WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1994

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ENROLLED

SENATE BILL NO. 520

(By Senator Wooton, et al.)

PASSED March 10, 1994
In Effect 90 days from Passage
AN ACT to amend and reenact article two, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the registration of voters; providing for a permanent and uniform system of registration; setting forth eligibility requirements; authorizing the secretary of state to supervise voter registration procedures, practices and the maintenance of records to coordinate the state implementation of the "National Voter Registration Act of 1993" and to promulgate rules applicable thereto; designating the clerk of the county commission as the chief registration authority of the respective counties; setting forth certain duties and authority of county commission; requiring secretary of state to prescribe forms for registration and providing contents thereof; establishing a statewide bidding procedure for mail registration forms; setting forth the time limits for registration prior to election; providing for registration at the office of the clerk of the county commission; authorizing the establishment of registration outreach services; providing for the appointment of temporary and volunteer registrars to perform such services; prescribing procedures for registration by mail; prescribing procedures for registration in conjunc-
tion with motor vehicle driver licensing services; providing for the combined voter registration and driving licensing fund and authorized uses thereof; designating certain agencies to provide voter registration services; requiring such agencies to appoint supervisors to administer registration programs; requiring secretary of state to prescribe appropriate form for agency registration; prohibiting certain activities; requiring confidentiality; prescribing procedures for registration at agencies; prescribing procedures for registration at marriage license offices; setting forth duties of clerk upon receipt of registration application; establishing verification procedure and notice of disposition; mandating the denial of certain applications and prescribing an appeal procedure upon such denial; providing for the establishment and maintenance of certain registration records and files by the clerk of the county commission; providing for maintenance of active and inactive files in precinct record books and county alphabetical registration files; when municipal precinct books may be maintained; requiring municipalities to file boundary information with clerks; establishing a state uniform voter data system for the electronic storage of registration records; establishing procedures for the entry and transfer of voter information into the data system; authorizing the correction of voter records and establishing procedures therefor; requiring clerks to cancel the registrations of deceased and ineligible voters; providing a systematic purging program for removal of ineligible voters from active files in manual and electronic data systems; when confirmation notices to be mailed; setting forth procedures to be followed by clerk after mailing of confirmation notices; providing for the challenge of a registration; when clerk to cancel registration or remove challenge; providing for the custody of registration records and voter registration data files; when records may be destroyed; requiring records be made available for public inspection; providing for the purchase of voter lists for noncommercial use; requiring the confidentiality of certain information; establishing procedure for voting after registration or change of
address within the county; providing for the unlawful registration or rejection of a voter and for the unlawful registration or application by any person; setting forth criminal penalties; criminalizing willful neglect of duty by registration officers and providing a criminal penalty therefor; making it a crime to wrongfully alter or destroy records, to withhold information, to provide certain false information or to allow unlawful registration and providing criminal penalties therefor; and establishing effective dates.

Be it enacted by the Legislature of West Virginia:

That article two, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-1. Permanent voter registration law; uniform system of voter registration.

(a) This article, providing a permanent and uniform system for the registration of the voters of the state of West Virginia, may be cited as the "Permanent Voter Registration Law".

(b) A permanent voter registration system is hereby established which shall be uniform in its requirements throughout the state and all of its subdivisions. No voter so registered shall be required to register again for any election while continuing to reside within the same county, unless the voter's registration is canceled as provided in this article.

(c) A person who is not eligible or not duly registered to vote shall not be permitted to vote at any election in any subdivision of the state, except that such a voter may cast a "provisional" or "challenged" ballot as provided in this chapter if the voter's eligibility or registration is in question, and such "provisional" or "challenged" ballot may be counted only if a positive determination of the voter's eligibility and proper registration can be ascertained.
§3-2-2. Eligibility to register to vote.

(a) Any person who possesses the constitutional qualifications for voting may register to vote. Such a person shall be a citizen of the United States and a legal resident of West Virginia and of the county where he or she is applying to register, shall be at least eighteen years of age, except that a person who is at least seventeen years of age and who will be eighteen years of age by the time of the next ensuing general election may also be permitted to register, and shall not be otherwise legally disqualified: Provided, That a registered voter who has not reached eighteen years of age may vote both partisan and nonpartisan ballots in a state, county or municipal primary election, but is not eligible to vote in a municipal general election or special election.

(b) Any person who has been convicted of a felony, treason or bribery in an election, under either state or federal law, is disqualified and shall not be eligible to register or to continue to be registered to vote during the term of any sentence for such conviction, including any period of incarceration, probation or parole related thereto. Any person who has been determined to be mentally incompetent by a court of competent jurisdiction is disqualified and shall not be eligible to register or to continue to be registered to vote for as long as that determination remains in effect.

§3-2-3. State authority relating to voter registration; chief election officer.

