

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 535**

5 (SENATORS PALUMBO, WELLS, MCCABE AND FITZSIMMONS, *original sponsors*)

6 _____
7 [Passed April 13, 2013; in effect ninety days from passage.]
8 _____
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10
11 AN ACT to repeal §3-2-24 of the Code of West Virginia, 1931, as
12 amended; to amend and reenact §3-1-3 of said code; and to
13 amend and reenact §3-2-2, §3-2-4a, §3-2-18, §3-2-19, §3-2-21,
14 §3-2-23, §3-2-25 and §3-2-29 of said code, all relating to the
15 maintenance of voter registration lists and related records
16 generally; repealing provisions governing superseded voter
17 list purging procedures; updating specific constitutional
18 provisions relating to voting; modifying when a person under
19 the age of eighteen may vote in a primary election; updating
20 the processes and responsibilities for statewide voter
21 registration and establishing county and state roles in the
22 voter registration process; modifying the processes of
23 maintaining voter registration records; specifying county
24 roles in maintaining voter registration files for municipal

1 elections; modifying processes for the maintenance of records
2 in the statewide voter registration database; permitting
3 registration records to be shared across state lines pursuant
4 to certain programs; modifying processes for cancellation of
5 deceased or ineligible voters' registrations; providing county
6 and state roles in the systematic purging program for removal
7 of ineligible voters from active voter registration records;
8 and providing for the custody of paper and electronic voter
9 registration records.

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

11 That §3-2-24 of the Code of West Virginia, 1931, as amended,
12 be repealed; that §3-1-3 of said code be amended and reenacted; and
13 that §3-2-2, §3-2-4a, §3-2-18, §3-2-19, §3-2-21, §3-2-23, §3-2-25
14 and §3-2-29 of said code be amended and reenacted, all to read as
15 follows:

16 **ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.**

17 **§3-1-3. Persons entitled to vote.**

18 Citizens of the state shall be entitled to vote at all
19 elections held within the precincts of the counties and
20 municipalities in which they respectively reside. But no person
21 who has not been registered as a voter as required by law, or who
22 is a minor, or who has been declared mentally incompetent by a
23 court of competent jurisdiction, or who is under conviction of
24 treason, felony or bribery in an election, or who is not a bona

1 fide resident of the state, county or municipality in which he or
2 she offers to vote, shall be permitted to vote at such election
3 while such disability continues, unless otherwise specifically
4 provided by federal or state code. Subject to the qualifications
5 otherwise prescribed in this section, however, a minor shall be
6 permitted to vote only in a primary election if he or she will have
7 reached the age of eighteen years on the date of the general
8 election next to be held after such primary election.

9 **ARTICLE 2. REGISTRATION OF VOTERS.**

10 **§3-2-2. Eligibility to register to vote.**

11 (a) Any person who possesses the constitutional qualifications
12 for voting may register to vote. To be qualified, a person must be
13 a citizen of the United States and a legal resident of West
14 Virginia and of the county where he or she is applying to register,
15 shall be at least eighteen years of age, except that a person who
16 is at least seventeen years of age and who will be eighteen years
17 of age by the time of the next ensuing general election may also be
18 permitted to register, and shall not be otherwise legally
19 disqualified: *Provided*, That a registered voter who has not reached
20 eighteen years of age may vote both partisan and nonpartisan
21 ballots in a federal, state, county, municipal or special primary
22 election if he or she will be eighteen years of age by the time of
23 the corresponding general election.

24 (b) Any person who has been convicted of a felony, treason or

1 bribery in an election, under either state or federal law, is
2 disqualified and is not eligible to register or to continue to be
3 registered to vote while serving his or her sentence, including any
4 period of incarceration, probation or parole related thereto. Any
5 person who has been declared mentally incompetent by a court of
6 competent jurisdiction is disqualified and shall not be eligible to
7 register or to continue to be registered to vote for as long as
8 that disability continues.

9 **§3-2-4a. Statewide voter registration database.**

10 (a) The Secretary of State shall implement and maintain a
11 single, official, statewide, centralized, interactive computerized
12 voter registration database of every legally registered voter in
13 the state, as follows:

14 (1) The statewide voter registration database shall serve as
15 the single system for storing and managing the official list of
16 registered voters throughout the state.

17 (2) The statewide voter registration database shall contain
18 the name, registration information and voter history of every
19 legally registered voter in the state.

20 (3) In the statewide voter registration database, the
21 Secretary of State shall assign a unique identifier to each legally
22 registered voter in the state.

