

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 482**

4 (By Senator Palumbo)

5 \_\_\_\_\_  
6 [Originating in the Committee on the Judiciary;  
7 reported March 14, 2013.]  
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11  
12 A BILL to amend and reenact §3-2-30 of the Code of West Virginia,  
13 1931, as amended; and to amend said code by adding thereto a  
14 new section, designated §59-1-2b, all relating to the  
15 preparation and sale of voter registration lists; exempting  
16 certain voter data from being provided; clarifying that  
17 records are to be kept in electronic form; permitting certain  
18 voter lists be obtained for noncommercial purposes from the  
19 clerk of the county commission or the Secretary of State;  
20 providing certain exemptions allowing the Secretary of State  
21 to provide voter information to others; setting forth the fees  
22 to be charged for the sale of voter registration lists;  
23 setting forth the types of lists and services that are  
24 available; requiring the net proceeds from the voter  
25 registration list sales be deposited in the State Election  
26 Fund; and clarifying that the Secretary of State may share  
27 voter information with those authorized to receive the  
28 information.

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

2 That §3-2-30 of the Code of West Virginia, 1931, as amended,  
3 be amended and reenacted; and that said code be amended by adding  
4 thereto a new section, designated §59-1-2b, all to read as follows:

5 **CHAPTER 3. ELECTIONS.**

6 **ARTICLE 2. REGISTRATION OF VOTERS.**

7 **§3-2-30. Public inspection of voter registration records in the**  
8 **office of the clerk of the county commission; providing**  
9 **voter lists for noncommercial use; prohibition against**  
10 **resale of voter lists for commercial use or profit.**

11 (a) Any person may examine the active, inactive, rejected and  
12 canceled voter registration records during office hours of the  
13 clerk of the county commission in accordance with ~~the provisions of~~  
14 ~~chapter twenty-nine-b of this code. as follows:~~

15 ~~(1) When the active and inactive files are maintained on~~  
16 ~~precinct registration books, any person may examine the files under~~  
17 ~~the supervision of the clerk and obtain copies of records except~~  
18 ~~when a precinct book is in temporary use for updating and preparing~~  
19 ~~lists or during the time the books are sealed for use in an~~  
20 ~~election. Other original voter registration records, including~~  
21 ~~canceled voter records, pending applications, rejected~~  
22 ~~applications, records of change requests, reinstatements and other~~  
23 ~~documents, shall be available for inspection upon specific request;~~  
24 ~~and~~

25 ~~(2) When the Active, inactive, rejected and canceled voter~~  
26 ~~files are to be maintained in electronic data format. Any person~~  
27 ~~may examine voter record information in printed form or in a~~  
28 ~~read-only data format on a computer terminal set aside for public~~

1 use, if available. The data files available for examination and  
2 copying shall include all registration and voting information  
3 maintained in the file, but may not include the registrant's  
4 telephone number, email address, Social Security number or driver's  
5 license number or nonoperator's identification number issued by the  
6 Division of Motor Vehicles.

7 ~~(b) Printed lists of registered voters may be purchased for~~  
8 ~~noncommercial use from the clerk of the county commission at a cost~~  
9 ~~of 1¢ per name.~~

10 ~~(c) In counties maintaining active and inactive files in~~  
11 ~~digitized data format, (b)~~ The clerk of the county commission  
12 shall, upon request, ~~prepare~~ provide printed copies of the lists of  
13 voters for each precinct. No list prepared under this section may  
14 include the registrant's telephone number, email address, Social  
15 Security number or driver's license number or nonoperator's  
16 identification number issued by the Division of Motor Vehicles.  
17 The clerk shall establish a written policy, posted within public  
18 view, listing the options for selection and sorting criteria and  
19 available data elements. The data elements shall include, at  
20 least:

21 (1) The name, residence address, political party affiliation  
22 and status of the registrant;

23 (2) The available formats of the lists; and

24 (3) The times at which lists will be prepared. A copy of the  
25 county policy shall be filed with the Secretary of State no later  
26 than January 1 of each even-numbered year.

27 ~~(d) In counties which maintain voter files in a digitized data~~  
28 ~~format, (c)~~ Lists of registered voters may be obtained for

1 noncommercial purposes in data format on disk or as a printed list  
2 provided ~~and prepared~~ by the clerk of the county commission at a  
3 cost of 1¢ per name. ~~plus \$10 for each disk required.~~ No data file  
4 prepared under this subsection may include the registrant's  
5 telephone number, email address, Social Security number or driver's  
6 license number or nonoperator's identification number issued by the  
7 Division of Motor Vehicles.

8 ~~(e)~~ (d) The fees received by the clerk of the county  
9 commission shall be kept in a separate fund under the supervision  
10 of the clerk. ~~for the purpose of defraying the cost of the~~  
11 ~~preparation of the voter lists.~~ Any unexpended balance revenue in  
12 the fund shall be ~~transferred to the General Fund of the county~~  
13 ~~commission.~~ deposited in the State Election Fund as set forth in  
14 subsection b, section forty-eight, article one of this chapter.