(a) The secretary of state, as chief election official of the state as provided in section six, article one-a of this chapter, shall have general supervision of the voter registration procedures and practices and the maintenance of voter registration records in the state, and shall have authority to require reports and investigate violations to insure the proper conduct of voter registration throughout the state and all of its subdivisions.

(b) The secretary of state is hereby designated as the
chief election official responsible for the coordination of this state's responsibilities under the "National Voter Registration Act of 1993" (42 U.S.C. 1973gg). The secretary of state shall have general supervision of voter registration procedures and practices at agencies and locations providing services as required by the provisions of this article and shall have the authority to propose procedural, interpretive and legislative rules for promulgation in accordance with the provisions of chapter twenty-nine-a of this code, for application for registration, transmission of applications, reporting and maintenance of records required by the provisions of this article, and for the development, implementation and application of other provisions of this article.

§3-2-4. Authority and responsibility of the clerk of the county commission and of the county commission relating to voter registration.

(a) Subject to the authority of the secretary of state, the clerk of the county commission shall be the chief registration authority in each respective county and all subdivisions therein, and shall supervise their deputies, employees and registrars in the performance of their respective duties.

(b) The county commission of each county shall allocate sufficient resources for the proper and efficient performance of duties relating to voter registration as required by law, and shall provide for temporary clerical assistance necessary for systematic purging procedures or other duties of short duration required by the provisions of this article.

(c) The county commission shall have authority on its own motion to summon and examine any person concerning the registration of voters, to investigate any irregularities in registration, to summon and examine witnesses, to require the production of any relevant books and papers and to conduct hearings on any matters relating to the registration of voters.
(d) The clerk of the county commission shall be responsible for the administration of voter registration within the county and shall establish procedures and practices which insure the full implementation of the requirements of federal and state laws and rules relating to voter registration, and which insure nondiscriminatory practices.

§3-2-5. Forms for application for registration; information required and requested; types of application forms; notices.

(a) (1) All state forms for application for voter registration shall be prescribed by the secretary of state and shall conform with the requirements of the "National Voter Registration Act of 1993" (42 U.S.C. 1973gg) and the requirements of the provisions of this article. Separate application forms may be prescribed for voter registration conducted by the clerk of the county commission, registration by mail, registration in conjunction with an application for motor vehicle driver's license and registration at designated agencies. These forms may consist of one or more parts, may be combined with other forms for use in registration by designated agencies or in conjunction with driver licensing, and may be revised and reissued as required by the secretary of state to provide for the efficient administration of voter registration. After the first day of January, one thousand nine hundred ninety-five, all state forms issued for the purpose of voter registration shall be those prescribed pursuant to the provisions of this article, and no form used or issued for voter registration pursuant to laws in effect before that date shall be provided to any person for the purpose of registration.

(2) Notwithstanding any provisions of subdivision (1) of this subsection to the contrary, the federal postcard application for voter registration issued pursuant to the "Uniformed and Overseas Citizens Absentee Voting Act of 1986" (42 U.S.C. 1973 et seq.), and the mail voter registration application form prescribed by the Federal
Election Commission pursuant to the “National Voter Registration Act of 1993” (42 U.S.C. 1973gg) shall be accepted as a valid form of application for registration pursuant to the provisions of this article.

(b) Each application form for registration shall include:

(1) A statement specifying the eligibility requirements for registration and an attestation that the applicant meets each eligibility requirement;

(2) Any specific notice or notices required for a specific type or use of application by the “National Voter Registration Act of 1993” (42 U.S.C. 1973gg);

(3) A notice that a voter may be permitted to vote the partisan primary election ballot of a political party only if the voter has designated that political party on the application for registration, unless the political party has determined otherwise; and

(4) Any other instructions or information essential to complete the application process.

(c) Each application form shall require that the following be provided by the applicant, under oath, and any application which does not contain each of the following shall be considered incomplete:

(1) The applicant’s legal name, including the first name, middle or maiden name and last name;

(2) The month, day and year of the applicant’s birth;

(3) The applicant’s gender; and

(4) The applicant’s residence address, including the number and street or route and city and county of residence except:

(A) In the case of a person eligible to register under the provisions of the “Uniformed and Overseas Citizens Absentee Voting Act”, (42 U.S.C. 1973ff), the address at which he or she last resided before leaving the United States or entering the uniformed services, or if a
dependent child of such a person, the address at which
his or her parent last resided; and

(B) In the case of a homeless person having no fixed
residence address who nevertheless resides and remains
regularly within the county, the address of a shelter,
assistance center or family member with whom he or she
has regular contact, or other specific location approved
by the clerk of the county commission for the purposes
of establishing a voting residence;

(5) The applicant’s signature, under penalty of perjury,
as provided in section thirty-six of this article, to the
attestation of eligibility to register to vote and to the
truth of the information given; and

(6) The date the application is signed.