23 (4) The statewide voter registration database shall be
24 coordinated with other agency databases within the state and

1 elsewhere, as appropriate.

2 (5) The Secretary of State, any clerk of the county commission
3 or any authorized designee of the Secretary of State or clerk of
4 the county commission may obtain immediate electronic access to the
5 information contained in the statewide voter registration database.

6 (6) The clerk of the county commission shall electronically
7 enter voter registration information into the statewide voter
8 registration database on an expedited basis at the time the
9 information is provided to the clerk.

10 (7) The Secretary of State shall provide necessary support to
11 enable every clerk of the county commission in the state to enter
12 information as described in subdivision (6) of this subsection.

13 (8) The statewide voter registration database shall serve as
14 the official voter registration list for conducting all elections
15 in the state.

16 (b) The Secretary of State or any clerk of a county commission
17 shall perform maintenance with respect to the statewide voter
18 registration database on a regular basis as follows:

19 (1) If an individual is to be removed from the statewide voter
20 registration database, he or she shall be removed in accordance
21 with the provisions of 42 U. S. C. §1973gg, *et seq.*, the National
22 Voter Registration Act of 1993.

23 (2) The Secretary of State shall coordinate the statewide
24 voter registration database with state agency records and shall

1 establish procedures for the removal of names of individuals who
2 are not qualified to vote because of felony status or death. No
3 state agency may withhold information regarding a voter's status as
4 deceased or as a felon unless ordered by a court of law.

5 (c) The list maintenance performed under subsection (b) of
6 this section shall be conducted in a manner that ensures that:

7 (1) The name of each registered voter appears in the statewide
8 voter registration database;

9 (2) Only voters who are not registered, who have requested in
10 writing that their voter registration be canceled or who are not
11 eligible to vote are removed from the statewide voter registration
12 database;

13 (3) Duplicate names are eliminated from the statewide voter
14 registration database; and

15 (4) Deceased individuals' names are eliminated from the
16 statewide voter registration database.

17 (d) The Secretary of State and the clerks of all county
18 commissions shall provide adequate technological security measures
19 to prevent the unauthorized access to the statewide voter
20 registration database established under this section.

21 (e) The Secretary of State shall ensure that voter
22 registration records in the state are accurate and updated
23 regularly, including the following:

24 (1) A system of file maintenance that makes a reasonable

1 effort to remove registrants who are ineligible to vote from the
2 official list of eligible voters. Under the system, consistent
3 with 42 U. S. C. §1973gg, et seq., registrants who have not
4 responded to a notice sent pursuant to section twenty six, article
5 two of this chapter, who have not otherwise updated their voter
6 registration address and who have not voted in two consecutive
7 general elections for federal office shall be removed from the
8 official list of eligible voters, except that no registrant may be
9 removed solely by reason of a failure to vote;

10 (2) By participation in programs across state lines to share
11 data specifically for voter registration to ensure that voters who
12 have moved across state lines or become deceased in another state
13 are removed in accordance with state law and 42 U. S. C. §1973gg, et
14 seq.; and

15 (3) Through safeguards to ensure that eligible voters are not
16 removed in error from the official list of eligible voters.

17 (f) Applications for voter registration may only be accepted
18 when the following information is provided:

19 (1) Except as provided in subdivision (2) of this subsection
20 and notwithstanding any other provision of law to the contrary, an
21 application for voter registration may not be accepted or processed
22 unless the application includes:

23 (A) In the case of an applicant who has been issued a current
24 and valid driver's license, the applicant's driver's license

1 number;

2 (B) In the case of an applicant who has been issued an
3 identification card by the Division of Motor Vehicles, the
4 applicant's identification number; or

5 (C) In the case of any other applicant, the last four digits
6 of the applicant's Social Security number; and

7 (2) If an applicant for voter registration has not been issued
8 a current and valid driver's license, Division of Motor Vehicles
9 identification card or a Social Security number, the Secretary of
10 State shall assign the applicant a number which will serve to
11 identify the applicant for voter registration purposes. The number
12 assigned under this subdivision shall be the unique identifying
13 number assigned under the statewide voter registration database.

14 (g) The Secretary of State and the Commissioner of the
15 Division of Motor Vehicles shall enter into an agreement to match
16 and transfer applicable information in the statewide voter
17 registration database with information in the database of the
18 Division of Motor Vehicles to the extent required to enable each
19 official to verify the accuracy of the information provided on
20 applications for voter registration.

