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Secretary of State
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Via U.S. Mail & E-mail

Eric Neff
Acting Chief
Civil Rights Division, Voting Section
Department of Justice
150 M St. NE, Ste. 8-1807
Washington, DC 20002
Eric.Neff@usdoj.gov

Dear Mr. Neff:

The Office of the West Virginia Secretary of State (“WVSOS”) acknowledges receipt of your February 4, 2026, correspondence, wherein the U.S. Department of Justice (“DOJ”) requests confirmation that the position expressed in our September 22, 2025, letter remains our position on this matter.

For context, on September 8, 2025, the DOJ demanded that the WVSOS provide an electronic, unredacted copy of West Virginia’s statewide voter registration list. The DOJ’s request states that the list must include, among other data fields, the voter registrant’s full name, date of birth, residential address, and either the individual’s state driver’s license number or the last four digits of the registrant’s Social Security number, as required under the Help America Vote Act (“HAVA”) for individuals registering to vote in federal elections. *See 52 U.S.C. § 20901, et seq.*

The DOJ cited various legal authorities supporting this request, including provisions of HAVA; the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. §20501, *et seq.*; Title III of the Civil Rights Act of 1960 (“CRA”), 52 U.S.C. § 20701, *et seq.*; and The Privacy Act of 1974, 5 U.S.C. § 552a.

Prior to responding to the DOJ’s original request, our Office performed a thorough review of the cited statutes, none of which require compliance with such a broad request.

As set forth in the DOJ’s September 8, 2025, letter, the stated purpose of the request is to “assess your state’s compliance with the statewide [voter registration list maintenance] provisions of the NVRA.” However, the demand included only a vague explanation of the basis and specific purpose of the request.

Based on recent verbal communications with your office, the alleged purpose of the DOJ's request is to run West Virginia's entire voter list through the Systematic Alien Verification for Entitlements ("SAVE") database, which is administered by the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, Verification Division.

However, as we discussed, the WVSOS is a registered and recently approved user of the SAVE database. Despite this fact, and despite our offer to work collaboratively with the DOJ to utilize the SAVE database within the confines of federal and state law, the DOJ has restated its position that, under the CRA, it is entitled to the unredacted voter information of West Virginia citizens.

As set forth in our September 22, 2025, correspondence, West Virginia law protects the sensitive personally identifiable information of its voters, and the Secretary of State takes seriously his responsibility to safeguard such information from unauthorized disclosure. Nothing in the interim has altered our position.

The CRA, NVRA, and HAVA were enacted by Congress to protect voting rights. Congress places responsibility on the states to administer voter registration and elections in accordance with these statutes. To that end, West Virginia has enacted a series of statutes governing voter list maintenance. *See W. Va. Code § 3-2-1, et seq.* A summary of West Virginia's voter registration list maintenance procedures and data sources was included in our original letter.

At present, West Virginia has 1,195,305 registered voters. Since 2017, 408,397 voter registration records have been lawfully cancelled, 62,756 of which were cancelled under Secretary of State Kris Warner's administration. Nevertheless, to further assist your inquiry, we remain willing to provide a detailed narrative of our voter list maintenance procedures upon request.

W. Va. Code § 3-2-30(a) provides that any person may examine the voter registration records of West Virginia residents. However, the statute expressly prohibits the disclosure of a registrant's Social Security number or driver's license number. Further, the Privacy Act of 1974 provides that executive agencies may not collect personal or sensitive information from a West Virginia citizen exercising his or her constitutionally protected right to vote absent applicable statutory authority. No such exception exists under the CRA, NVRA, HAVA, or the Privacy Act of 1974.

The Secretary of State respects your position in this matter and remains willing to work with the DOJ to reach an amicable resolution within the limits of state and federal law. As set forth in our prior correspondence, the WVSOS makes voter registration lists available subject to the statutory limitations set forth above.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

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