(d) The applicant shall be requested to provide the
following information, but no application shall be
rejected for lack of this information:

(1) An indication whether the application is for a new
registration, change of address, change of name or
change of party affiliation;

(2) The applicant’s choice of political party affiliation,
if any, or an indication of no affiliation: Provided, That
any applicant who does not enter any choice of political
party affiliation shall be listed as having no party
affiliation on the voting record;

(3) The applicant’s home mailing address, if different
than the residence address;

(4) The applicant’s social security number;

(5) The applicant’s telephone number; and

(6) The address at which the applicant was last
registered to vote, if any, for the purpose of canceling or
transferring the previous registration.

(e) The secretary of state shall prescribe the printing
specifications of each type of voter registration applica-
tion and the voter registration application portion of any form which is part of a combined agency form.

(f) Application forms prescribed in this section may refer to various public officials by title or official position, but in no case may the actual name of any officeholder be printed on the voter registration application or on any portion of a combined application form.

(g) No later than the first day of July of each odd numbered year, the secretary of state shall submit the specifications of the voter registration application by mail for statewide bidding for a contract period beginning the first day of September of each odd numbered year and continuing for two calendar years. The successful bidder shall produce and supply the required mail voter registration forms at the contract price to all purchasers of the form for the period of the contract.

§3-2-6. Time of registration application before an election.

(a) Voter registration for an election shall close on the thirtieth day before the election, or on the first day thereafter which is not a Saturday, Sunday or legal holiday.

(b) An application for voter registration, transfer of registration, change of name or change of political party affiliation submitted by an eligible voter by the close of voter registration shall be effective for any subsequent primary, general or special election if the following conditions are met:

(1) The application contains the required information as set forth in subsection (c), section five of this article: Provided, That incomplete applications for registration containing information which are submitted within the required time may be corrected within four days after the close of registration if the applicant provides the required information; and
(2) The application is received by the appropriate clerk of the county commission no later than the hour of the close of registration or is otherwise submitted by the following deadlines:

(A) If mailed, the application shall be addressed to the appropriate clerk of the county commission and postmarked by the postal service no later than the date of the close of registration: Provided, That if the postmark is missing or illegible, the application shall be presumed to have been mailed no later than the close of registration if it is received by the appropriate clerk of the county commission no later than the third day following the close of registration;

(B) If accepted by a designated agency or motor vehicle licensing office, the application shall be received by that agency or office no later than the close of registration;

(C) If accepted through a registration outreach program, the application shall be received by the clerk, deputy clerk or registrar no later than the close of registration; and

(3) The verification notice required by the provisions of section sixteen of this article mailed to the voter at the residence indicated on the application is not returned as undeliverable.

§3-2-7. Hours and days of registration in the office of the clerk of the county commission; in person application for voter registration; identification required.

(a) The clerk of the county commission shall provide voter registration services at all times when the office of the clerk is open for regular business. In addition, the office of the clerk shall remain open for voter registration from 9:00 a.m. until 8:00 p.m. on the Friday and Monday, and from 9:00 a.m. until 5:00 p.m. on the Saturday, prior to the close of registration for statewide primary and general elections.
(b) Any eligible voter who desires to apply for voter registration in person at the office of the clerk of the county commission shall complete a voter registration application on the prescribed form and shall sign the oath required on that application in the presence of the clerk of the county commission or his or her deputy. The applicant shall then present valid identification and proof of age, except that the clerk may waive the proof of age requirement if the applicant is clearly over the age of eighteen.

(c) The clerk shall attempt to establish whether the residence address given is within the boundaries of an incorporated municipality and, if so, make the proper entry required for municipal residents to be properly identified for municipal voter registration purposes.

(d) Upon receipt of the completed registration application, the clerk shall either:

(1) Provide a notice of procedure for verification and notice of disposition of the application and immediately begin the verification process prescribed by the provisions of section sixteen of this article; or

(2) Upon presentation of a current driver's license or state issued identification card containing the residence address as it appears on the voter registration application, issue the receipt of registration.

§3-2-8. Registration outreach services by the clerk of the county commission; challenge of voter's registration.

(a) Registration outreach services, including application for registration, change of address, name or party affiliation and correction or cancellation of registration, may be provided at locations outside the office of said clerk of the county commission by the clerk, one or more of his or her deputy clerks, or by temporary registrars or volunteer registrars appointed in accordance with the provisions of section nine of this article.
(b) (1) The clerk of the county commission may establish temporary registration offices to provide voter registration services to residents of the county. The clerk shall file a list of the scheduled times and locations of any temporary registration offices with the county commission at least fourteen days prior to opening the temporary office and shall solicit public service advertising of the location and times for any temporary registration office on radio, television and newspapers serving that county.