21 (h) The Commissioner of the Division of Motor Vehicles shall
22 enter into an agreement with the Commissioner of Social Security
23 under 42 U. S. C. §401, *et seq.*, the Social Security Act. All fees
24 associated with this agreement shall be paid for from moneys in the

1 fund created under section twelve of this article.

2 **§3-2-18. Registration records; active, inactive, canceled, pending**
3 **and rejected registration files; procedure; voting**
4 **records.**

5 (a) For the purposes of this article:

6 (1) "Original voter registration record" means all records
7 submitted or entered in writing or electronically, where permitted
8 by law, for voter registration purposes, including:

9 (A) Any original application or notice submitted by any person
10 for registration or reinstatement, change of address, change of
11 name, change of party affiliation, correction of records,
12 cancellation, confirmation of voter information or other request or
13 notice for voter registration purposes; and

14 (B) Any original entry made on any voter's registration record
15 at the polling place, or made or received by the clerk of the
16 county commission relating to any voter's registration, such as
17 records of voting, presentation of identification and proof of age,
18 challenge of registration, notice of death or obituary notice,
19 notice of disqualifying conviction or ruling of mental incompetence
20 or other original document which may affect the status of any
21 person's voter registration.

22 (2) "Active voter registration records" means the registration
23 records, whether on paper or in electronic format, containing the
24 names, addresses, birth dates and other required information for

1 all persons within a county who are registered to vote and whose
2 registration has not been designated as inactive or canceled
3 pursuant to the provisions of this article.

4 (3) "Inactive voter registration records" means the
5 registration records, whether on paper or in electronic format,
6 containing the names, addresses, birth dates and other required
7 information for all persons designated inactive pursuant to the
8 provisions of section twenty-seven of this article following the
9 return of the prescribed notices as undeliverable at the address
10 provided by the United States Postal Service or entered on the
11 voter registration, or for failure of the contacted voter to return
12 a completed confirmation notice within thirty days of the mailing.

13 (4) "Canceled voter registration records" means the records
14 containing all required information for all persons who have been
15 removed from the active and inactive voter registration records and
16 who are no longer registered to vote within the county.

17 (5) "Pending application records" means the temporary records
18 containing all information submitted on a voter registration
19 application, pending the expiration of the verification period.

20 (6) "Rejected application records" means the records
21 containing all information submitted on a voter registration
22 application which was rejected for reasons as described in this
23 article.

24 (7) "Confirmation pending records" means the records

1 containing all required information for persons who have been
2 identified to be included in the next succeeding mailing of address
3 confirmation notices as set forth by the National Voter
4 Registration Act of 1993(42 U. S. C.§1973gg, *et seq.*).

5 (b) For the purposes of this chapter or of any other
6 provisions of this code relating to elections conducted under the
7 provisions of this chapter, whenever a requirement is based on the
8 number of registered voters, including, but not limited to, the
9 number of ballots to be printed, the limitations on the size of a
10 precinct, or the number of petition signatures required for
11 election purposes, only those registrations included on the active
12 voter registration files shall be counted and voter registrations
13 included on the inactive voter registration files, as defined in
14 this subdivision, shall not be counted.

15 (c) Active voter registration records, confirmation pending
16 records and inactive voter registration records may be maintained
17 in the same physical location, providing the records are coded,
18 marked or arranged in such a way as to make the status of the
19 registration immediately obvious. Canceled voter registration
20 records, pending application records and rejected application
21 records may be maintained in separate physical locations. However,
22 all such records shall be maintained in the statewide voter
23 registration database, subject to this article.

24 (d) The effective date of any action affecting any voter's

1 registration status shall be entered on the voter record, including
2 the effective date of registration, change of name, address or
3 party affiliation or correction of the record, effective date of
4 transfer to inactive status, return to active status or
5 cancellation. When any registration is designated inactive or is
6 canceled, the reason for the designation or cancellation and any
7 reference notation necessary to locate the original documentation
8 related to the change shall be entered on the voter record.

9 (e) Within one hundred twenty days after each primary,
10 general, municipal or special election, the clerk of the county
11 commission shall enter the voting records into the statewide voter
12 registration database.

