

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 482

(By Senator Palumbo)

[Originating in the Committee on the Judiciary;
reported March 14, 2013.]

A BILL 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 ~~the~~
4 ~~provisions of chapter twenty-nine-b of this code. as follows:~~

5 ~~(1) When the active and inactive files are maintained on~~
6 ~~precinct registration books, any person may examine the files~~
7 ~~under the supervision of the clerk and obtain copies of~~
8 ~~records except when a precinct book is in temporary use for~~

9 ~~updating and preparing lists or during the time the books are~~
10 ~~sealed for use in an election. Other original voter registration~~
11 ~~records, including canceled voter records, pending~~
12 ~~applications, rejected applications, records of change~~
13 ~~requests, reinstatements and other documents, shall be~~
14 ~~available for inspection upon specific request; and~~

15 ~~(2) When the Active, inactive, rejected and canceled~~
16 ~~voter files are to be maintained in electronic data format.~~
17 Any person may examine voter record information in printed
18 form or in a read-only data format on a computer terminal set
19 aside for public use, if available. The data files available for
20 examination and copying shall include all registration and
21 voting information maintained in the file, but may not
22 include the registrant's telephone number, email address,
23 Social Security number or driver's license number or
24 nonoperator's identification number issued by the Division
25 of Motor Vehicles.

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

29 ~~(c) In counties maintaining active and inactive files in~~
30 ~~digitized data format, (b) The clerk of the county commission~~

31 shall, upon request, ~~prepare~~ provide printed copies of the lists
32 of voters for each precinct. No list prepared under this
33 section may include the registrant's telephone number, email
34 address, Social Security number or driver's license number
35 or nonoperator's identification number issued by the
36 Division of Motor Vehicles. The clerk shall establish a
37 written policy, posted within public view, listing the options
38 for selection and sorting criteria and available data elements.
39 The data elements shall include, at least:

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

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

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

46 ~~(d) In counties which maintain voter files in a digitized~~
47 ~~data format, (c) Lists of registered voters may be obtained for~~
48 noncommercial purposes in data format on disk or as a
49 printed list provided ~~and prepared~~ by the clerk of the county
50 commission at a cost of 1¢ per name. ~~plus \$10 for each disk~~
51 ~~required~~. No data file prepared under this subsection may
52 include the registrant's telephone number, email address,

53 Social Security number or driver's license number or
54 nonoperator's identification number issued by the Division
55 of Motor Vehicles.

56 ~~(e)~~ (d) The fees received by the clerk of the county
57 commission shall be kept in a separate fund under the
58 supervision of the clerk. ~~for the purpose of defraying the cost~~
59 ~~of the preparation of the voter lists.~~ Any unexpended
60 ~~balance~~ revenue in the fund shall be ~~transferred to the~~
61 ~~General Fund of the county commission.~~ deposited in the
62 State Election Fund as set forth in subsection b, section forty-
63 eight, article one of this chapter.

64 ~~(f)~~ (e) The Secretary of State ~~may~~ shall make voter lists
65 available for sale subject to the limitations as provided in
66 subsection (a) of this section. ~~for counties.~~ ~~The cost for a~~
67 ~~partial list shall be one and one-half cents per name plus \$10~~
68 ~~for each disk required; the cost for a complete statewide list~~
69 ~~shall be one-half cent per name and a flat fee of \$1,000. One~~
70 ~~cent per name for each voter from a particular county on~~
71 ~~each partial list and one-half cent per name for each voter~~
72 ~~from a particular county on each statewide list sold shall be~~
73 ~~reimbursed to the appropriate county.~~ The fees for the voter
74 lists shall be as prescribed in section two-b, article one,

75 chapter fifty-nine of this code. ~~The disk fee and one-half cent~~
76 ~~per name revenue~~ associated with purchase of a partial list
77 ~~and the flat fee of \$1,000 or~~ associated with a complete
78 statewide list shall be deposited ~~to a special revenue account~~
79 ~~for purpose of defraying the cost of preparing the lists in the~~
80 State Election Fund as set forth in subsection (b), section
81 forty-eight, article one of this chapter.

82 ~~(g) An update to a previously purchased list may be~~
83 ~~provided by the Secretary of State or the clerk of the county~~
84 ~~commission at a prorated cost based on the amount of~~
85 ~~additional information provided. The additional rates~~
86 ~~charged by the clerk of the county commission shall be~~
87 ~~specified in the policy established pursuant to subsection (e)~~
88 ~~of this section.~~

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

94 (g) This section may not be interpreted to prevent the
95 Secretary of State from sharing data files containing voter
96 information with authorized service providers or sharing data

97 across state lines with any state or local election official for
98 the purpose of voter registration and election administration
99 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
- 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
38 on such funds, shall be deposited into the State Election Fund
39 as set forth in subsection (b), section forty-eight, article one,
40 chapter three of this code.

(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.)