

**WEST VIRGINIA LEGISLATURE**

**2024 REGULAR SESSION**

**Enrolled  
Committee Substitute  
for**

**Senate Bill 623**

BY SENATORS TARR AND WOODRUM

[Passed March 8, 2024; to take effect January 1,  
2025]

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

2024 MAR 26 P 2:27

FILED

SB 623



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1 AN ACT to amend and reenact §3-2-11 of the Code of West Virginia, 1931, as amended, relating  
2 to requiring Division of Motor Vehicles to provide images of persons issued any  
3 identification or license to the Secretary of State for voter identification purposes; requiring  
4 Division of Motor Vehicles to create regular process; requiring Division of Motor Vehicles  
5 to release and forward certain information; and providing an internal effective date for the  
6 amendments to this section.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2. REGISTRATION OF VOTERS.**

**§3-2-11. Registration in conjunction with driver licensing.**

1 (a) The Division of Motor Vehicles or other division or department that may be established  
2 by law to perform motor vehicle driver licensing services, shall obtain as an integral and  
3 simultaneous part of every process of application for the issuance, renewal, or change of address  
4 of a motor vehicle driver's license, or official identification card pursuant to §17B-2-1 *et seq.* of  
5 this code, when the division's regional offices are open for regular business, the following  
6 information from each qualified registrant:

- 7 (1) Full name, including first, middle, last, and any premarital names;
- 8 (2) Date of birth;
- 9 (3) Residence address and mailing address, if different;
- 10 (4) The applicant's electronic signature and photograph;
- 11 (5) Telephone number, if available;
- 12 (6) Email address, if available;
- 13 (7) Political party membership, if any;
- 14 (8) Driver's license number and last four digits of Social Security number;
- 15 (9) A notation that the applicant has attested that he or she meets all voter eligibility  
16 requirements;
- 17 (10) United States citizenship status;

18 (11) Whether the applicant affirmatively declined to become registered to vote during the  
19 transaction with the Division of Motor Vehicles;

20 (12) Date of application; and

21 (13) Any other information specified in rules adopted to implement this section.

22 (b) Unless the applicant affirmatively declines to become registered to vote or update his  
23 or her voter registration during the transaction with the Division of Motor Vehicles, the Division of  
24 Motor Vehicles shall release all of the information obtained pursuant to subsection (a) of this  
25 section to the Secretary of State, who shall forward the information to the county clerk for the  
26 relevant county to process the newly registered voter or updated information for the already-  
27 registered voter pursuant to law. The Division of Motor Vehicles shall notify the applicant that by  
28 submitting his or her signature, the applicant grants written consent for the submission of the  
29 information obtained and required to be submitted to the Secretary of State pursuant to this  
30 section.

31 (c) As soon as practicable, but no later than 90 days following the effective date of  
32 amendments made during the 2024 regular legislative session, the Division of Motor Vehicles  
33 shall create a regular process, including, but not limited to, the requirements of §3-2-11(p) of this  
34 code, that ensures the Secretary of State can fulfill his or her duties as provided by §3-2-3 of this  
35 code to confirm that any applicant to register to vote in West Virginia through the Division of Motor  
36 Vehicles is in fact a U.S. citizen eligible to vote in West Virginia and to ensure that persons who  
37 are noncitizens of the United States have not and cannot register to vote in West Virginia.

38 (d) Information regarding a person's failure to sign the voter registration application is  
39 confidential and may not be used for any purpose other than to determine voter registration.

40 (e) A qualified voter who submits the required information or update to his or her voter  
41 registration, pursuant to the provisions of subsection (a) of this section, in person at a driver  
42 licensing facility at the time of applying for, obtaining, renewing, or transferring his or her driver's  
43 license or official identification card, and who presents identification and proof of age at that time,

44 is not required to make his or her first vote in person or to again present identification in order to  
45 make that registration valid.

46 (f) A qualified voter, who submits, by mail or by delivery by a third party, an application for  
47 registration on the form used in conjunction with driver licensing, is required to make his or her  
48 first vote in person and present identification as required for other mail registration in accordance  
49 with §3-2-10(g) of this code. If the applicant has been previously registered in the jurisdiction and  
50 the application is for a change of address, change of name, change of political party affiliation, or  
51 other correction, the presentation of identification and first vote in person is not required.