13 **§3-2-19. Maintenance of active and inactive registration records**
14 **for municipal elections.**

15 (a) For municipal elections, the registration records of
16 active and inactive voters shall be maintained as follows:

17 (1) Clerks of the county commissions shall prepare pollbooks
18 or voter lists to be used in municipal elections when the county
19 precinct boundaries and the municipal precinct boundaries are the
20 same and all registrants of the precinct are entitled to vote in
21 state, county and municipal elections within the precinct or when
22 the registration records of municipal voters within a county
23 precinct are separated and maintained in a separate municipal
24 section or book for that county precinct and can be used either

1 alone or in combination with other pollbooks or voter lists to make
2 up a complete set of registration records for the municipal
3 election precinct.

4 (2) Upon request of the municipality, and if the clerk of the
5 county commission does not object, separate municipal precinct
6 books shall be maintained in cases where municipal or ward
7 boundaries divide county precincts and it is impractical to use
8 county pollbooks or voter lists or separate municipal sections of
9 those pollbooks or voter lists. If the clerk of the county
10 commission objects to the request of a municipality for separate
11 municipal precinct books, the State Election Commission must
12 determine whether the separate municipal precinct books should be
13 maintained.

14 (3) No registration record may be removed from a municipal
15 registration record unless the registration is lawfully transferred
16 or canceled pursuant to the provisions of this article in both the
17 county and the municipal registration records.

18 (b) Within thirty days following the entry of any annexation
19 order or change in street names or numbers, the governing body of
20 an incorporated municipality shall file with the clerk of the
21 county commission a certified current official municipal boundary
22 map and a list of streets and ranges of street numbers within the
23 municipality to assist the clerk in determining whether a voter's
24 address is within the boundaries of the municipality.

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2 **§3-2-21. Maintenance of records in the statewide voter**
3 **registration database in lieu of precinct record**
4 **books.**

5 (a) The clerk of the county commission of each county shall
6 maintain a voter registration data system record book into which
7 all required records of appointments of authorized personnel,
8 tests, repairs, program alterations or upgrades and any other
9 action by the clerk of the county commission or by any other person
10 under supervision of the clerk affecting the programming or records
11 contained in the system, other than routine data entry, alteration,
12 use, transfer or transmission of records shall be entered.

13 (b) The clerk of the county commission shall appoint all
14 personnel authorized to add, change or transfer voter registration
15 information within the statewide voter registration database, and
16 a record of each appointment and the date of authorization shall be
17 entered as provided in subsection (a) of this section. The
18 assignment and confidential record of assigned system
19 identification or authorized user code for each person appointed
20 shall be as prescribed by the Secretary of State.

21 (c) Voter registration records entered into and maintained in
22 the statewide voter registration database shall include the
23 information required for application for voter registration, for
24 maintenance of registration and voting records, for conduct of

1 elections and for statistical purposes, as prescribed by the
2 Secretary of State.

3 (d) No person shall make any entry or alteration of any voter
4 record which is not specifically authorized by law. Each entry or
5 action affecting the status of a voter registration shall be based
6 on information in an original voter registration record, as defined
7 in section eighteen of this article.

8 (e) The clerk of the county commission shall maintain, within
9 the statewide voter registration database, active and inactive
10 voter registration records, confirmation pending records, canceled
11 voter registration records, pending application records and
12 rejected application records, all as defined in section eighteen of
13 this article.

14 (f) Upon receipt of a completed voter registration
15 application, the clerk shall enter into the statewide voter
16 registration database the information provided on the application,
17 mark the records as pending and initiate the verification or notice
18 of disposition procedure as provided in section sixteen of this
19 article. Upon completion of the verification or notice of
20 disposition, the status of the voter record shall be properly noted
21 in the statewide voter registration database.

22 (g) Upon receipt of an application or written confirmation
23 from the voter of a change of address within the county, change of
24 name, change of party affiliation or other correction to an active

1 voter registration record, the change shall be entered in the
2 record and the required notice of disposition mailed.

3 (h) Upon receipt of an application or written confirmation
4 from an inactive voter of a change of address within the county,
5 change of name, change of party affiliation or other correction to
6 a registration record, any necessary change shall be entered in the
7 record, the required notice of disposition mailed and the record
8 updated to active status, and the date of the transaction shall be
9 recorded. Receipt of an application or written confirmation from
10 an inactive voter that confirms the voter's current address shall
11 be treated in the same manner.

12 (i) Upon receipt of a notice of death, a notice of conviction
13 or a notice of a determination of mental incompetence, as provided
14 in section twenty-three of this article, the date and reason for
15 cancellation shall be entered on the voter's record and the record
16 status shall be changed to canceled.

