

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2345

By Delegate C. Pritt

[Introduced January 11, 2023; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §3-2-13 of the Code of West Virginia, 1931, as amended, relating to
 2 prohibit an agency of state or local government, including an employer, or contractor, from
 3 automatically registering to vote any eligible person without first obtaining an explicit,
 4 written consent to be registered to vote, and an appropriate state or federal registration
 5 form.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-13. Agencies to provide voter registration services; designation of responsible employees; forms; prohibitions; confidentiality.

1 (a) For the purposes of this article, "agency" means a department, division, or office of
 2 state or local government, or a program supported by state funds, which is designated under this
 3 section to provide voter registration services, but does not include departments, divisions or
 4 offices required by other sections of this article to provide voter registration services.

5 (b) The following agencies shall provide voter registration services pursuant to the
 6 provisions of this article:

7 (1) Those state agencies which administer or provide services under the food stamp
 8 program, the Aid to Families with Dependent Children (AFDC) program, the Women, Infants and
 9 Children (WIC) program and the Medicaid program;

10 (2) Those state-funded agencies primarily engaged in providing services to persons with
 11 disabilities;

12 (3) County marriage license offices;

13 (4) Armed services recruitment offices, as required by federal law; and

14 (5) The Department of Revenue, if it provides a check box on any form provided to the
 15 general public authorizing the Department of Revenue to request a voter registration application
 16 by mail from the Secretary of State on behalf of the applicant.

17 (c) No later than October 1, 1994, the Secretary of State shall, in conjunction with a

18 designated representative of each of the appropriate state agencies, review those programs and
19 offices established and operating with state funds which administer or provide public assistance or
20 services to persons with disabilities and shall promulgate an emergency rule pursuant to the
21 provisions of chapter twenty-nine-a of this code designating the specific programs and offices
22 required to provide voter registration services in order to comply with the requirements of this
23 section and the requirements of the National Voter Registration Act of 1993 (42 U.S.C. §1973gg,
24 *et seq.*). The offices and programs so designated shall begin providing voter registration services
25 on January 1, 1995.

26 (d) In each even-numbered year, the Secretary of State shall, in conjunction with the
27 designated representatives of the appropriate state agencies, perform the review as required by
28 the provisions of subsection (c) of this section. The Secretary of State shall periodically review and
29 revise, if necessary, the legislative rule designating the specific agencies required to provide voter
30 registration services.

31 (e) Each state agency required to provide services pursuant to the provisions of this article
32 shall designate a current employee of that agency to serve as a state supervisor to administer
33 voter registration services required in all programs under the agency's jurisdiction. Each state
34 supervisor is responsible for coordination with the Secretary of State, overall operation of the
35 program in conjunction with services within the agency, designation, and supervision of local
36 coordinators and for the review of any complaints filed against employees relating to voter
37 registration as provided in this chapter.

38 (f) The state supervisor shall designate a current employee as a local coordinator for voter
39 registration services for each office or program delivery center who shall be responsible for the
40 proper conduct of voter registration services, timely return of completed voter registration
41 applications, proper handling of declinations and reporting requirements. Notice of the designation
42 of these persons shall be made upon request of the Secretary of State and within five days
43 following any change of designation. Each local coordinator shall receive biannual training

44 provided by the Secretary of State.

45 (g) The registration application forms used for agency registration shall be issued pursuant
46 to the provisions of section five of this article.

47 (h) The Secretary of State, in conjunction with those agencies designated to provide voter
48 registration services pursuant to the provisions of this section, shall prescribe the form or portion of
49 the appropriate agency form required by the provisions of 42 U.S.C. §1973gg, *et seq.*, section
50 7(a)(6)(B) of the National Voter Registration Act of 1993, containing the required notices and
51 providing boxes for the applicant to check to indicate whether the applicant would like to register or
52 decline to register to vote. The form or portion of the form is designated the "declination form".

53 (i) A person who provides voter registration services may not:

54 (1) Seek to influence an applicant's political preference or party registration;

55 (2) Display to any applicant any political preference or party allegiance;

56 (3) Make any statement to an applicant or take any action the purpose or effect of which is
57 to discourage the applicant from registering to vote; or

58 (4) Make any statement to an applicant or take any action the purpose or effect of which is
59 to lead the applicant to believe that a decision to register or not to register has any bearing on the
60 availability of services or benefits.

61 (j) No information relating to the identity of a voter registration agency through which any
62 particular voter is registered or to a declination to register to vote in connection with an application
63 made at any designated agency may be used for any purpose other than voter registration.

64 (k) Notwithstanding any provision of this section or code to the contrary, no agency of state
65 or local government, including an employer, or contractor, may automatically register to vote any
66 eligible person without first obtaining an explicit, written consent to be registered to vote and an
67 appropriate state or federal registration form.

NOTE: The purpose of this bill is to prohibit an agency of state or local government,

including an employer, or contractor, from automatically registering to vote any eligible person without first obtaining an explicit, written consent to be registered to vote, and an appropriate state or federal registration form.

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