15 ~~(f)~~ (e) The Secretary of State ~~may~~ shall make voter lists  
16 available for sale subject to the limitations as provided in  
17 subsection (a) of this section. ~~for counties.~~ The cost for a  
18 ~~partial list shall be one and one half cents per name plus \$10 for~~  
19 ~~each disk required; the cost for a complete statewide list shall be~~  
20 ~~one half cent per name and a flat fee of \$1,000. One cent per name~~  
21 ~~for each voter from a particular county on each partial list and~~  
22 ~~one half cent per name for each voter from a particular county on~~  
23 ~~each statewide list sold shall be reimbursed to the appropriate~~  
24 ~~county.~~ The fees for the voter lists shall be as prescribed in  
25 section two-b, article one, chapter fifty-nine of this code. The  
26 ~~disk fee and one half cent per name~~ revenue associated with  
27 purchase of a partial list ~~and the flat fee of \$1,000~~ or associated  
28 with a complete statewide list shall be deposited ~~to a special~~

1 ~~revenue account for purpose of defraying the cost of preparing the~~  
2 ~~lists in the State Election Fund as set forth in subsection (b),~~  
3 ~~section forty-eight, article one of this chapter.~~

4 ~~(g) An update to a previously purchased list may be provided~~  
5 ~~by the Secretary of State or the clerk of the county commission at~~  
6 ~~a prorated cost based on the amount of additional information~~  
7 ~~provided. The additional rates charged by the clerk of the county~~  
8 ~~commission shall be specified in the policy established pursuant to~~  
9 ~~subsection (c) of this section.~~

10 ~~(h) (f) No voter registration lists or data files containing~~  
11 ~~voter names, addresses or other information derived from voter data~~  
12 ~~files obtained pursuant to the provisions of this article may be~~  
13 ~~used for commercial or charitable solicitations or advertising,~~  
14 ~~sold or reproduced for resale.~~

15 ~~(g) This section may not be interpreted to prevent the~~  
16 ~~Secretary of State from sharing data files containing voter~~  
17 ~~information with authorized service providers or sharing data~~  
18 ~~across state lines with any state or local election official for~~  
19 ~~the purpose of voter registration and election administration in~~  
20 ~~accordance with this chapter or applicable federal law.~~

21 **CHAPTER 59. FEES, ALLOWANCES AND COSTS; NEWSPAPERS; LEGAL**  
22 **ADVERTISEMENTS.**

23 **ARTICLE 1. FEES AND ALLOWANCES.**

24 **§59-1-2b. Purchase of voter registration lists and election data;**  
25 **fees.**

26 (a) Except as may be otherwise provided in this code, the  
27 Secretary of State shall charge the following fees for data  
28 originating in the statewide voter registration system to be paid

1 by the person for whom the service is rendered at the time it is  
2 performed:

- 3 (1) Election Cycle Subscription Service. . . . . \$6,000
- 4 (2) Statewide Voter Registration List .. . . . \$500
- 5 (3) Master Voter History List Export . . . . . \$500
- 6 (4) Statewide Early Voters List .. . . . \$200
- 7 (5) Statewide Absentee Requests List . . . . . \$200
- 8 (6) Statewide Absentee Received List . . . . . \$200
- 9 (7) Partial Voter Registration List .. . Current hourly rate
- 10 (8) Voter History List . . . . . Current hourly rate
- 11 (9) Complex Research Query . . . . . Current hourly rate

12 (b) For the purposes of this section, "Election Cycle  
13 Subscription Service" includes:

14 (1) Statewide Registered Voter List updated monthly throughout  
15 the year and updated daily starting thirty days prior to election  
16 day through election day;

17 (2) Master Voter History List Export following certification  
18 of the primary, general and odd-year elections;

19 (3) Statewide All Mail-in Absentee Request List and Statewide  
20 Public Received Mail-in Absentee List for the primary, general and  
21 odd-year elections, updated daily starting thirty days prior to  
22 election day through ten days following election day; and

23 (4) Statewide Early Voters List for the primary, general and  
24 odd-year elections, updated daily starting on the first day of  
25 early voting through election day.

26 (c) At the time that a request is made under subdivisions (7),  
27 (8) or (9) of subsection (a) of this section, the current hourly  
28 rate, as determined by the Secretary of State, shall be

1 communicated to the prospective purchaser along with an estimate of  
2 the number of hours needed to fulfill the request before any list  
3 is compiled.

4 (d) Net proceeds from the sale of data originating in the  
5 statewide voter registration system, along with any interest on  
6 such funds, shall be deposited into the State Election Fund as set  
7 forth in subsection (b), section forty-eight, article one, chapter  
8 three of this code.

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(NOTE: The purpose of this bill concerns the preparation and sale of voter registration lists. The bill exempts certain voter data from being provided. The bill permits voter lists be obtained for noncommercial purposes. The bill sets forth the fees to be charged for the sale of voter registration lists. The bill sets forth the types of lists and services that are available. The bill requires the net proceeds from the sales of voter registration lists be deposited in the State Election Fund. The bill clarifies that the Secretary of State may share voter information with those authorized to receive the information.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§59-1-2b is new; therefore, strike-throughs and underscoring have been omitted.)