

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 622

By Senators Tarr and Woodrum

[Introduced February 2, 2024; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §3-2-25 of the Code of West Virginia, 1931, as amended, relating to
2 time period of voting inactivity required to initiate a confirmation notice mailing.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. REGISTRATION OF VOTERS.

**§3-2-25. Systematic purging program for removal of ineligible voters from active voter
registration files; comparison of data records; confirmation notices; public
inspection list.**

1 (a) The systematic purging program provided in this section shall begin no earlier than
2 October 1 of each odd-numbered year and shall be completed no later than February 1 of the
3 following year. The clerk of the county commission shall transmit or mail to the Secretary of State a
4 certification that the systematic purging program has been completed and all voters identified as
5 no longer eligible to vote have been canceled in the statewide voter registration database in
6 accordance with the law no later than February 15 in the year in which the purging program is
7 completed.

8 (b) The Secretary of State shall provide for the comparison of data records of all counties.
9 The Secretary of State shall, based on the comparison, prepare a list for each county which shall
10 include the voter registration record for each voter shown on that county's list who appears to have
11 registered or to have updated a voter registration in another county at a subsequent date. The
12 resulting lists shall be returned to the appropriate county and the clerk of the county commission
13 shall proceed with the confirmation procedure for those voters as prescribed in section twenty-six
14 of this article.

15 (c) The Secretary of State may provide for the comparison of data records of counties with
16 the data records of the Division of Motor Vehicles, the registrar of vital statistics and with the data
17 records of any other state agency which maintains records of residents of the state, if the
18 procedure is practical and the agency agrees to participate. Any resulting information regarding
19 potentially ineligible voters shall be returned to the appropriate county and the clerk of the county

20 commission shall proceed with the confirmation procedure as prescribed in section twenty-six of
21 this article.

22 (d) The records of all voters not identified pursuant to the procedures set forth in
23 subsections (b) and (c) of this section shall be combined for comparison with United States Postal
24 Service change of address information, as described in section 8(c)(A) of the National Voter
25 Registration Act of 1993 (42 U. S. C. §1973gg, *et seq.*). The Secretary of State shall contract with
26 an authorized vendor of the United States Postal Service to perform the comparison. The cost of
27 the change of address comparison procedure shall be paid for from the combined voter
28 registration and licensing fund established in section twelve of this article and the cost of the
29 confirmation notices, labels and postage shall be paid for by the counties.

30 (e) The Secretary of State shall return to each county the identified matches of the county
31 voter registration records and the postal service change of address records.

32 (1) When the change of address information indicates the voter has moved to a new
33 address within the county, the clerk of the county commission shall enter the new address on the
34 voter record and assign the proper precinct.

35 (2) The clerk of the county commission shall then mail to each voter who appears to have
36 moved from the residence address shown on the registration records a confirmation notice
37 pursuant to section twenty-six of this article and of section 8(d)(2) of the National Voter
38 Registration Act of 1993 (42 U. S. C. §1973gg, *et seq.*). The notice shall be mailed, no later than
39 December 31, to the new address provided by the postal service records or to the old address if a
40 new address is not available.

41 (f) The clerk of the county commission shall indicate in the statewide voter registration
42 database the name and address of each voter to whom a confirmation notice was mailed and the
43 date on which the notice was mailed.

44 (g) Upon receipt of any response or returned mailing sent pursuant to the provisions of
45 subsection (e) of this section, the clerk shall immediately enter the date and type of response

46 received in the statewide voter registration database and shall then proceed in accordance with
47 the provisions of section twenty-six of this article.

48 (h) For purposes of complying with the record keeping and public inspection requirements
49 of the National Voter Registration Act of 1993 (42 U. S. C. §1973gg, *et seq.*), and with the
50 provisions of section twenty-seven of this article, the public inspection lists shall be maintained
51 either in printed form kept in a binder prepared for such purpose and available for public inspection
52 during regular business hours at the office of the clerk of the county commission or in read-only
53 data format available for public inspection on computer terminals set aside and available for
54 regular use by the general public. Information concerning whether or not each person has
55 responded to the notice shall be entered into the statewide voter registration database upon
56 receipt and shall be available for public inspection as of the date the information is received.

57 (i) Any voter to whom a confirmation notice was mailed pursuant to the provisions of
58 subsection (e) of this section who fails to respond to the notice or to update his or her voter
59 registration address by February 1 immediately following the completion of the program, shall be
60 designated inactive in the statewide voter registration database. Any voter designated inactive
61 shall be required to affirm his or her current residence address, on a form prescribed by the
62 Secretary of State, upon appearing at the polls to vote.

63 (j) In addition to the preceding purging procedures, all counties using the change of
64 address information of the United States Postal Service shall also, once each four years during the
65 period established for systematic purging in the year following a presidential election year, conduct
66 the same procedure by mailing a confirmation notice to those persons not identified as potentially
67 ineligible through the change of address comparison procedure but who have not updated their
68 voter registration records and have not voted in any election during the preceding ~~four~~ two
69 calendar years. The purpose of this additional systematic confirmation procedure shall be to
70 identify those voters who may have moved without filing a forwarding address, moved with a
71 forwarding address under another name, died in a another county or state so that the certificate of

- 72 death was not returned to the clerk of the county commission, or who otherwise have become
73 ineligible.

NOTE: The purpose of this bill relates to the time period of voting inactivity required to initiate a confirmation notice mailing.

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