

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5035**

By Delegates Vance, Martin, Longanacre, Brooks,  
Nestor, Hornby, Hite, Bridges, Dean, Chiarelli, and  
DeVault

[Introduced January 23, 2024; Referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §3-2-1 and §3-2-5 of the Code of West Virginia, 1931, as amended,  
 2 relating to requiring all voter registration cards to be photo ID cards that are updated as  
 3 frequently as all identification issued by the Department of Motor Vehicles, listing where  
 4 and how these cards can be obtained, and providing that these shall be produced free of  
 5 charge to eligible voters.

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

**ARTICLE 2. REGISTRATION OF VOTERS.**

**§3-2-1. Permanent voter registration law; uniform system of voter registration.**

1 (a) This article, providing a permanent and uniform system for the registration of the voters  
 2 of the State of West Virginia, may be cited as the "Permanent Voter Registration Law."

3 (b) A permanent voter registration system is hereby established which shall be uniform in  
 4 its requirements throughout the state and all of its subdivisions. No voter so registered shall be  
 5 required to register again for any election while continuing to reside within the same county, unless  
 6 the voter's registration is canceled as provided in this article.

7 (c) Upon a voter's registration, a photo ID shall be issued for that voter as the voter  
 8 registration card. If the voter has already been registered to vote prior to the enactment of this article,  
 9 this photo voter ID is not mandatory, but may be obtained at the DMV, the Secretary of State's  
 10 office and hubs, or at the County Clerks' offices, or the County Sheriff's Department where the  
 11 voter resides, or through the DMV website or the Secretary of State's website using a photo on file  
 12 at the DMV.

13 (d) Upon appearing to vote in any election, the voter must present the Voter ID card at the  
 14 polling place.

15 ~~(e)~~ (e) A person who is not eligible or not duly registered to vote shall not be permitted to  
 16 vote at any election in any subdivision of the state, except that such a voter may cast a  
 17 "provisional" or "challenged" ballot as provided in this chapter if the voter's eligibility or registration  
 18 is in question, and such "provisional" or "challenged" ballot may be counted only if a positive

19 determination of the voter's eligibility and proper registration can be ascertained.

**§3-2-5. Forms for application for registration; information required and requested; types of application forms; notices.**

1 (a) (1) All state forms for application for voter registration shall be prescribed by the  
2 Secretary of State and shall conform with the requirements of 42 U. S. C. §1973gg, *et seq.*, the  
3 National Voter Registration Act of 1993 and the requirements of the provisions of this article.  
4 Separate application forms may be prescribed for voter registration conducted by the clerk of the  
5 county commission, registration by mail, registration in conjunction with an application for motor  
6 vehicle driver's license and registration at designated agencies. These forms may consist of one  
7 or more parts, may be combined with other forms for use in registration by designated agencies or  
8 in conjunction with driver licensing and may be revised and reissued as required by the Secretary  
9 of State to provide for the efficient administration of voter registration.

10 (2) Notwithstanding any provisions of subdivision (1) of this subsection to the contrary, the  
11 federal postcard application for voter registration issued pursuant to 42 U. S. C. §1973, *et seq.*, the  
12 Uniformed and Overseas Citizens Absentee Voting Act of 1986 and the mail voter registration  
13 application form prescribed by the Federal Election Commission pursuant to 42 U. S. C. §1973gg,  
14 *et seq.*, the National Voter Registration Act of 1993, are accepted as valid forms of application for  
15 registration pursuant to the provisions of this article.

16 (3) The Secretary of State is authorized to promulgate procedures to permit persons to  
17 register to vote through a secure electronic voter registration system.

