WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1991

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ENROLLED
Committee Substitute for
SENATE BILL NO. 443

(By Senator Holliday)

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PASSED March 9, 1991
In Effect July 1, 1991
AN ACT to amend and reenact section twenty-two, article two, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said article by adding thereto a new section, designated section twenty-two-a; to amend and reenact section one, article three, chapter seventeen of said code; and to amend and reenact section eight, article two-b, chapter seventeen-b of said code; all relating to the registration of voters; increasing motor vehicle registration fees; creating the combined voter registration and driver's license fund; specifying how the proceeds of such fund are to be expended; setting forth procedure for registration in the office of the clerk of the county commission; authorizing the clerk to change registration records; establishing duties of clerk during biennial checkups; removing the mandate that clerks establish certain temporary registration offices and the requirements therefor; permitting clerks to establish certain temporary registration offices; clerk to solicit public service advertising of registration offices; when clerk to cancel registrations; certification to the secretary of state; authorizing county commission to
direct clerk to increase availability of registration; requiring the division of motor vehicles and the department of public safety to provide voter registration forms to persons seeking a driver's license, a renewal or a correction thereof; authorizing employees of such division or department to administer oaths; when completed forms to be forwarded to appropriate county clerks; establishing the effective date of registration; authorizing the secretary of state to promulgate rules; requiring that fifty cents of every driver's license fee be paid into the combined voter registration and driver's license fund; and increasing the fee for the issuance of a driver's license by fifty cents.

Be it enacted by the Legislature of West Virginia:

That section twenty-two, article two, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that said article be further amended by adding thereto a new section, designated section twenty-two-a; that section one, article three, chapter seventeen of said code be amended and reenacted; and that section eight, article two-b, chapter seventeen-b of said code be amended and reenacted, all to read as follows:

CHAPTER 3. ELECTIONS.

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-22. Registration in clerk's office; cancellation of registrations of deceased persons; temporary registration offices.

1 The clerk or any deputy clerk of the county commission shall register any qualified person as a voter. The clerk or deputy shall first require valid identification and proof of age, and inquire and attempt to establish whether the voter resides within the limits of a municipality using the map provided by the municipality in accordance with section five, article one of this chapter. The clerk or deputy clerk shall have the person registering fill in and complete the prescribed voter registration form for county-state permanent registration. If the person resides within the limits of
a municipality for which a separate registration file is kept, the clerk or deputy shall also have the person complete the form for municipal registration. The registrant shall sign the form or forms under oath or affirmation. The clerk, upon proper proof, may alter, amend, correct or cancel the registration record of any voter. Such registration or alteration, amendment, correction or cancellation of registration records shall be carried on throughout the year.

During the biennial checkup period of every even-numbered year, the clerk or deputy clerk shall visit every public or private institution, excluding hospitals, in which reside aged, infirm, disabled or chronically ill persons, and every high school to register qualified voters. The clerk may establish temporary registration offices, to register qualified persons or to alter, amend, correct or cancel such registration records. The clerk of the county commission shall solicit public service advertising of such registration offices and times on radio, television and newspapers serving that county.

Within fifteen days following receipt of a death certificate from the state or local registrar of vital statistics or the publication in a newspaper of the county of an obituary clearly identifying a deceased person by name, residence and age, the clerk of the county commission shall cancel the voter registration, if any, of the person shown to be deceased by such certificate or obituary.

Sixty days prior to a general election, the clerk of the county commission shall review each death certificate received and shall cancel the voter registration, if any, of each deceased person whose voter registration has not previously been canceled. By the forty-fifth day prior to a general election each clerk of a county commission shall certify to the secretary of state that he or she has performed the duty required by this paragraph.

If found necessary, the county commission may order and direct the clerk of the county commission to maintain additional office hours in the evening or at
other proper times and places for accommodation of voter registration.

§3-2-22a. Registration at driver’s license facilities.

1 (a) Commencing on the first day of July, one thousand nine hundred ninety-one, the division of motor vehicles and the department of public safety shall provide each qualified elector who applies in person for the issuance, renewal or correction of any type of driver’s license or identification, in accordance with the provisions of article two, chapter seventeen-b of this code, the opportunity to complete a voter registration form regardless of that person’s voting precinct or county of residence in the state.

11 (b) For purposes of this section, each employee authorized by the division of motor vehicles or department of public safety to provide voter registration forms is hereby authorized to administer the oath prescribed on the form.

16 (c) Completed voter registration forms received by the division of motor vehicles or by the department of public safety shall be forwarded to the secretary of state on a weekly basis, and the secretary of state shall then forward the registrations to the appropriate county clerk’s office on a weekly basis. Upon receipt of a voter registration form, the county clerk shall determine if the form meets the requirements for registration. If the county clerk finds that the form meets the requirements for registration, the registration shall be deemed to be effective on the date that it was made at the division of motor vehicles or department of public safety. If it does not meet the requirements, the county clerk shall immediately notify the applicant of the information required and the registration shall be deemed to be effective on the date that the additional information is received by the county clerk.