52 (g) An application for voter registration submitted pursuant to the provisions of this section  
53 updates a previous voter registration by the applicant and authorizes the cancellation of  
54 registration in any other county or state in which the applicant was previously registered.

55 (h) A change of address from one residence to another within the same county which is  
56 submitted for driver licensing or nonoperator's identification purposes in accordance with  
57 applicable law, serves as a notice of change of address for voter registration purposes if requested  
58 by the applicant after notice and written consent of the applicant.

59 (i) Completed applications for voter registration or change of address for voting purposes  
60 received by an office providing driver licensing services shall be forwarded to the Secretary of  
61 State within five days of receipt unless other means are available for a more expedited  
62 transmission. The Secretary of State shall remove and file any forms which have not been signed  
63 by the applicant and shall forward completed, signed applications to the clerk of the appropriate  
64 county commission within five days of receipt.

65 (j) Voter registration application forms containing voter information which are returned to  
66 a driver licensing office unsigned shall be collected by the Division of Motor Vehicles, submitted  
67 to the Secretary of State, and maintained by the Secretary of State's office according to the  
68 retention policy adopted by the Secretary of State.

69 (k) The Secretary of State shall establish procedures to protect the confidentiality of the  
70 information obtained from the Division of Motor Vehicles, including any information otherwise  
71 required to be confidential by other provisions of this code.

72 (l) A person registered to vote pursuant to this section may cancel his or her voter  
73 registration at any time by any method available to any other registered voter.

74 (m) This section does not require the Division of Motor Vehicles to determine eligibility for  
75 voter registration and voting.

76 (n) Except for the changes made to subsection (b) of this section during the 2017 regular  
77 legislative session, the changes made to this section during the 2016 regular legislative session  
78 become effective on July 1, 2021, and any costs associated therewith shall be paid by the Division  
79 of Motor Vehicles. The Commissioner of the Division of Motor Vehicles, the Secretary of the  
80 Department of Transportation, and the Secretary of State shall each appear before the Joint  
81 Committee on Government and Finance and the Joint Standing Committee on the Judiciary,  
82 during the first interim meetings of such committees occurring after September 1, 2019, to present  
83 written reports containing a full and complete list of any infrastructure each agency requires to  
84 achieve the purposes of this section. Along with the report required by this subsection, the Division  
85 of Motor Vehicles shall submit a written schedule to both committees outlining how the division  
86 will implement the requirements of this section by July 1, 2021.

87 (o) The Secretary of State shall propose rules for legislative approval in accordance with  
88 §29A-3-1 *et seq.* of this code to implement the requirements of this section.

89 (p) Notwithstanding any other provisions of this code to the contrary, the Division of Motor  
90 Vehicles shall expeditiously and comprehensively release and forward all information obtained  
91 pursuant to subsection (a) of this section purporting to document an applicant's status as a U.S.  
92 citizen to the Secretary of State of any applicant attempting to register to vote in West Virginia.  
93 This information shall be used for the express purpose of expediting the Secretary of State's  
94 fulfillment of his or her duties pursuant to §3-2-11(c) and §3-2-3 of this code requiring the



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95 Secretary of State to confirm that persons who are noncitizens of the United States have not and  
96 cannot register to vote in the state of West Virginia.

97 (q) The amendments to this section enacted by the Legislature in the 2024 regular session  
98 are effective January 1, 2025.



The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

*Joe Burr*  
.....  
Clerk of the Senate

*Steve Harris*  
.....  
Clerk of the House of Delegates

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

FILED

Originated in the Senate.

To take effect January 1, 2025.

*C. P. B. S.*  
.....  
President of the Senate

*Don Humber*  
.....  
Speaker of the House of Delegates

The within is *approved* this the *26th*  
Day of *March* 2024.

*James Owens*  
.....  
Governor



PRESENTED TO THE GOVERNOR

MAR 19 2024

Time 3:20pm