(2) The clerk of the county commission shall establish an approved program of voter registration services for eligible high school students at each high school within the county and shall conduct that program of voter registration at an appropriate time during each school year, but no later than forty-five days before a statewide primary election held during a school year. The secretary of state shall issue guidelines for approval of programs of voter registration for eligible students, and all such programs shall include opportunities for students to register in person and present identification at the high school where the student is enrolled. Official school records shall be accepted as identification and proof of age for eligible students.

(c) When the boundaries of precincts are altered requiring the transfer of a portion of the voters of one precinct to another precinct, the clerk of the county commission or temporary registrars appointed for the purpose may conduct door-to-door registration services in the areas affected by the boundary changes and may register, alter or transfer the registration of voters found to reside in those areas. Upon a determination that a voter who previously registered in the area canvassed no longer resides at that address, except for those persons who are qualified to maintain a legal residence at the address, the clerk of the county commission shall challenge the registration of the voter in accordance with the provisions of section twenty-eight of this article.
(d) The procedures required upon receipt of an application for registration as prescribed in subsection (b), section seven of this article shall also be performed by the authorized persons conducting the registration outreach services.

§3-2-9. Appointment of temporary and volunteer registrars for registration outreach services.

(a) Temporary registrars and volunteer registrars may be appointed to perform registration outreach services as provided in section eight of this article. Whenever registration outreach services are conducted by temporary registrars or volunteer registrars, two persons of opposite political parties shall serve together. All temporary registrars and volunteer registrars shall be trained by the clerk of the county commission before beginning their duties and shall thereafter be supervised by said clerk.

(b) Temporary registrars and volunteer registrars shall have the same eligibility qualifications as required of election officials and shall be subject to suspension by the same procedures as prescribed for election officials as provided in section twenty-eight, article one of this chapter. Eligibility may be suspended for the following reasons:

(1) Failure to appear at the required time and place or to perform the duties of a registrar as required by law;

(2) Alteration or destruction of a voter registration application;

(3) Improper influence of the choice of party affiliation of a voter, or other improper interference or intimidation relating to the voter's decision to register or not to register to vote; or

(4) Being under the influence of alcohol or drugs, or having anything wagered or bet on an election.

(c) Each temporary or volunteer registrar, before beginning the duties of the office, shall take an oath to
perform the duties of the office according to law and the
oath shall be filed with the clerk of the county commis-
sion.

(d) (1) The county commission may appoint temporary
registrars to conduct registration as provided in section
eight of this article. An equal number of such registrars
shall be selected from the two major political parties.
The county commission shall notify each county
executive committee, in writing, specifying the number
of registrars to be appointed, the general schedule of
registration activities to be performed, and the date by
which the nominations must be received, which date
shall be not less than twenty-eight days following the
date of the notice. Each executive committee, by
majority vote of the committee, may nominate the
number of persons needed to serve as registrars and shall
submit the nominations in writing to the county
commission by the date specified in the notice. The clerk
of the county commission shall notify those persons so
nominated and appointed. If any person declines to serve
or fails to appear, the clerk of the county commission
shall fill the vacancy with a qualified person of the same
political party.

(2) Temporary registrars shall be compensated at a rate
not less than the federal minimum wage and may be
reimbursed for mileage traveled between the county
courthouse and any temporary registration site.

(e) The clerk of the county commission may appoint
volunteer registrars to conduct registration outreach
services as provided in section eight of this article.
Volunteer registrars shall serve without compensation.
At least fourteen days before beginning any registration
outreach service to be conducted by volunteer registrars,
the clerk shall notify the county commission in writing
listing the proposed schedule for all registration
outreach activities and the name and party affiliation of
each volunteer registrar appointed.

§3-2-10. Application for registration by mail.
(a) Any qualified person may apply to register, change, transfer or correct his or her voter registration by mail. Application shall be made on a prescribed form as provided by section five of this article, and the voter shall not be required to pay postage to mail the completed application.

(b) To the extent possible with funds allocated annually for such purpose, the secretary of state shall make state mail registration forms available for distribution through governmental and private entities and organized voter registration programs. The secretary of state shall make a record of all requests by entities or organizations for ten or more forms with a description of the dates and locations in which the proposed registration drive is to be conducted. The secretary of state may limit the distribution to a reasonable amount per group.

(c) The clerk of the county commission shall provide up to four mail registration forms to any resident of the county upon request. To the extent possible with funds allocated annually for the purpose, the clerk of the county commission shall make state mail registration forms available for distribution through organized voter registration programs within the county. The clerk of the county commission shall make a record of all requests by entities or organizations for ten or more forms with a description of the dates and locations in which the proposed registration drive is to be conducted. The clerk may limit the distribution to a reasonable amount per group.

