

# WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2781

BY DELEGATES BLAIR, ZATEZALO, HOUSEHOLDER,  
AMBLER, HAMRICK, ANDERSON, MARTIN, MAYNARD AND  
LEWIS

[Passed April 8, 2017; in effect from passage.]

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2017 APR 26 P 8:23

FILED

HB 2781

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**[Passed April 8, 2017; 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 to voting procedures; removing requirement that Division of Motor Vehicles forward certain  
3 information of persons who decline to become registered to vote to Secretary of State;  
4 amending the effective date for voter registration procedures passed in 2016 and 2017  
5 legislative sessions to July 1, 2019; requiring Division of Motor Vehicles to make  
6 presentation to Joint Committee on Government and Finance if unable to meet  
7 requirements of section by February 1, 2019; and requiring Division of Motor Vehicles  
8 shall report to the Joint Committee on Government and Finance by January 1, 2018, with  
9 full and complete list of all infrastructure they require to achieve certain purposes.

*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  
2 reenacted 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 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 article  
5 two, chapter seventeen-b of this code, when the division's regional offices are open for regular  
6 business, 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, 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 subsection (g), section ten of this article. If the applicant has been previously  
41 registered in the jurisdiction and the application is for a change of address, change of name,  
42 change of political party affiliation or other correction, the presentation of identification and first  
43 vote in person is not 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 the Division of Motor Vehicles to  
67 determine eligibility for voter registration and voting.

68 (m) The changes made to this section during the 2016 Regular Legislative Session shall  
69 become effective on July 1, 2019, and any costs associated therewith shall be paid by the Division  
70 of Motor Vehicles. If the Division of Motor Vehicles is unable to meet the requirements of this  
71 section by February 1, 2019, it shall make a presentation to the Joint Committee on Government  
72 and Finance explaining any resources necessary to meet the requirements or any changes to the  
73 code that it recommends immediately prior to the 2019 Regular Legislative Session: *Provided,*  
74 That the Division of Motor Vehicles shall report to the Joint Committee on Government and  
75 Finance by January 1, 2018 with a full and complete list of all infrastructure they require to achieve  
76 the purposes of this section.

77 (n) The Secretary of State shall propose rules for legislative approval in accordance with  
78 the provisions of article three, chapter twenty-nine-a of this code in order to implement the  
79 requirements of this section.

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

*[Signature]*  
.....  
Chairman, House Committee

*[Signature]*  
.....  
Chairman, Senate Committee

Originating in the House.

In effect from passage.

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Speaker of the House of Delegates

*[Signature]*  
.....  
President of the Senate

OFFICE OF THE  
SECRETARY OF STATE

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FILED

The within is approved this the 26th  
day of April, 2017.

*[Signature]*  
.....  
Governor

PRESENTED TO THE GOVERNOR

APR 18 2017

Time 3:15 pm