17 (j) Upon receipt from the voter of a request for cancellation
18 or notice of change of address to an address outside the county
19 pursuant to the provisions of section twenty-two of this article,
20 or as a result of a determination of ineligibility through a
21 general program of removing ineligible voters as authorized by the
22 provisions of this article, the date and reason for cancellation
23 shall be entered on the voter's record and the record status shall
24 be changed to canceled.

1

2 **§3-2-23. Cancellation of registration of deceased or ineligible**
3 **voters.**

4 The clerk of the county commission shall cancel the
5 registration of a voter:

6 (1) Upon the voter's death as verified by:

7 (A) A death certificate from the Registrar of Vital Statistics
8 or a notice from the Secretary of State that a comparison of the
9 records of the registrar with the county voter registration records
10 show the person to be deceased;

11 (B) The publication of an obituary or other writing clearly
12 identifying the deceased person by name, residence and age
13 corresponding to the voter record; or

14 (C) An affidavit signed by the parent, legal guardian, child,
15 sibling or spouse of the voter giving the name and birth date of
16 the voter, and date and place of death;

17 (2) Upon receipt of an official notice from a state or federal
18 court that the person has been convicted of a felony, of treason or
19 bribery in an election;

20 (3) Upon receipt of a notice from the appropriate court of
21 competent jurisdiction of a determination of a voter's mental
22 incompetence;

23 (4) Upon receipt from the voter of a written request to cancel
24 the voter's registration, upon confirmation by the voter of a

1 change of address to an address outside the county, upon notice
2 from a voter registrar of another jurisdiction outside the county
3 or state of the receipt of an application for voter registration in
4 that jurisdiction, or upon notice from the Secretary of State that
5 a voter registration application was accepted in another county of
6 the state subsequent to the last registration date in the first
7 county, as determined from a comparison of voter records; or

8 (5) Upon failure to respond and produce evidence of continued
9 eligibility to register following the challenge of the voter's
10 registration pursuant to the provisions of section twenty-eight of
11 this article.

12 **§3-2-25. Systematic purging program for removal of ineligible**
13 **voters from active voter registration files;**
14 **comparison of data records; confirmation notices;**
15 **public inspection list.**

16 (a) The systematic purging program provided in this section
17 shall begin no earlier than October 1 of each odd-numbered year and
18 shall be completed no later than February 1 of the following year.
19 The clerk of the county commission shall transmit or mail to the
20 Secretary of State a certification that the systematic purging
21 program has been completed and all voters identified as no longer
22 eligible to vote have been canceled in the statewide voter
23 registration database in accordance with the law no later than
24 February 15 in the year in which the purging program is completed.

1 (b) The Secretary of State shall provide for the comparison of
2 data records of all counties. The Secretary of State shall, based
3 on the comparison, prepare a list for each county which shall
4 include the voter registration record for each voter shown on that
5 county's list who appears to have registered or to have updated a
6 voter registration in another county at a subsequent date. The
7 resulting lists shall be returned to the appropriate county and the
8 clerk of the county commission shall proceed with the confirmation
9 procedure for those voters as prescribed in section twenty-six of
10 this article.

11 (c) The Secretary of State may provide for the comparison of
12 data records of counties with the data records of the Division of
13 Motor Vehicles, the registrar of vital statistics and with the data
14 records of any other state agency which maintains records of
15 residents of the state, if the procedure is practical and the
16 agency agrees to participate. Any resulting information regarding
17 potentially ineligible voters shall be returned to the appropriate
18 county and the clerk of the county commission shall proceed with
19 the confirmation procedure as prescribed in section twenty-six of
20 this article.

21 (d) The records of all voters not identified pursuant to the
22 procedures set forth in subsections (b) and (c) of this section
23 shall be combined for comparison with United States Postal Service
24 change of address information, as described in section 8(c)(A) of

1 the National Voter Registration Act of 1993 (42 U. S. C. §1973gg, et
2 seq.). The Secretary of State shall contract with an authorized
3 vendor of the United States Postal Service to perform the
4 comparison. The cost of the change of address comparison procedure
5 shall be paid for from the combined voter registration and
6 licensing fund established in section twelve of this article and
7 the cost of the confirmation notices, labels and postage shall be
8 paid for by the counties.

9 (e) The Secretary of State shall return to each county the
10 identified matches of the county voter registration records and the
11 postal service change of address records.

12 (1) When the change of address information indicates the voter
13 has moved to a new address within the county, the clerk of the
14 county commission shall enter the new address on the voter record
15 and assign the proper precinct.