(d) The applicant shall provide all required information and only after completing the information, sign the prescribed applicant's oath under penalty of perjury, as provided in section thirty-six of this article. No person may alter or add any entry or make any mark which would alter any material information on the voter registration application after the applicant has signed the oath. Provided, That the clerk of the county commission may correct any entry upon the request of
the applicant provided the request is properly documented and the correction is dated and initialed by the clerk.

(e) Completed applications shall be mailed or delivered to the clerk of the county commission of the county in which the voter resides. If a clerk receives a completed mail application form from a voter whose residence address is located in another county, the clerk shall forward that application within three days to the clerk of the county commission of the county of the applicant’s residence.

(f) Upon receipt of the application for registration by the appropriate clerk of the county commission, the clerk shall:

(1) Attempt to establish whether the residence address given is within the boundaries of an incorporated municipality and, if so, make the proper entry required for municipal residents to be properly identified for municipal voter registration purposes; and

(2) Immediately begin the verification process required by the provisions of section sixteen of this article.

(g) Any person who registers by mail pursuant to this section shall be required to make his or her first vote in person at the polls or in person at the office of the clerk of the circuit court to vote an absentee ballot in order to make the registration valid: Provided, That any person who has applied for an absentee ballot pursuant to the provisions of subdivision (1), subsection (d), section one, article three of this chapter or paragraph (B), subdivision (2) of said subsection or subdivision (3) of said subsection or of subsection (e) of said section shall not have his or her ballot in that election challenged for failure to appear in person or for failure to present identification.

(h) Any person required by this section to make his or her first vote in person shall present valid identification and proof of age to the clerks at the poll or at the office of the clerk of the circuit court or the clerk of the county
commission of the county in which he or she is registered before casting the first ballot.

(i) Any person who submits a state mail voter registration application to the clerk of the county commission in the county in which he or she is currently registered for the purpose of entering a change of address within the county, making a change of party affiliation or recording a change of legal name shall not be required to make his or her first vote in person or to present identification or proof of age.

§3-2-11. Registration in conjunction with driver licensing.

(a) Beginning on the first day of January, one thousand nine hundred ninety-five, the division of motor vehicles and the department of public safety, or such other division or department as may be established by law to perform motor vehicle driver licensing services, shall provide each qualified voter, as an integral and simultaneous part of every process of application for the issuance, renewal or change of address of any motor vehicle driver's license or official identification card, pursuant to the provisions of article two, chapter seventeen-b of this code, a voter registration application form as prescribed in section five of this article.

(b) Any person who fails to sign the voter registration application or who fails to return the voter registration application to a driver licensing facility or to an appropriate voter registration office shall be deemed to have declined to register. Information regarding any person's failure to sign the voter registration application shall be confidential and shall not be used for any purpose other than to determine voter registration.

(c) Any qualified voter who submits the application for registration pursuant to the provisions of subsection (a) of this section in person at a driver licensing facility at the time of applying for, obtaining, renewing or transferring his or her driver's license or official identification card and who presents identification and
proof of age at that time shall not be required to make his or her first vote in person or to again present identification in order to make that registration valid.

(d) Any qualified voter who submits by mail or by delivery by a third party an application for registration on the form used in conjunction with driver licensing shall be required to make his or her first vote in person and present identification as required for other mail registration in accordance with the provisions of subsection (g), section ten of this article: Provided, That if the applicant has been previously registered in the jurisdiction and the application is for a change of address, change of name, change of political party affiliation or other correction, the presentation of identification and first vote in person shall not be required.

(e) Any application for voter registration submitted pursuant to the provisions of this section shall be considered as updating any previous voter registration by the applicant and shall authorize the cancellation of registration in any other county or state in which the applicant was previously registered.

(f) Any change of address from one residence to another within the same county which is submitted for driver licensing purposes in accordance with applicable law shall also serve as a notice of change of address for voter registration purposes unless the individual indicates on the form that the change of address is not for voter registration purposes.

(g) Completed applications for voter registration or change of address for voting purposes received by any office providing driver licensing services shall be forwarded to the secretary of state within five days of receipt. The secretary of state shall remove and file any forms which have not been signed by the applicant and shall forward completed, signed applications to the clerk of the appropriate county commission within five days of receipt.
(h) Voter registration application forms containing voter information which are returned to a driver licensing office unsigned shall be collected and maintained for two years according to procedural rules promulgated by the secretary of state.

§3-2-12. Combined voter registration and driver licensing fund.

