

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2513

By Delegates Smith, Clark, Howell, Phillips, Crouse,

Zatezalo, Thorne and Storch

[Introduced January 12, 2023; Referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §3-2-18 of the Code of West Virginia, 1931, as amended, relating to
2 the deadline by which county clerks must report voter participation history after an election
3 into the statewide voter registration system.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-18. Registration records; active, inactive, canceled, pending and rejected registration files; procedure; voting records.

1 (a) For the purposes of this article:

2 (1) "Original voter registration record" means all records submitted or entered in writing or
3 electronically, where permitted by law, for voter registration purposes, including:

4 (A) Any original application or notice submitted by any person for registration or
5 reinstatement, change of address, change of name, change of party affiliation, correction of
6 records, cancellation, confirmation of voter information or other request or notice for voter
7 registration purposes; and

8 (B) Any original entry made on any voters registration record at the polling place, or made
9 or received by the clerk of the county commission relating to any voters registration, such as
10 records of voting, presentation of identification and proof of age, challenge of registration, notice of
11 death or obituary notice, notice of disqualifying conviction or ruling of mental incompetence or
12 other original document which may affect the status of any person's voter registration.

13 (2) "Active voter registration records" means the registration records, whether on paper or
14 in electronic format, containing the names, addresses, birth dates and other required information
15 for all persons within a county who are registered to vote and whose registration has not been
16 designated as inactive or canceled pursuant to the provisions of this article.

17 (3) "Inactive voter registration records" means the registration records, whether on paper
18 or in electronic format, containing the names, addresses, birth dates and other required
19 information for all persons designated inactive pursuant to the provisions of section twenty-seven

20 of this article following the return of the prescribed notices as undeliverable at the address
21 provided by the United States Postal Service or entered on the voter registration, or for failure of
22 the contacted voter to return a completed confirmation notice within thirty days of the mailing.

23 (4) "Canceled voter registration records" means the records containing all required
24 information for all persons who have been removed from the active and inactive voter registration
25 records and who are no longer registered to vote within the county.

26 (5) "Pending application records" means the temporary records containing all information
27 submitted on a voter registration application, pending the expiration of the verification period.

28 (6) "Rejected application records" means the records containing all information submitted
29 on a voter registration application which was rejected for reasons as described in this article.

30 (7) "Confirmation pending records" means the records containing all required information
31 for persons who have been identified to be included in the next succeeding mailing of address
32 confirmation notices as set forth by the National Voter Registration Act of 1993 (42 U.S. C.
33 §1973gg *et seq.*).

34 (b) For the purposes of this chapter or of any other provisions of this code relating to
35 elections conducted under the provisions of this chapter, whenever a requirement is based on the
36 number of registered voters, including, but not limited to, the number of ballots to be printed, the
37 limitations on the size of a precinct, or the number of petition signatures required for election
38 purposes, only those registrations included on the active voter registration files shall be counted
39 and voter registrations included on the inactive voter registration files, as defined in this
40 subdivision, shall not be counted.

41 (c) Active voter registration records, confirmation pending records and inactive voter
42 registration records may be maintained in the same physical location, providing the records are
43 coded, marked or arranged in such a way as to make the status of the registration immediately
44 obvious. Canceled voter registration records, pending application records and rejected application
45 records may be maintained in separate physical locations. However, all such records shall be

46 maintained in the statewide voter registration database, subject to this article.

47 (d) The effective date of any action affecting any voter's registration status shall be entered
48 on the voter record, including the effective date of registration, change of name, address or party
49 affiliation or correction of the record, effective date of transfer to inactive status, return to active
50 status or cancellation. When any registration is designated inactive or is canceled, the reason for
51 the designation or cancellation and any reference notation necessary to locate the original
52 documentation related to the change shall be entered on the voter record.

53 (e) Within ~~one hundred twenty~~ 80 days after each primary, general, municipal or special
54 election, the clerk of the county commission shall enter the voting records into the statewide voter
55 registration database.

NOTE: The purpose of this bill is to change the deadline by which county clerks must report voter participation history after an election into the statewide voter registration system from 120 days to 80 days after an election.

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