

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 236

FISCAL
NOTE

BY SENATORS ROMANO AND LINDSAY

[Introduced January 12, 2022; referred

to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §3-9-25, relating to requiring all eligible voters to perform their civic duty of
 3 voting in all general elections; authorizing and requiring the Secretary of State to
 4 promulgate related emergency and legislative rules; requiring the Secretary of State to
 5 notify all eligible voters of their failure to vote in a general election and request any
 6 proposed excuses or exemptions related to this failure; Secretary of State to review any
 7 excuses or exemptions; and imposing civil penalties for any failure of an eligible voter to
 8 vote in a general election.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. OFFENSES AND PENALTIES.

§3-9-25. Universal Civic Duty of Voting; penalties

1 (a) Legislative findings.

2 (1) According to United States Census Bureau, approximately 245,500,000 Americans
 3 were over the age of 18 but only 157,600,000 Americans were registered and eligible to vote in
 4 the 2016 general election.

5 (2) Furthermore, of those 157,600,000 Americans who were registered and eligible to
 6 vote, only 137,500,000 Americans voted in the 2016 general election.

7 (3) This extremely low percentage of American voter participation of approximately 55
 8 percent places the United States of America 30 out of 35 developed nations which track this data.

9 (4) The United States of America and its veterans have fought countless wars beginning
 10 with the American Revolutionary War to secure Americans' right of representative government
 11 and our fellow citizens' right to vote.

12 (5) Furthermore, government derives its just power from the consent of the governed
 13 which requires the participation of our citizens in the election of our government representatives.

14 (6) Therefore, voting is hereby found and designated as an additional, mandatory duty
 15 such as paying taxes and serving on jury duty.

16 (b) Definitions:

17 “Voter” means any person who possesses the statutory and constitutional qualifications
18 for voting.

19 (c) Beginning January 1, 2023, the Secretary of State shall develop and implement a
20 comprehensive program to encourage and require all eligible voters in this state to perform their
21 civic duty of voting in all general elections unless otherwise exempt or excused pursuant to this
22 section.

23 (d) The secretary shall promulgate emergency rules and propose legislative rules for the
24 legislative approval in accordance with the provision of §29A-3-1 et seq. of this code to effectuate
25 the requirements of this section. All rules, whether emergency or not, promulgated pursuant to
26 this section shall assure, at a minimum, the following in the proposed rules:

27 (1) A program to ensure that every eligible voter is notified of this mandatory obligation on
28 or before January 1, 2024.

29 (2) A program established to review and identify all eligible voters in this state who fail to
30 vote in a general election.

31 (3) A program established to notify all eligible voters in this state who failed to vote in a
32 general election requesting information whether there is a valid excuse or exemption for such
33 failure.

34 (4) A program detailing valid excuses or exemptions from the provisions of this section
35 relating to mandatory voting of eligible voters.

36 (e) Any person who is an eligible voter but fails to vote in any general election shall receive
37 notification from the secretary and request whether that person has a valid exception or exemption
38 for such failure to vote.

39 (f) Any person who is an eligible voter but fails to vote in any general election and does
40 not possess an approved exception or exemption from the secretary is subject to a civil penalty
41 of not more than \$50 or eight hours of community service and any violation thereof constitutes a

42 civil offense.

43 (g) There is hereby created in the State Treasury a special revenue account, which is an
44 interest bearing account, to be known as the Voter Civic Duty Fund. The special revenue account
45 shall consist of: All fines collected pursuant to this section; any appropriations that may be made
46 by the Legislature; income from the investment of moneys held in the special revenue account;
47 and all other sums available for deposit to the special revenue account from any source, public
48 or private. Any balance remaining in the special revenue account at the end of any state fiscal
49 year does not revert to the General Revenue Fund but remains in the special revenue account
50 and may be used solely in a manner consistent with this article. The Secretary of State is
51 authorized to expend funds from the account for the following purposes: Implementing the
52 mandatory notification program to all eligible voters as created in this section, an informational
53 campaign stressing the importance of voting in the United States, and all related activities to
54 encourage more voter participation by Americans.

NOTE: The purpose of this bill is to require all eligible voters to vote in all general elections and fulfill their civic duty.

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