

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4401

BY DELEGATES SKINNER, HORNBUCKLE, MANCHIN,
FLEISCHAUER, PUSHKIN, BYRD, ROWE AND REYNOLDS

[Introduced February 4, 2016; referred to the
committee on Roads and Transportation then the
Judiciary.]

1 A BILL to amend and reenact §3-2-11 of the Code of West Virginia, 1931, as amended, relating
2 to voter registration; providing that each person who receives a driver's license or official
3 identification card is automatically registered to vote without party identification.

Be it enacted by the Legislature of West Virginia:

1 That §3-2-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted
2 to read as follows:

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 provide each qualified registrant,
3 as an integral and simultaneous part of every ~~process of application form~~ for the issuance, renewal
4 or change of address of a motor vehicle driver's license or official identification card pursuant to
5 the provisions of article two, chapter seventeen-b of this code, a voter registration application ~~as~~
6 ~~prescribed in~~ which meets the requirements of section five of this article, when the division's
7 regional offices are open for regular business. An individual may apply for voter registration using
8 an approved electronic voter registration system if available at a Division of Motor Vehicles
9 regional office. No application for issuance, renewal or change of address of a motor vehicle
10 driver's license or for an official identification card, may be processed until the applicant has
11 completed the portion of the application related to voter registration. Each person who receives
12 a driver's license, renews a driver's license, records a change of driver's address or receives an
13 official identification card shall be registered to vote without party identification. The application
14 form shall be prescribed by the Secretary of State.

15 (b) Notwithstanding any other provision of this code to the contrary, the Division of Motor
16 Vehicles is required to release the first name, middle name, last name, premarital name, if
17 applicable, complete residence address, complete date of birth of an applicant and the applicant's
18 electronic signature, entered in the division's records for driver license or nonoperator

19 identification purposes upon notice and written consent of the applicant. The notice and consent
20 is a required component of an electronic voter registration application made available to the
21 general public by the Secretary of State. The release of an applicant's signature by the Division
22 of Motor Vehicles to the Office of the Secretary of State applies to any voter registration
23 application approved through an electronic voter registration system approved by the Secretary
24 of State regardless of the location of the online user and provided the user grants written consent.

25 (c) A person who fails to sign the voter registration application or who fails to return the
26 voter registration application to a driver licensing facility or to an appropriate voter registration
27 office is considered to have declined to register. Information regarding a person's failure to sign
28 the voter registration application is confidential and may not be used for any purpose other than
29 to determine voter registration.

30 (d) A qualified voter who submits the application for registration pursuant to the provisions
31 of subsection (a) of this section in person at a driver licensing facility at the time of applying for,
32 obtaining, renewing or transferring his or her driver's license or official identification card and who
33 presents identification and proof of age at that time is not required to make his or her first vote in
34 person or to again present identification in order to make that registration valid.

35 (e) A qualified voter who submits by mail or by delivery by a third party an application for
36 registration on the form used in conjunction with driver licensing is required to make his or her
37 first vote in person and present identification as required for other mail registration in accordance
38 with the provisions of subsection (g), section ten of this article. If the applicant has been previously
39 registered in the jurisdiction and the application is for a change of address, change of name,
40 change of political party affiliation or other correction, the presentation of identification and first
41 vote in person is not required.

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

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

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

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

NOTE: The purpose of this bill is to provide that any person with a West Virginia driver's license or an official identification card is automatically registered to vote, with no party identification.

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