

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5126

By Delegates Kump, Mallow, C. Pritt, Phillips, Horst,
Ridenour, Chiarelli, DeVault, Petitto, Householder,
and Fehrenbacher

[Introduced January 25, 2024; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §3-2-4a of the Code of West Virginia, 1931, as amended, relating to
2 reducing the chances of election fraud by clarifying requirements for voter registration.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-4a. Statewide voter registration database.

1 (a) The Secretary of State shall implement and maintain a single, official, statewide,
2 centralized, interactive computerized voter registration database of every legally registered voter
3 in the state, as follows:

4 (1) The statewide voter registration database shall serve as the single system for storing
5 and managing the official list of registered voters throughout the state.

6 (2) The statewide voter registration database shall contain the name, registration
7 information and voter history of every legally registered voter in the state.

8 (3) In the statewide voter registration database, the Secretary of State shall assign a
9 unique identifier to each legally registered voter in the state.

10 (4) The statewide voter registration database shall be coordinated with other agency
11 databases within the state and elsewhere, as appropriate.

12 (5) The Secretary of State, any clerk of the county commission, or any authorized designee
13 of the Secretary of State or clerk of the county commission, may obtain immediate electronic
14 access to the information contained in the statewide voter registration database.

15 (6) The clerk of the county commission shall electronically enter voter registration
16 information into the statewide voter registration database on an expedited basis at the time the
17 information is provided to the clerk.

18 (7) The Secretary of State shall provide necessary support to enable every clerk of the
19 county commission in the state to enter information as described in subdivision (6) of this
20 subsection.

21 (8) The statewide voter registration database shall serve as the official voter registration list

22 for conducting all elections in the state.

23 (b) The provisions of subdivision (6), subsection (a) of this section notwithstanding, the
24 Secretary of State or any clerk of a county commission shall perform maintenance with respect to
25 the statewide voter registration database on a regular basis as follows:

26 (1) If an individual is to be removed from the statewide voter registration database he or
27 she shall be removed in accordance with the provisions of 42 U. S. C. §1973gg, *et seq.*, the
28 National Voter Registration Act of 1993.

29 (2) The Secretary of State shall coordinate the statewide voter registration database with
30 state agency records and shall establish procedures for the removal of names of individuals who
31 are not qualified to vote due to felony status or death. No state agency may withhold information
32 regarding a voter's status as deceased or as a felon unless ordered by a court of law.

33 (c) The list maintenance performed under subsection (b) of this section shall be conducted
34 in a manner that ensures that:

35 (1) The name of each registered voter appears in the statewide voter registration
36 database;

37 (2) Only voters who are not registered, who have requested in writing that their voter
38 registration be canceled, or who are not eligible to vote are removed from the statewide voter
39 registration database;

40 (3) Duplicate names are eliminated from the statewide voter registration database; and

41 (4) Deceased individuals' names are eliminated from the statewide voter registration
42 database.

43 (d) The Secretary of State and the clerks of all county commissions shall provide adequate
44 technological security measures to prevent the unauthorized access to the statewide voter
45 registration database established under this section.

46 (e) The Secretary of State shall ensure, and may perform such maintenance necessary to
47 ensure, that voter registration records in the state are accurate and updated regularly, including

48 the following:

49 (1) A system of file maintenance that makes a reasonable effort to remove registrants who
50 are ineligible to vote from the official list of eligible voters. Under the system, consistent with 42 U.
51 S. C. §1973gg, *et seq.*, registrants who have not responded to a notice sent pursuant to §3-2-26 of
52 this code, who have not otherwise updated their voter registration address, and who have not
53 voted in two consecutive general elections for federal office shall be removed from the official list of
54 eligible voters, except that no registrant may be removed solely by reason of a failure to vote;

55 (2) By participation in programs across state lines to share data specifically for voter
56 registration to ensure that voters who have moved across state lines or become deceased in
57 another state are removed in accordance with state law and 42 U. S. C. §1973gg, *et seq.*; and

58 (3) Through safeguards to ensure that eligible voters are not removed in error from the
59 official list of eligible voters.

60 (f) Applications for voter registration may be accepted only when the following information
61 is provided:

62 (1) ~~Except as provided in subdivision (2) of this subsection and notwithstanding any other~~
63 ~~provision of law to the contrary, an application for voter registration may not be accepted or~~
64 ~~processed unless the application includes~~ An application for voter registration may not be
65 accepted or processed unless the application includes:

66 (A) In the case of an applicant who has been issued a current and valid driver's license, the
67 applicant's driver's license number;

68 (B) In the case of an applicant who has been issued an identification card by the Division of
69 Motor Vehicles, the applicant's identification number; or

70 (C) ~~In the case of any other applicant, the~~ The last four digits of the applicant's Social
71 Security number; and

72 (2) If an applicant for voter registration has not been issued a current and valid driver's
73 license, Division of Motor Vehicles identification card, or a Social Security number, the Secretary

74 of State shall assign the applicant a number which will serve to identify the applicant for voter
75 registration purposes. The number assigned under this subdivision shall be the unique identifying
76 number assigned under the statewide voter registration database.

77 (g)(1) The Secretary of State and the Commissioner of the Division of Motor Vehicles shall
78 enter into an agreement to match and transfer applicable information in the statewide voter
79 registration database with information in the database of the Division of Motor Vehicles to the
80 extent required to enable each official to verify the accuracy of the information provided on
81 applications for voter registration.

82 (2) The Secretary of State and the Commissioner of the Division of Motor Vehicles shall
83 enter into an agreement for the Division of Motor Vehicles to provide all name fields, residence and
84 mailing address fields, driver's license or state identification number, last four digits of the Social
85 Security number, date of birth, license or identification issuance and expiration dates, and current
86 record status of individuals eligible to register to vote to the Secretary of State for the purpose of
87 voter registration list maintenance comparison through an interstate data-sharing agreement
88 designated by the Secretary of State as permitted by subdivision (2), subsection (e) of this section.

89 (h) The Commissioner of the Division of Motor Vehicles shall enter into an agreement with
90 the Commissioner of Social Security under 42 U. S. C. §401, *et seq.*, the Social Security Act. All
91 fees associated with this agreement shall be paid for from moneys in the fund created under §3-2-
92 12 of this code.

NOTE: The purpose of this bill is to reduce the chances of election fraud by clarifying requirements for voter registration.

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