WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

ENROLLED

Senate Bill No. 339
(By Senators Williams and White)

[Passed March 9, 2010; in effect ninety days from passage.]
AN ACT to amend and reenact §3-2-4a of the Code of West Virginia, 1931, as amended, relating to statewide voter registration list maintenance; and making a technical correction to that statute.

Be it enacted by the Legislature of West Virginia:

That §3-2-4a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. REGISTRATION OF VOTERS.

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

1 (a) The Secretary of State shall implement and maintain a single, official, statewide, centralized, interactive computerized voter registration list of every legally registered voter in the state, which shall include the following:

6 (1) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the state.
(2) The computerized list shall contain the name, registration information and voter history of every legally registered voter in the state.

(3) Under the computerized list, the Secretary of State shall assign a unique identifier to each legally registered voter in the state.

(4) The computerized list shall be coordinated with other agency databases within the state; including, but not limited to, the vital statistics database maintained by the Department of Health and Human Resources. The Department of Health and Human Resources by January 31st of each calendar year shall provide to each county clerk a list from this database of all decedents in that county in the preceding year and shall provide to the Secretary of State the list of all decedents in the state in the preceding year.

(5) The Secretary of State and any clerk of the county commission may obtain immediate electronic access to the information contained in the computerized list.

(6) The clerk of the county commission shall electronically enter voter registration information into the computerized list on an expedited basis at the time the information is provided to the clerk.

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

(8) The computerized list shall serve as the official voter registration list for conducting all elections in the state.

(b) The Secretary of State or any clerk of a county commission shall perform maintenance with respect to the computerized list on a regular basis as follows:

(1) If an individual is to be removed from the computerized list, he or she shall be removed in accordance with the
Registration Act of 1993.

(2) The Secretary of State shall coordinate the computer-
ized list with state agency records and remove the names
of individuals who are not qualified to vote because of
felony status or death: *Provided,* That no state agency may
withhold information regarding a voter's status as de-
ceased or as a felon unless ordered by a court of law:
*Provided further,* the Secretary of State shall, in each
calendar year, certify that the removal of individuals who
are not qualified to vote because of a felony conviction as
provided in section two of this article or death is com-
pleted at least 30 days preceding the date of any primary
election.

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

(1) The name of each registered voter appears in the
computerized list;

(2) Only voters who are not registered or who are not
eligible to vote are removed from the computerized list;

(3) Duplicate names are eliminated from the computer-
ized list;

(4) Deceased individuals names are eliminated from the
computerized list.

(d) The Secretary of State and the clerks of all county
commissions shall provide adequate technological security
measures to prevent the unauthorized access to the
computerized list established under this section.

(e) The Secretary of State shall ensure that voter regis-
tration records in the state are accurate and updated
regularly, including the following:
(1) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under the system, consistent with 42 U.S.C. §1973gg, et seq., registrants who have not responded to a notice sent pursuant to section twenty six, article two of this chapter and who have not voted in two consecutive general elections for federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote; and

(2) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.

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

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

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

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

(C) In the case of any other applicant, the last four digits of the applicant's social security number; and

(2) If an applicant for voter registration has not been issued a current and valid driver's license, Division of Motor Vehicles' identification card or a social security number, the Secretary of State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the state has a computerized list in effect under this section and the
list assigns unique identifying numbers to registrants, the
number assigned under this section shall be the unique
identifying number assigned under the list.

(g) The Secretary of State and the Commissioner of the
Division of Motor Vehicles shall enter into an agreement
to match and transfer applicable information in the
database of the statewide voter registration system with
information in the database of the Division of Motor
Vehicles to the extent required to enable each official to
verify the accuracy of the information provided on appli-
cations for voter registration.

(h) The Commissioner of the Division of Motor Vehicles
shall enter into an agreement with the Commissioner of
Social Security under 42 U.S.C. §301, et seq., the Social
Security Act. All fees associated with this agreement shall
be paid for from moneys in the fund created under section
do, article two of this chapter.
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.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 1st Day of 2010.

Governor