16 (2) The clerk of the county commission shall then mail to each
17 voter who appears to have moved from the residence address shown on
18 the registration records a confirmation notice pursuant to section
19 twenty-six of this article and of section 8(d)(2) of the National
20 Voter Registration Act of 1993 (42 U. S. C. §1973gg, et seq.). The
21 notice shall be mailed, no later than December 31, to the new
22 address provided by the postal service records or to the old
23 address if a new address is not available.

24 (f) The clerk of the county commission shall indicate in the

1 statewide voter registration database the name and address of each
2 voter to whom a confirmation notice was mailed and the date on
3 which the notice was mailed.

4 (g) Upon receipt of any response or returned mailing sent
5 pursuant to the provisions of subsection (e) of this section, the
6 clerk shall immediately enter the date and type of response
7 received in the statewide voter registration database and shall
8 then proceed in accordance with the provisions of section twenty-
9 six of this article.

10 (h) For purposes of complying with the record keeping and
11 public inspection requirements of the National Voter Registration
12 Act of 1993 (42 U. S. C. §1973gg, *et seq.*), and with the provisions
13 of section twenty-seven of this article, the public inspection
14 lists shall be maintained either in printed form kept in a binder
15 prepared for such purpose and available for public inspection
16 during regular business hours at the office of the clerk of the
17 county commission or in read-only data format available for public
18 inspection on computer terminals set aside and available for
19 regular use by the general public. Information concerning whether
20 or not each person has responded to the notice shall be entered
21 into the statewide voter registration database upon receipt and
22 shall be available for public inspection as of the date the
23 information is received.

24 (i) Any voter to whom a confirmation notice was mailed

1 pursuant to the provisions of subsection (e) of this section who
2 fails to respond to the notice or to update his or her voter
3 registration address by February 1 immediately following the
4 completion of the program, shall be designated inactive in the
5 statewide voter registration database. Any voter designated
6 inactive shall be required to affirm his or her current residence
7 address, on a form prescribed by the Secretary of State, upon
8 appearing at the polls to vote.

9 (j) In addition to the preceding purging procedures, all
10 counties using the change of address information of the United
11 States Postal Service shall also, once each four years during the
12 period established for systematic purging in the year following a
13 presidential election year, conduct the same procedure by mailing
14 a confirmation notice to those persons not identified as
15 potentially ineligible through the change of address comparison
16 procedure but who have not updated their voter registration records
17 and have not voted in any election during the preceding four
18 calendar years. The purpose of this additional systematic
19 confirmation procedure shall be to identify those voters who may
20 have moved without filing a forwarding address, moved with a
21 forwarding address under another name, died in a another county or
22 state so that the certificate of death was not returned to the
23 clerk of the county commission, or who otherwise have become
24 ineligible.

1 **§3-2-29. Custody of original registration records.**

2 (a) All original registration records in paper format shall
3 remain in the custody of the county commission, by its clerk, or,
4 electronically, in the statewide voter registration database and
5 shall not be removed except for use in an election or by the order
6 of a court of record or in compliance with a subpoena duces tecum
7 issued by the Secretary of State pursuant to the provisions of
8 section six, article one-a of this chapter.

9 (b) All original voter registration records shall be retained
10 for a minimum of five years following the last recorded activity
11 relating to the record, except that any application which
12 duplicates and does not alter an existing registration shall be
13 retained for a minimum of two years following its receipt. The
14 Secretary of State shall promulgate rules pursuant to the
15 provisions of chapter twenty-nine-a of this code for the specific
16 retention times and procedures required for original voter
17 registration records.

18 (c) Prior to the destruction of original voter registration
19 applications or registration cards of voters whose registration has
20 been canceled at least five years previously, the clerk of the
21 county commission shall notify the Secretary of State of the
22 intention to destroy those records. If the Secretary of State
23 determines, within ninety days of the receipt of the notice, that
24 those records are of sufficient historical value that microfilm or

1 other permanent data storage is desirable, the Secretary of State
2 may require that the records be delivered to a specified location
3 for processing at state expense.

4 (d) Active, inactive, pending, rejected and canceled
5 registration records shall be maintained as a permanent record, as
6 follows:

7 (1) Individual canceled registration records shall be
8 maintained in the statewide voter registration database for a
9 period of at least five years following cancellation. Upon the
10 expiration of five years, those individual records may be removed
11 from the statewide voter registration database and disposed of in
12 accordance with the appropriate documentent retention policy.

13 (2) Rejected registration records shall be maintained in the
14 same manner as provided for canceled registration records.