

MEETING NOTICE

**THERE WILL BE A SPECIAL COMMISSION MEETING
OF THE
KANAWHA COUNTY COMMISSION**

ON

**TUESDAY, APRIL 19, 2016
AT
9:30 A.M.**

**AT VOTER REGISTRATION OFFICE
LOCATED AT 415 QUARRIER STREET,
CHARLESTON, WEST VIRGINIA**

**For the purpose of conducting the
Public Test for Early Voting for the
General Election pursuant to
West Virginia Code**

9:30 a.m. Agenda Item

Discussion regarding implementation of WV Code §3-2-5 as it relates to Online Voter Registration in Kanawha County, to include discussion regarding letter received from The Honorable Natalie E. Tennant, Secretary of State of West Virginia (letter attached)

Commission President Kent Carper
The Honorable Vera McCormick, County Clerk

Given this 14th day of April, 2016, by my hand.
W. Kent Carper, President



Natalie E. Tennant
Secretary of State
State of West Virginia

Office of the Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, West Virginia 25305

Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
Fax: (304) 558-0900
www.wvsos.com

April 11, 2016

Commissioner Kent Carper
Commissioner Dave Hardy
Commissioner Henry "Hoppy" Shores
407 Virginia Street East
Charleston WV 25301

Dear Commissioners:

I am concerned about voter registration activities in your county in relation to the upcoming Primary Election. Voters are attempting to register using West Virginia's online voter registration system and are being forced to submit a paper form in order to register in Kanawha County.

The Secretary of State's Office has received many calls regarding this issue, with some stating they feel they are being disenfranchised. Other citizens have stated that your county is trying to deny them the right to vote by the method of their choice, which is allowable by West Virginia law.

Our specific concerns include:

Provisional ballots. I am concerned that not processing online voter registration applications will cause an increase in provisional ballots. This choice may cause you, sitting as the Board of Canvassers, to be responsible for determining if those voters attempted to register by some means.

Voter registration deadline. The deadline for voter registration for the Primary Election is Tuesday, April 19th. That leaves limited days for voters to go to the county clerk's office in person or complete another form and get it mailed.

Election code allows for online voter registration. Code says that the clerk "may" accept the electronically transmitted signature kept on file with another approved state database for an applicant who applies to register to vote using an approved electronic voter registration system (§3-2-5 (c) 4).

We have interpreted the use of "may" as providing discretion to the clerk to decline to utilize the online voting system. It should be noted that there exists other legal opinion that the wording actually means the clerk "may" reject a particular registration if something else is wrong, but may not merely refuse to utilize the system – just as the clerk "may" reject paper registrations, but may not categorically reject all paper registrations.

Lack of feedback. This is a statewide system where we collaborated with county clerks, the DMV, WV Advocates, and the Department of Defense in development. We asked all county clerks to test the system and give feedback, but Clerk McCormick did not respond with comment or feedback.

Those applications being held. In the newspaper, Clerk McCormick admitted that some of the paper applications she sent out via mail to voters, she hasn't received in return. That means that people are not yet registered because they didn't or weren't able to jump through the extra hoops required.

Ways that we have addressed the concerns of Clerk McCormick include:

1. We have been working with Clerk McCormick by providing additional information that she requested. The format we submitted was given approval by your county attorney and clerk. She has stated in the media that she doesn't know who is behind the keyboard inputting data into the online application. But that same scenario exists for voters who send in paper applications in that you don't know who is using the pen to complete the paper form.
2. The online system requires your name, your date of birth, your driver's license or DMV issued ID number and the last four digits of your social security number. The fact that you must have both of those numbers makes it more secure than a paper application. The online system also requires that you confirm your eligibility to register by answering four questions before you gain access to the application system. If you answer the questions in a way that indicates you are not eligible to register, then you will receive immediate notice that you are not eligible and are instructed to contact the county clerk on eligibility requirements. Furthermore, you do not gain access to the online application. This is a feature that a paper form cannot provide.
3. The voter is required to give consent that the DMV can release their information and signature for the purpose of voter registration. If they do not, they are given notice that they cannot use the online application and then instructions on completing a mail-in form. They then cannot move forward in the online application.

The goal of online voter registration is to modernize our processes by improving efficiency, saving processing time and saving money.

I kindly ask for your thoughtful consideration of these concerns and I ask for your support in helping us move forward in a way that enables every Kanawha County resident to register and be processed in the way that they choose.

Sincerely,



Natalie E. Tennant
Secretary of State