18 (b) Each application form for registration shall include:

19 (1) A statement specifying the eligibility requirements for registration and an attestation  
20 that the applicant meets each eligibility requirement;

21 (2) Any specific notice or notices required for a specific type or use of application by 42 U.  
22 S. C. §1973gg, *et seq.*, the National Voter Registration Act of 1993;

23 (3) A notice that a voter may be permitted to vote the partisan primary election ballot of a

24 political party only if the voter has designated that political party on the application for registration  
25 unless the political party has determined otherwise;

26 (4) The applicant's driver's license number or an identification number issued by the  
27 Division of Motor Vehicles. If the applicant does not have a driver's license or an identification card  
28 issued by the Division of Motor Vehicles, then the last four digits of the applicant's Social Security  
29 number; and

30 (5) Any other instructions or information essential to complete the application process.

31 (c) Each application form shall require that the following be provided by the applicant,  
32 under oath, and an application which does not contain each of the following is incomplete:

33 (1) The applicant's legal name, including the first name, middle or premarital name, if any,  
34 and last name;

35 (2) The month, day, and year of the applicant's birth;

36 (3) The applicant's residence address including the number and street or route and city  
37 and county of residence except:

38 (A) In the case of a person eligible to register under the provisions of 42 U. S. C. §1973ff, *et*  
39 *seq.*, the Uniformed and Overseas Citizens Absentee Voting Act, the address at which he or she  
40 last resided before leaving the United States or entering the uniformed services, or if a dependent  
41 child of such a person, the address at which his or her parent last resided;

42 (B) In the case of a homeless person having no fixed residence address who nevertheless  
43 resides and remains regularly within the county, the address of a shelter, assistance center or  
44 family member with whom he or she has regular contact or other specific location approved by the  
45 clerk of the county commission for the purposes of establishing a voting residence; or

46 (C) In the case of a participant in the Address Confidentiality Program administered by the  
47 Secretary of State in accordance with §48-28-103 of this code, the designated address assigned  
48 to the participant by the Secretary of State; and

49 (4) The applicant's signature, under penalty of perjury as provided in §3-2-36 of this code,

50 to the attestation of eligibility to register to vote and to the truth of the information given. The clerk  
51 may accept the electronically transmitted signature kept on file with another approved state  
52 database for an applicant who applies to register to vote using an approved electronic voter  
53 registration system in accordance with procedures promulgated by the Secretary of State.

54 (d) The applicant shall be requested to provide the following information but no application  
55 may be rejected for lack of this information:

56 (1) An indication whether the application is for a new registration, change of address,  
57 change of name or change of party affiliation;

58 (2) The applicant's choice of political party affiliation, if any, or an indication of no affiliation.  
59 An applicant who does not enter a choice of political party affiliation is listed as having no party  
60 affiliation on the voting record;

61 (3) The applicant's residence mailing address if different than the residence street address;

62 (4) The last four digits of the applicant's Social Security number;

63 (5) The applicant's telephone number;

64 (6) The applicant's e-mail address;

65 (7) The address where the applicant was last registered to vote, if any, for the purpose of  
66 cancelling or transferring the previous registration; ~~and~~

67 (8) The applicant's gender; and

68 (9) The voter shall sit for a photo ID to be made at the time of in-person application for a  
69 voter registration card.

70 (e) The Secretary of State shall prescribe the printing specifications of each type of voter  
71 registration application and the voter registration application portion of any form which is part of a  
72 combined agency form: *Provided*, That any physical voter registration records created under this  
73 article may be destroyed under the process described in ~~W.Va. Code §3-2-29~~ of this code.

74 (f) Application forms prescribed in this section may refer to various public officials by title or  
75 official position but in no case may the actual name of an officeholder be printed on the voter

76 registration application or on any portion of a combined application form.

77 (g) No later than July 1 of each odd-numbered year, the Secretary of State shall submit the  
78 specifications of the voter registration application by mail for statewide bidding for a contract  
79 period beginning September 1 of each odd-numbered year and continuing for two calendar years.  
80 The successful bidder shall produce and supply the required mail voter registration forms at the  
81 contract price to all purchasers of the form for the period of the contract.

NOTE: The purpose of this bill is to require voter ID cards to come with a photograph of the voter.

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