



Kris Warner
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July 9, 2026

Via U.S. Mail and Electronic Mail

Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Re: West Virginia's Compliance with Federal Law Governing Voter Eligibility

Dear Assistant Attorney General Dhillon:

The Office of the West Virginia Secretary of State ("WVSOS") acknowledges receipt of your July 7, 2026, correspondence regarding the State of West Virginia's compliance with federal laws governing voter eligibility and voter registration list maintenance.

As West Virginia's Chief Election Official, Secretary of State Kris Warner shares the Department of Justice's ("DOJ") commitment to ensuring that only eligible United States citizens are registered to vote and that elections conducted within the State are secure and fully compliant with both federal and state law.

West Virginia has long maintained statutory and regulatory policies and procedures designed to satisfy its obligations under the National Voter Registration Act ("NVRA"), the Help America Vote Act ("HAVA"), the Voting Rights Act, and the Civil Rights Act of 1960.

W. Va. Code § 3-2-11 implements the NVRA by requiring the West Virginia Division of Motor Vehicles ("DMV") to offer voter registration opportunities in connection with certain transactions. As part of those transactions, the DMV collects, among other things, citizenship and voter eligibility information. The DMV is required to confirm that each applicant seeking to register to vote is a United States citizen who is otherwise eligible to vote in West Virginia and to ensure that noncitizens are neither registered nor permitted to register to vote in West Virginia.

W. Va. Code § 3-2-4a(g) further provides for mandatory data sharing between the DMV and the WVSOS to verify the accuracy of information submitted by voter registration applicants

and to assist in statewide voter registration list maintenance. As set forth in W. Va. Code § 3-2-11(p), the information is used for the express purpose of expediting the Office's duties to confirm that noncitizens of the United States have not registered and cannot register to vote in West Virginia.

Additionally, as set forth in prior correspondence sent to your attention, our Office ensures that local election officials responsible for voter registration list maintenance have the necessary data and guidance to carry out their statutory duties. The WVSOS maintains the centralized Statewide Voter Registration System ("SVRS") as required by HAVA. Our Office receives data from numerous sources, including the DOJ, and makes that information available through the SVRS to county officials for review and appropriate action on each identified record. The WVSOS commends West Virginia's 55 county clerks for their sustained commitment to election administration and their diligent execution of voter registration list maintenance responsibilities.

Among other measures, the WVSOS participates in interstate data-sharing agreements, provides continuous training and guidance to local election officials regarding voter registration and list maintenance, and preserves election records in accordance with applicable federal and state record-retention requirements.

Our Office has also worked with the Legislature and the Governor to enact legislation that prioritizes election integrity in West Virginia. Secretary Warner advocated for several key legislative measures during the 2025 Regular Session, securing broad support. These measures included House Bill 3016 (requiring photo identification for voting), Senate Bill 486 (prohibiting noncitizens from voting in municipal elections), and Senate Bill 487 (streamlining voter registration list maintenance). During the 2026 Regular Session, Secretary Warner also assisted in the passage of House Bill 5401 (establishing limitations on absentee voting by United States citizens permanently residing abroad) and Senate Bill 59 (clarifying voter eligibility and residency requirements).

West Virginia requires every voter registration applicant to affirm, under penalty of perjury, that he or she is a United States citizen and otherwise qualified to register to vote. Individuals who knowingly provide false information on a voter registration application are subject to criminal penalties under both state and federal law. Our Office investigates credible allegations of voter registration irregularities or election fraud and refers matters for criminal investigation or prosecution when appropriate.

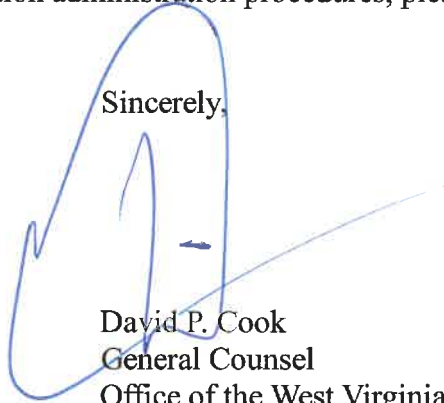
To the extent your letter references the knowing retention of noncitizens on a state's voter registration list, the WVSOS is unaware of any evidence establishing that West Virginia has knowingly retained noncitizens on its SVRS or knowingly permitted ineligible noncitizens to vote in federal elections. If the DOJ possesses credible information identifying specific registrations that warrant investigation, we respectfully request that such information be provided so that it may be promptly reviewed and appropriate action taken consistent with applicable federal and state law.

The Secretary of State's Office welcomes continued cooperation with the Civil Rights Division in furtherance of our shared objective of protecting election integrity while ensuring that

all eligible citizens are able to exercise their fundamental right to vote. We appreciate the DOJ's willingness to assist states in carrying out their responsibilities under federal law and remain available to discuss our existing voter registration list maintenance procedures or any recommendations the Department may have. However, as noted in our prior correspondence, West Virginia law prohibits the disclosure of sensitive personally identifiable information contained in voter registration records.

Should you require additional information regarding West Virginia's voter registration list maintenance program or election administration procedures, please do not hesitate to contact me.

Sincerely,



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cc: The Honorable John B. McCuskey, Attorney General of West Virginia
Everett Frazier, Commissioner of the West Virginia Division of Motor Vehicles