

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 491

BY SENATORS TRUMP AND PALUMBO

[Introduced January 31, 2019; 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 delaying effective date for voter registration in conjunction with driver licensing until July
 3 1, 2020; and requiring the Division of Motor Vehicles to file a report with the Joint
 4 Committee on Government and Finance containing a complete list of all infrastructure
 5 needed to achieve compliance and a schedule outlining how the division will implement
 6 the changes by July 1, 2020.

Be it enacted by the Legislature of West Virginia:

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 obtain as an integral and
 3 simultaneous part of every process of application for the issuance, renewal or change of address
 4 of a motor vehicle driver’s license, or official identification card pursuant to the provisions of§17B-
 5 2-1 *et seq.* of this code, when the division’s regional offices are open for regular business, the
 6 following information from each qualified registrant:

- 7 (1) Full name, including first, middle, last, and any premarital names;
- 8 (2) Date of birth;
- 9 (3) Residence address and mailing address, if different;
- 10 (4) The applicant’s electronic signature;
- 11 (5) Telephone number, if available;
- 12 (6) Email address, if available;
- 13 (7) Political party membership, if any;
- 14 (8) Driver’s license number and last four digits of Social Security number;
- 15 (9) A notation that the applicant has attested that he or she meets all voter eligibility
 16 requirements, including United States citizenship;

17 (10) Whether the applicant affirmatively declined to become registered to vote during the
18 transaction with the Division of Motor Vehicles;

19 (11) Date of application; and

20 (12) Any other information specified in rules adopted to implement this section.

21 (b) Unless the applicant affirmatively declines to become registered to vote or update their
22 voter registration during the transaction with the Division of Motor Vehicles, the Division of Motor
23 Vehicles shall release all of the information obtained pursuant to subsection (a) of this section to
24 the Secretary of State, who shall forward the information to the county clerk for the relevant county
25 to process the newly registered voter or updated information for the already-registered voter
26 pursuant to law. The Division of Motor Vehicles shall notify that applicant that by submitting his or
27 her signature, the applicant grants written consent for the submission of the information obtained
28 and required to be submitted to the Secretary of State pursuant to this section.

29 (c) Information regarding a person's failure to sign the voter registration application is
30 confidential and may not be used for any purpose other than to determine voter registration.

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

37 (e) A qualified voter, who submits by mail or by delivery by a third party an application for
38 registration on the form used in conjunction with driver licensing, is required to make his or her
39 first vote in person and present identification as required for other mail registration in accordance
40 with the provisions of §3-2-10(g) of this code. If the applicant has been previously registered in
41 the jurisdiction and the application is for a change of address, change of name, change of political

42 party affiliation, or other correction, the presentation of identification and first vote in person is not
43 required.

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

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

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

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

61 (j) The Secretary of State shall establish procedures to protect the confidentiality of the
62 information obtained from the Division of Motor Vehicles, including any information otherwise
63 required to be confidential by other provisions of this code.

64 (k) A person registered to vote pursuant to this section may cancel his or her voter
65 registration at any time by any method available to any other registered voter.

66 (l) This section ~~shall not be construed as requiring~~ does not require the Division of Motor
67 Vehicles to determine eligibility for voter registration and voting.

68 (m) Except for the changes made to subsection (b) of this section during the 2017 Regular
69 Legislative Session, the changes made to this section during the 2016 Regular Legislative
70 Session shall become effective on July 1, ~~2019~~ 2020, and any costs associated therewith shall
71 be paid by the Division of Motor Vehicles. ~~If the Division of Motor Vehicles is unable to meet the~~
72 ~~requirements of this section by February 1, 2019, it shall make a presentation to the Joint~~
73 ~~Committee on Government and Finance explaining any resources necessary to meet the~~
74 ~~requirements or any changes to the code that it recommends immediately prior to the 2019~~
75 ~~Regular Legislative Session: *Provided*, That The Commissioner of the Division of Motor Vehicles~~
76 ~~shall report to~~ file a report with the Joint Committee on Government and Finance ~~by January 1,~~
77 ~~2018 with~~ before September 1, 2019, containing a full and complete list of all infrastructure ~~they~~
78 ~~require~~ the division requires to achieve the purposes of this section and a schedule outlining how
79 the division will implement the changes by July 1, 2020.

80 (n) The Secretary of State shall propose rules for legislative approval in accordance with
81 the provisions of §29A-3-1 *et seq.* of this code, ~~in order~~ to implement the requirements of this
82 section.

NOTE: The purpose of this bill is to extend the effective date for voter registration in conjunction with driver licensing until July 1, 2020. The bill requires the Commissioner of the Division of Motor Vehicles to file a report with the Joint Committee on Government and Finance containing a complete list of all infrastructure needed to achieve compliance and a schedule outlining how the division will implement voter registration in conjunction with driver licensing by July 1, 2020.

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