

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-FIRST LEGISLATURE**  
**REGULAR SESSION, 2013**



**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 482**

(SENATOR PALUMBO, *ORIGINAL SPONSOR*)

[PASSED APRIL 13, 2013; IN EFFECT NINETY DAYS FROM PASSAGE.]

**E N R O L L E D**  
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(SENATOR PALUMBO, *original sponsor*)

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AN ACT to amend and reenact §3-2-30 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §59-1-2b, all relating to the preparation and sale of voter registration lists; exempting certain voter data from being provided; clarifying that records are to be kept in electronic form; permitting certain voter lists be obtained for noncommercial purposes from the clerk of the county commission or the Secretary of State; providing certain exemptions allowing the Secretary of State to provide voter information to others; setting forth the fees to be charged for the sale of voter registration lists; setting forth the types of lists and services that are available; requiring the net proceeds from the voter registration list sales be deposited in the State Election Fund; and clarifying that the Secretary of State may share voter information with those authorized to receive the information.

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

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

**CHAPTER 3. ELECTIONS.**

**ARTICLE 2. REGISTRATION OF VOTERS.**

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

1           (a) Any person may examine the active, inactive, rejected  
2 and canceled voter registration records during office hours of  
3 the clerk of the county commission in accordance with  
4 chapter twenty-nine-b of this code.

5           Active, inactive, rejected and canceled voter files are to  
6 be maintained in electronic data format. Any person may  
7 examine voter record information in printed form or in a  
8 read-only data format on a computer terminal set aside for  
9 public use, if available. The data files available for  
10 examination and copying shall include all registration and  
11 voting information maintained in the file, but may not include  
12 the registrant's telephone number, email address, Social  
13 Security number or driver's license number or nonoperator's  
14 identification number issued by the Division of Motor  
15 Vehicles.

16           (b) The clerk of the county commission shall, upon  
17 request, provide printed copies of the lists of voters for each  
18 precinct. No list prepared under this section may include the  
19 registrant's telephone number, email address, Social Security  
20 number or driver's license number or nonoperator's  
21 identification number issued by the Division of Motor  
22 Vehicles. The clerk shall establish a written policy, posted  
23 within public view, listing the options for selection and  
24 sorting criteria and available data elements. The data  
25 elements shall include, at least:

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

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

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

32 (c) Lists of registered voters may be obtained for  
33 noncommercial purposes in data format on disk or as a  
34 printed list provided by the clerk of the county commission  
35 at a cost of 1¢ per name. No data file prepared under this  
36 subsection may include the registrant's telephone number,  
37 email address, Social Security number or driver's license  
38 number or nonoperator's identification number issued by the  
39 Division of Motor Vehicles.

40 (d) The fees received by the clerk of the county  
41 commission shall be kept in a separate fund under the  
42 supervision of the clerk and may be used for the purpose of  
43 defraying the cost of the preparation of the voter lists. After  
44 deducting the costs of preparing voter lists, the clerk shall  
45 deposit the net proceeds from the sale of the voter lists in the  
46 State Election Fund as set forth in subsection (b), section  
47 forty-eight, article one of this chapter.

48 (e) The Secretary of State shall make voter lists available  
49 for sale subject to the limitations as provided in subsection (a)  
50 of this section. The fees for the voter lists shall be as  
51 prescribed in section two-b, article one, chapter fifty-nine of  
52 this code. The revenue associated with purchase of a partial  
53 list or associated with a complete statewide list shall be  
54 deposited in the State Election Fund as set forth in subsection  
55 (b), section forty-eight, article one of this chapter.

56 (f) No voter registration lists or data files containing voter  
57 names, addresses or other information derived from voter  
58 data files obtained pursuant to the provisions of this article  
59 may be used for commercial or charitable solicitations or  
60 advertising, sold or reproduced for resale.

61 (g) This section may not be interpreted to prevent the  
62 Secretary of State from sharing data files containing voter  
63 information with authorized service providers or sharing data  
64 across state lines with any state or local election official for  
65 the purpose of voter registration and election administration  
66 in accordance with this chapter or applicable federal law.

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

**ARTICLE 1. FEES AND ALLOWANCES.**

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

1 (a) Except as may be otherwise provided in this code, the  
2 Secretary of State shall charge the following fees for data  
3 originating in the statewide voter registration system to be  
4 paid by the person for whom the service is rendered at the  
5 time it is performed:

- 6 (1) Election Cycle Subscription Service. . . . . \$6,000
- 7 (2) Statewide Voter Registration List. . . . . \$500
- 8 (3) Master Voter History List Export. . . . . \$500
- 9 (4) Statewide Early Voters List. . . . . \$200
- 10 (5) Statewide Absentee Requests List. . . . . \$200

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11 (6) Statewide Absentee Received List. . . . . \$200

12 (7) Partial Voter Registration List. . . Current hourly rate

13 (8) Voter History List. . . . . Current hourly rate

14 (9) Complex Research Query. . . . . Current hourly rate

15 (b) For the purposes of this section, “Election Cycle  
16 Subscription Service” includes:

17 (1) Statewide Registered Voter List updated monthly  
18 throughout the year and updated daily starting thirty days  
19 prior to election day through election day;

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

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

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

30 (c) At the time that a request is made under subdivisions  
31 (7), (8) or (9) of subsection (a) of this section, the current  
32 hourly rate, as determined by the Secretary of State, shall be  
33 communicated to the prospective purchaser along with an  
34 estimate of the number of hours needed to fulfill the request  
35 before any list is compiled.

36 (d) Net proceeds from the sale of data originating in the  
37 statewide voter registration system, along with any interest on

38 such funds, shall be deposited into the State Election Fund as  
39 set forth in subsection (b), section forty-eight, article one,  
40 chapter three of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman Senate Committee*

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*Chairman House Committee*

Originated in the Senate.

In effect ninety days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the .....  
Day of ....., 2013.

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*Governor*