

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4493

**FISCAL
NOTE**

DELEGATES FLUHARTY, PUSHKIN, BATES, FERRO, MILEY,

FLEISCHAUER, MANCHIN, SKINNER, STORCH AND

REYNOLDS

[Introduced February 11, 2016; referred to the
committee on 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 in conjunction with issuance, renewal or change of address of driver
 3 license and state identification card.

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~~ 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 or has clearly indicated on
 12 the application that he or she declines to register to vote. The form shall be prescribed by the
 13 Secretary of State.

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

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

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

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

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

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

44 (g) A change of address from one residence to another within the same county which is

45 submitted for driver licensing or nonoperator's identification purposes in accordance with
46 applicable law serves as a notice of change of address for voter registration purposes if requested
47 by the applicant after notice and written consent of the applicant.

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

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

NOTE: The purpose of this bill is to require applicants for issuance, renewal or change-of-address of driver's license or official identification card to complete information for voter registration, or to affirmatively decline registration.

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