

SB 339

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REGULAR SESSION, 2010

DE WEST VIRGINIA
SECRETARY OF STATE



ENROLLED

Senate Bill No. 339

(BY SENATORS WILLIAMS AND WHITE)

[Passed March 9, 2010; in effect ninety days from passage.]

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OFFICE OF THE SECRETARY OF STATE

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(BY SENATORS WILLIAMS AND WHITE)

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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
2 a single, official, statewide, centralized, interactive
3 computerized voter registration list of every legally
4 registered voter in the state, which shall include the
5 following:

6 (1) The computerized list shall serve as the single system
7 for storing and managing the official list of registered
8 voters throughout the state.

9 (2) The computerized list shall contain the name, regis-
10 tration information and voter history of every legally
11 registered voter in the state.

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

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

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

27 (6) The clerk of the county commission shall electroni-
28 cally enter voter registration information into the comput-
29 erized list on an expedited basis at the time the informa-
30 tion is provided to the clerk.

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

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

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

40 (1) If an individual is to be removed from the computer-
41 ized list, he or she shall be removed in accordance with the

42 provisions of 42 U.S.C. §1973gg, *et seq.*, the National Voter
43 Registration Act of 1993.

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

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

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

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

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

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

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

71 (e) The Secretary of State shall ensure that voter regis-
72 tration records in the state are accurate and updated
73 regularly, including the following:

74 (1) A system of file maintenance that makes a reasonable
75 effort to remove registrants who are ineligible to vote from
76 the official list of eligible voters. Under the system,
77 consistent with 42 U.S.C. §1973gg, *et seq.*, registrants who
78 have not responded to a notice sent pursuant to section
79 twenty six, article two of this chapter and who have not
80 voted in two consecutive general elections for federal
81 office shall be removed from the official list of eligible
82 voters, except that no registrant may be removed solely by
83 reason of a failure to vote; and

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

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

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

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

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

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

100 (2) If an applicant for voter registration has not been
101 issued a current and valid driver's license, Division of
102 Motor Vehicles' identification card or a social security
103 number, the Secretary of State shall assign the applicant
104 a number which will serve to identify the applicant for
105 voter registration purposes. To the extent that the state
106 has a computerized list in effect under this section and the

107 list assigns unique identifying numbers to registrants, the
108 number assigned under this section shall be the unique
109 identifying number assigned under the list.

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

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



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



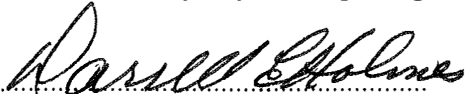
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Chairman Senate Committee



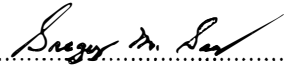
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Chairman House Committee

Originated in the Senate.

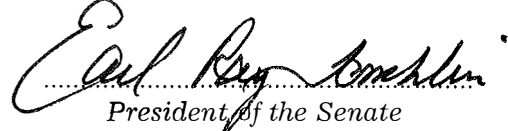
In effect ninety days from passage.



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Clerk of the Senate



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Clerk of the House of Delegates



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President of the Senate



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Speaker House of Delegates

The within *is approved* this the *18th*

Day of *May*, 2010.



.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 17 2010

Time 9:16 am