34 (d) Fifty cents of each license fee collected pursuant to the provisions of section one, article three, chapter seventeen of this code shall be paid into the state treasury to the credit of a special revenue fund to be
known as the “combined voter registration and driver’s licensing fund”, which is hereby created. The moneys so credited to such fund may be used by the secretary of state solely for:

(1) Printing and distribution of combined driver’s license application and voter registration forms, or for the printing of voter registration forms to be used in conjunction with driver’s license applications.

(2) Postage and mailing costs of returning completed voter registrations to the appropriate state or county election official.

(3) Postage and mailing costs incurred by the clerk of the county commission for sending a receipt of voter registration to each person who registers to vote using the combined licensing and voter registration procedure.

(4) Employment of personnel solely for the purpose of issuing driver’s licenses and offering voter registration services or the payment of the portion of such personnel costs apportioned to such duties.

(5) Start-up costs associated with preparing the computer programming relating to increased licensing fees and the collection thereof.

The secretary of state is authorized to expend or distribute funds to the respective agencies and counties for the reimbursement of actual costs incurred for the purposes set forth in this subsection.

(e) The secretary of state may promulgate rules pursuant to the provisions of chapter twenty-nine-a of this code to provide for the administration of this registration program.

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 3. STATE ROAD FUND.

§17-3-1. What constitutes fund; payments into fund; use of money in fund.

There shall be a state road fund, which shall consist of the proceeds of all state license taxes imposed upon
automobiles or other motor or steam driven vehicles; the registration fees imposed upon all owners, chauffeurs, operators and dealers in automobiles or other motor driven vehicles; all sums of money which may be donated to such fund; all proceeds derived from the sale of state bonds issued pursuant to any resolution or act of the Legislature carrying into effect the "Better Roads Amendment" to the constitution of this state, adopted in the month of November, one thousand nine hundred sixty-four, except that the proceeds from the sale of these bonds shall be kept in a separate and distinct account in the state road fund; all moneys and funds appropriated to it by the Legislature; and all moneys allotted or appropriated by the federal government to this state for road construction and maintenance pursuant to any act of the Congress of the United States; the proceeds of all taxes imposed upon and collected from any person, firm or corporation and of all taxes or charges imposed upon and collected from any county, district or municipality for the benefit of such fund; the proceeds of all judgments, decrees or awards recovered and collected from any person, firm or corporation for damages done to, or sustained by, any of the state roads or parts thereof; all moneys recovered or received by reason of the violation of any contract respecting the building, construction or maintenance of any state road; all penalties and forfeitures imposed, recovered or received by reason thereof; and any and all other moneys and funds appropriated to, imposed and collected for the benefit of such fund, or collected by virtue of any statute and payable to such fund: Provided, That notwithstanding any provisions of this code to the contrary, fifty cents of every license fee paid pursuant to the provisions of subdivision (2), subsection (a), section eight, article two, chapter seventeen-b of this code shall be paid to the special fund established pursuant to the provisions of subsection (d), section twenty-two-a, article two, chapter three of this code.

When any money is collected from any of the sources aforesaid, it shall be paid into the state treasury by the officer whose duty it is to collect and
account for the same, and credited to the state road fund, and shall be used only for the purposes named in this chapter, that is to say: (a) To pay the principal and interest due on all state bonds issued for the benefit of said fund, and set aside and appropriated for that purpose; (b) to pay the expenses of the administration of the road department; and (c) to pay the cost of maintenance, construction, reconstruction and improvement of all state roads.

CHAPTER 17B. MOTOR VEHICLE OPERATORS' AND CHAUFFEURS' LICENSES.

ARTICLE 2B. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

§17B-2-8. Issuance and contents of licenses; fees.

1. (1) The division shall, upon payment of the required fee, issue to every applicant qualifying therefor a driver's license, or motorcycle-only license. Each license shall contain a coded number assigned to the licensee, the full name, date of birth, residence address, a brief description and a color photograph of the licensee and either a facsimile of the signature of the licensee or a space upon which the signature of the licensee shall be written with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee. A driver's license which is valid for operation of a motorcycle shall contain a motorcycle endorsement. The division shall use such process or processes in the issuance of licenses that will, insofar as possible, prevent any alteration, counterfeiting, duplication, reproduction, forging or modification of, or the superimposition of a photograph on, such license.

2. (2) The fee for the issuance of a driver's license shall be ten dollars and fifty cents. Fifty cents of each such fee shall be deposited in the “combined voter registration and driver's licensing fund”, established pursuant to the provisions of section twenty-two-a, article two, chapter three of this code. The one-time only additional fee for adding a motorcycle endorsement to a driver's license shall be five dollars. The fee for issuance of a motorcycle-only license shall be ten
dollars. The fees for the motorcycle endorsement or motorcycle-only license shall be paid into a special fund in the state treasury known as the motorcycle safety fund as established in section seven, article one-

(3) The division of motor vehicles shall mark any license which is reissued following a suspension of a person's license to operate a motor vehicle in this state with the type of violation for which the original license was suspended and shall indicate the date of the violation. For purposes of this section, any conviction under the provisions of subsections (a) and (b) of the prior enactment of section two, article five, chapter seventeen-c of this code which offense was committed within a period of five years immediately preceding the effective date of the present section two, article five, chapter seventeen-c of this code, shall be treated as a violation to which this section is applicable and revocations based on such convictions shall be marked on licenses which are hereafter issued.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1991.

The within is approved this the day of 1991.

Governor