(a) Fifty cents of each license fee collected pursuant to the provisions of section one, article three, chapter seventeen of this code shall be paid into the state treasury to the credit of a special revenue fund to be known as the “Combined Voter Registration and Driver Licensing Fund”. The moneys so credited to such fund may be used by the secretary of state for the following purposes:

(1) Printing and distribution of combined driver licensing or other agency applications and voter registration forms, or for the printing of voter registration forms to be used in conjunction with driver licensing or other agency applications;

(2) Printing and distribution of mail voter registration forms for purposes of this article;

(3) Supplies, postage and mailing costs for correspondence relating to voter registration for agency registration sites and for the return of completed voter registration forms to the appropriate state or county election official;

(4) Reimbursement of postage and mailing costs incurred by clerks of the county commissions for sending a verification mailing, confirmation of registration or other mailings directly resulting from an application to register, change or update a voter’s registration through a driver licensing or other agency;

(5) Reimbursement to state funded agencies designated to provide voter registration services under this chapter for personnel costs associated with the time apportioned
(6) The purchase, printing and distribution of public information and other necessary materials or equipment to be used in conjunction with voter registration services provided by state funded agencies designated pursuant to the provisions of this article;

(7) The development of a statewide program of uniform voter registration computerization for use by each county registration office and the secretary of state, purchase of uniform voter registration software, payment of software installation costs and reimbursement to the county commissions of not more than fifty percent of the cost per voter for data entry or data conversion from a previous voter registration software program;

(8) Payment of up to fifty percent of the costs of conducting a joint program with participating counties to identify ineligible voters by using the United States postal service information as provided in section twenty-five of this article: Provided, That such assistance shall be available only to counties which maintain voter registration lists on the statewide uniform voter data system; and

(9) Payment or reimbursement of other costs associated with implementation of the requirements of the "National Voter Registration Act of 1993" (42 U.S.C. 1973gg): Provided, That revenue received by the fund in any fiscal year shall first be allocated to the purposes set forth in subdivisions (1) through (8) of this subsection.

(b) The secretary of state shall promulgate rules pursuant to the provisions of chapter twenty-nine-a of this code to provide for the administration of the fund established in subsection (a) of this section.

§3-2-13. Agencies to provide voter registration services; designation of responsible employees; forms; prohibitions; confidentiality.
(a) For the purposes of this article, "agency" means a department, division or office of state or local government, or a program supported by state funds, which is designated under this section to provide voter registration services, but does not include departments, divisions or offices required by other sections of this article to provide voter registration services.

(b) Beginning on the first day of January, one thousand nine hundred ninety-five, the following agencies shall provide voter registration services pursuant to the provisions of this article:

(1) Those state agencies which administer or provide services under the food stamp program, the "Aid to Families with Dependent Children" (AFDC) program, the "Women, Infants and Children" (WIC) program and the medicaid program;

(2) Those state funded agencies primarily engaged in providing services to persons with disabilities;

(3) County marriage license offices; and

(4) Armed services recruitment offices, as required by federal law.

(c) No later than the first day of October, one thousand nine hundred ninety-four, the secretary of state shall, in conjunction with a designated representative of each of the appropriate state agencies, review those programs and offices established and operating with state funds which administer or provide public assistance or services to persons with disabilities, and shall promulgate an emergency rule pursuant to the provisions of chapter twenty-nine-a of this code designating the specific programs and offices required to provide voter registration services in order to comply with the requirements of this section and the requirements of the "National Voter Registration Act of 1993" (42 U.S.C. 1973gg). The offices and programs so designated shall begin providing voter registration services on the first day of January, one thousand nine hundred ninety-five.
(d) No later than the first day of July, one thousand nine hundred ninety-six, and each even-numbered year thereafter, the secretary of state shall, in conjunction with the designated representatives of the appropriate state agencies, perform the review as required by the provisions of subsection (c) of this section and the secretary of state shall promulgate a legislative rule pursuant to the provisions of chapter twenty-nine-a of this code designating the specific agencies required to provide voter registration services beginning on the first day of July of the following year.

(e) Each state agency required to provide services pursuant to the provisions of this article shall designate a current employee of that agency to serve as a state supervisor to administer voter registration services required in all programs under their jurisdiction. Each state supervisor shall be responsible for coordination with the secretary of state, overall operation of the program in conjunction with services within the agency, designation and supervision of local coordinators and for the review of any complaints filed against employees relating to voter registration as provided in this chapter.

(f) The state supervisor shall designate a current employee as a local coordinator for voter registration services for each office or program delivery center who shall be responsible for the proper conduct of voter registration services, timely return of completed voter registration applications, proper handling of declinations and reporting requirements. Notice of the designation of these persons shall be made upon request of the secretary of state, and within five days following any change of such designation.

(g) The registration application forms used for agency registration shall be issued pursuant to the provisions of section five of this article.

(h) The secretary of state, in conjunction with those agencies designated to provide voter registration services pursuant to the provision of this section, shall prescribe
the form or portion of the appropriate agency form required by the provisions of Section 7(a)(6)(B) of the "National Voter Registration Act of 1993" (42 U.S.C. 1973gg), containing the required notices and providing boxes for the applicant to check to indicate whether the applicant would like to register or decline to register to vote. Such form or portion of form is designated the "declination form".

