

# WEST VIRGINIA LEGISLATURE

2019 MAR 25 P 2:36

2019 REGULAR SESSION

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 491**

SENATORS TRUMP AND PALUMBO, *original sponsors*

[Passed March 6, 2019; in effect from passage]

SB 491

**WEST VIRGINIA LEGISLATURE** FILED

**2019 REGULAR SESSION**

2019 MAR 25 P 2: 36

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**Enrolled**  
**Committee Substitute**  
**for**  
**Senate Bill 491**

SENATORS TRUMP AND PALUMBO, *original sponsors*

[Passed March 6, 2019; in effect from passage]

1 AN ACT to amend and reenact §3-2-11 of the Code of West Virginia, 1931, as amended, relating  
2 generally to automatic voting registration through the Division of Motor Vehicles; adding  
3 United States citizenship status to information that applicants must provide; requiring the  
4 Division of Motor Vehicles to develop a regular process by January 1, 2020, that allows  
5 the Secretary of State to fulfill his or her duties as provided by §3-2-3 of this code to confirm  
6 that persons who are noncitizens of the United States have not and cannot register to vote  
7 via the Online Voter Registration portal; delaying the effective date for automatic voter  
8 registration in conjunction with certain Division of Motor Vehicle transactions until July 1,  
9 2021; and requiring the Division of Motor Vehicles, the Department of Transportation, and  
10 the Secretary of State to file certain reports with, and appear before, the Joint Committee  
11 on Government and Finance and the Joint Standing Committee on the Judiciary during  
12 the first interim meetings occurring after September 1, 2019.

*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  
5 §17B-2-1 *et seq.* of this code, when the division's regional offices are open for regular business,  
6 the 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;

17 (10) United States citizenship status;

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

20 (12) Date of application; and

21 (13) Any other information specified in rules adopted to implement this section.

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

30 (c) By no later than January 1, 2020, the Division of Motor Vehicles shall create a regular  
31 process that allows the Secretary of State to fulfill his or her duties as provided by §3-2-3 of this  
32 code to confirm that persons who are noncitizens of the United States have not and cannot  
33 register to vote via the Online Voter Registration portal.

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

36 (e) A qualified voter who submits the required information or update to his or her voter  
37 registration, pursuant to the provisions of subsection (a) of this section, in person at a driver

38 licensing facility at the time of applying for, obtaining, renewing, or transferring his or her driver's  
39 license or official identification card and who presents identification and proof of age at that time  
40 is not required to make his or her first vote in person or to again present identification in order to  
41 make that registration valid.

42 (f) A qualified voter, who submits by mail or by delivery by a third party an application for  
43 registration on the form used in conjunction with driver licensing, is required to make his or her  
44 first vote in person and present identification as required for other mail registration in accordance  
45 with the provisions of §3-2-10(g) of this code. If the applicant has been previously registered in  
46 the jurisdiction and the application is for a change of address, change of name, change of political  
47 party affiliation, or other correction, the presentation of identification and first vote in person is not  
48 required.

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

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

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

62 (j) Voter registration application forms containing voter information which are returned to  
63 a driver licensing office unsigned shall be collected by the Division of Motor Vehicles, submitted

64 to the Secretary of State, and maintained by the Secretary of State's office according to the  
65 retention policy adopted by the Secretary of State.

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

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

71 (m) This section does not require the Division of Motor Vehicles to determine eligibility for  
72 voter registration and voting.

73 (n) Except for the changes made to subsection (b) of this section during the 2017 regular  
74 legislative session, the changes made to this section during the 2016 regular legislative session  
75 become effective on July 1, 2021, and any costs associated therewith shall be paid by the Division  
76 of Motor Vehicles. The Commissioner of the Division of Motor Vehicles, the Secretary of the  
77 Department of Transportation, and the Secretary of State shall each appear before the Joint  
78 Committee on Government and Finance and the Joint Standing Committee on the Judiciary,  
79 during the first interim meetings of such committees occurring after September 1, 2019, to present  
80 written reports containing a full and complete list of any infrastructure each agency requires to  
81 achieve the purposes of this section. Along with the report required by this subsection, the Division  
82 of Motor Vehicles shall submit a written schedule to both committees outlining how the division  
83 will implement the requirements of this section by July 1, 2021.

84 (o) The Secretary of State shall propose rules for legislative approval in accordance with  
85 the provisions of §29A-3-1 *et seq.* of this code to implement the requirements of this section.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

FILED

2019 MAR 25 P 2:36

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

*Mark Haymond*  
.....  
Chairman, Senate Committee

*Noel Goetts*  
.....  
Chairman, House Committee

Originated in the Senate.

In effect from passage.

*Joe Carr*  
.....  
Clerk of the Senate

*Steph J. Harrison*  
.....  
Clerk of the House of Delegates

*MITT B. COOPER*  
.....  
President of the Senate

*Les Housh*  
.....  
Speaker of the House of Delegates

The within *is approved* this the *25th*  
*March*  
Day of ..... 2019.

*James Justice*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 19 2019

Time 3:33 pm