clerk's office; permitting persons to register and
14 vote on the same day during the early voting period; and
15 prohibiting persons from changing party affiliation during the
16 early voting period preceding a primary election.

17 *Be it enacted by the Legislature of West Virginia:*

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

20 **ARTICLE 2. REGISTRATION OF VOTERS.**

21 **§3-2-6. Time of registration application before an election.**

22 (a) (1) Voter registration before an election ~~shall close~~
23 closes on the twenty-first day before the election or on the first

1 day thereafter which is not a Saturday, Sunday or legal holiday.

2 (2) (A) Beginning January 1, 2014, and for each election held
3 thereafter, voter registration before an election closes at the end
4 of business hours at the close of early voting for that election.

5 (B) Voter registration conducted during early voting will
6 occur only at the office of the clerk of the county commission.

7 (C) During this period of voter registration, a person who is
8 already registered to vote in the county may update the information
9 in the registration record in accordance with section twenty-two of
10 this article and may also update an address if he or she has moved
11 from one county to a new county within the state.

12 (D) A person who registers to vote pursuant to the provisions
13 of this subdivision and who is eligible to vote, may only vote at
14 an early-voting site during the early-voting period as provided in
15 section three, article three of this chapter.

16 (E) During the period of voter registration during early
17 voting prior to a partisan primary, a person who is already
18 registered to vote may not change his or her party affiliation.

19 (b) An application for voter registration, transfer of
20 registration, change of name or change of political party
21 affiliation submitted by an eligible voter by the close of voter
22 registration ~~shall be~~ is effective for any subsequent primary,
23 general or special election if the following conditions are met:

1 (1) The application contains the information required by
2 subsection (c), section five of this article: *Provided*, That
3 incomplete applications for registration containing information
4 which are submitted within the required time may be corrected
5 within four business days after the close of registration if the
6 applicant provides the required information; and

7 (2) The application is received by the appropriate clerk of
8 the county commission no later than the hour of the close of
9 registration or is otherwise submitted by the following deadlines:

10 (A) If mailed, the application shall be addressed to the
11 appropriate clerk of the county commission and is postmarked by the
12 postal service no later than the date of the close of registration:
13 *Provided*, That if the postmark is missing or illegible, the
14 application ~~shall be~~ is presumed to have been mailed no later than
15 the close of registration if it is received by the appropriate
16 clerk of the county commission no later than the third day
17 following the close of registration;

18 (B) If accepted by a designated agency or motor vehicle
19 licensing office, the application is received by that agency or
20 office no later than the close of registration;

21 (C) If accepted through a registration outreach program, the
22 application is received by the clerk, deputy clerk or registrar no
23 later than the close of registration; and

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

NOTE: The purpose of this bill is to lengthen the period for voter registration through the end of early voting. The bill permits registration during early voting to occur only at the county courthouse and permits persons to register and vote on the same day during the early-voting period. The bill also prohibits persons from changing party affiliation during the early-voting period preceding a partisan primary election.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.