(i) A person who provides voter registration services shall not:

(1) Seek to influence an applicant's political preference or party registration;

(2) Display to any applicant any political preference or party allegiance;

(3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(4) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(j) No information relating to the identity of a voter registration agency through which any particular voter is registered or to a declination to register to vote in connection with an application made at any designated agency, may be used for any purpose other than voter registration.

§3-2-14. Registration procedures at agencies.

(a) For the purpose of this section, "applicant" means a person who applies in person, whether at an agency office or other site of direct contact with an agency employee responsible for accepting applications, seeking services or assistance for himself or herself or for a member of his or her immediate family.
(b) No later than the first day of December, one thousand nine hundred ninety-four, the secretary of state shall promulgate procedural rules governing the duties and training of agency employees responsible for providing voter registration services, including the distribution, handling, transmittal and retention of voter registration applications and other forms used in conjunction with agency registration, and any reporting necessary to comply with the “National Voter Registration Act of 1993” (42 U.S.C. 1973gg).

(c) Beginning on the first day of January, one thousand nine hundred ninety-five, or on the first day of July of any subsequent odd-numbered year after which an agency has been designated, each agency designated under the provisions of section thirteen of this article shall:

1. Distribute with each application for service or assistance, and with each recertification, renewal or change of address form relating to that service or assistance, the declination form prescribed in subsection (h), section thirteen of this article, and a voter registration application issued for the purposes of agency registration pursuant to the provisions of section five of this article;

2. Provide to each applicant who does not decline to register to vote the same degree of assistance in voter registration as is provided for the completion of the agency’s other forms, unless the applicant refuses assistance;

3. Accept completed voter registration applications and forward those applications to the secretary of state within five days of receipt;

4. Accept declination forms and retain or forward those forms in a manner prescribed by procedural rules promulgated by the secretary of state;

5. Provide, on the request of an applicant or person assisting an applicant, a reasonable number of mail
application forms for use by other eligible persons residing with the applicant; and

(6) Make any reports as may be required.

(d) Any applicant who checks “no” or fails to check “yes” or “no” on the declination form shall be deemed to have declined to register; and any applicant who checks “yes” on the declination form, but fails or refuses to sign the voter registration application or fails to return the voter registration application to an agency or to an appropriate voter registration office shall be deemed to have declined to register.

(e) Upon receipt of registration forms from an agency, the secretary of state shall remove and file any forms which have not been signed by the applicant and shall forward completed, signed applications to the clerk of the appropriate county commission within five days of receipt.

(f) Any qualified voter who submits the application for registration pursuant to the provisions of this section in person at an agency or to an agency employee providing services at another location, and who presents identification and proof of age at that time or has previously presented identification and proof of age to the same agency, shall not be required to make his or her first vote in person or to again present identification in order to make that registration valid.

(g) Any qualified voter who submits by mail or by delivery by a third party an application for registration on the form used in conjunction with agency registration shall be required to make his or her first vote in person and to present identification as required for other mail registration in accordance with the provisions of subsection (g), section ten of this article.

(h) Voter registration application forms which are returned to an agency unmarked shall be collected for reuse according to procedures prescribed by the secretary of state.
§3-2-15. Special procedures relating to agency registration at marriage license offices.

1 When a qualified voter appears in person to apply for a marriage license, the applicant shall be presented a voter registration application. If the applicant does not intend to change his or her legal name or residence address upon marriage, the applicant may immediately apply to register or to update a previous registration, in accordance with the procedures prescribed in section fourteen of this article, except that the completed applications shall be forwarded directly to the registration office of the clerk of the county commission if the residence given is within the same county. If the applicant does intend to change his or her legal name or residence address upon marriage, and desires to register to vote, the applicant shall instead be given a mail registration card for use after the change of name or address has occurred.

§3-2-16. Procedures upon receipt of application for registration by the clerk of the county commission; verification procedure and notice of disposition of application for registration.

(a) Upon receipt of an application for voter registration, the clerk of the county commission shall determine whether the application is complete, whether the applicant appears to be eligible to register to vote within the county and whether the applicant is currently registered within the county. If the application is incomplete or the applicant appears not to be eligible, the clerk shall take the appropriate action as prescribed in section seventeen of this article.

(b) If the application received is complete and appears to be from an eligible person who has not previously been registered within the county, or has not been included within the active voter registration files as defined in section eighteen of this article within the preceding calendar year and does not present a driver's license containing the residence address pursuant to the
provisions of subdivision (2), subsection (d), section seven of this article, the clerk of the county commission shall conduct the following verification procedure:

(1) The clerk shall issue or mail, by first-class nonforwardable return requested, a verification notice addressed to the applicant at the residence and mailing address given on the application, except that the mailing address shall not be included on the notice if it appears to identify a distinctly different location from the residence address, such as a business address, another residence or a different city or town, unless the voter has registered as a uniformed services, overseas or homeless voter and provided a local residence address pursuant to the provisions of subdivision (4), subsection (c), section five of this article.

(2) The verification notice shall state the purpose of the procedure, the fact that no further action is required of the applicant, and the fact that a notice of the disposition of the registration application will be mailed after the ten day return period has expired.

(3) If the verification notice is not returned as undeliverable within ten days, the application for registration shall be accepted and entered into the active voter registration files and a registration receipt mailed designating the voter's assigned precinct.

(4) If the verification notice is returned undeliverable within ten days, the clerk shall compare the address given on the voter registration application with the address used on the envelope and, if there is any discrepancy, shall send a second verification notice to the correct address. If there is no discrepancy, the application for registration shall be denied and the notice of denial prescribed in section seventeen of this article shall be mailed.

(5) If the verification notice is returned undeliverable after the registration has been accepted, the clerk shall initiate the confirmation procedure prescribed in section
(c) If the application received is complete and appears to be from an eligible person who is currently registered within the county, or has been included within the active voter registration files as defined in section eighteen of this article within the preceding calendar year, the clerk of the county commission shall send, by first-class nonforwardable return requested mail, a registration receipt or other notice of the disposition of the application; and

(1) If the application is for a change of name, change of address, change of political party affiliation, reinstatement or other correction of the previous voter registration, the clerk shall include a new voter registration receipt;

(2) If the application does not make any change in the previous voter registration, the clerk shall notify the registrant that the voter is not required to reregister or update the registration as long as he or she lives at the same address and has the same legal name; or

(3) If the notice of disposition is returned undeliverable after the registration has been accepted, the clerk shall initiate the confirmation procedure prescribed in section twenty-six of this article.

(d) If the application contains information indicating the address at which the applicant was previously registered to vote in another county or state, the clerk of the county commission shall give notice to the clerk or registrar of that jurisdiction for the purpose of canceling the previous registration.

§3-2-17. Denial of registration application; notice; appeal to clerk of the county commission, decision; appeal to county commission, hearing, decision; appeal to circuit court.

(a) If the clerk of the county commission finds that any of the following is true, based on the application or
official documentation of ineligibility, the clerk shall deny the application for voter registration:

(1) The applicant, at the time the application is received, is not eligible to register in the county and state pursuant to the provisions of section two of this article;

(2) The applicant has submitted an application which is incomplete, pursuant to the provisions of subsection (c), section five of this article; or

(3) The verification notice as required in section sixteen of this article is returned as undeliverable at the address given by the voter.

(b) When the clerk of the county commission determines that the application must be denied, the clerk shall send, by first class forwardable return requested mail, a notice that the application for registration was denied and the reasons therefor.

(1) If the reason for denial is an incomplete application, the clerk shall inform the voter of the right to reapply and shall enclose a mail voter registration form for the purpose.

(2) If the reason for denial is return of the verification notice as undeliverable at the address given, the clerk shall inform the voter of the right to present proof of residence in order to validate the registration.

(3) If the reason for denial is ineligibility, the notice shall include a statement of eligibility requirements for voter registration and of the applicant’s right to appeal the denial.

(c) An applicant whose application for registration is denied by the clerk of the county commission because of ineligibility or for failure to submit proof of residence may make a written request for a reconsideration by the clerk, and may present information relating to his or her eligibility. The clerk shall review the request for consideration, and shall issue a decision in writing within fourteen days of the receipt of the request.
(d) If the application is denied upon reconsideration pursuant to the provisions of subsection (c) of this section, the applicant may make a written request for a hearing before the county commission. The county commission shall schedule and conduct the hearing within thirty days of receipt of the request and shall issue a decision, in writing, within fifteen days of the hearing.

(e) An applicant may appeal the decision of the county commission to the circuit court. The circuit court shall only consider the record before the county commission, as authenticated by the clerk of the county commission. The circuit court may affirm the order of the county commission, whether the order be affirmative or negative; but if it deems such order not to be reasonably justified by the evidence considered, it may reverse such orders of the county commission in whole or in part as it deems just and right; and if it deems the evidence considered by the county commission in reaching its decision insufficient, it may remand the proceedings to the county commission for further hearing. Any such order or orders of the circuit court shall be certified to the county commission.

(f) Any party to such appeal, may, within thirty days after the date of a final order by the circuit court, apply for an appeal to the supreme court of appeals, which may grant or refuse such appeal at its discretion. The supreme court of appeals shall have jurisdiction to hear and determine the appeal upon the record before the circuit court, and to enter such order as it may find that the circuit court should have entered.

(g) It shall be the duty of the circuit court and the supreme court of appeals, in order to expedite registration and election procedures, to hold such sessions as may be necessary to determine any cases involving the registration of voters. Judges of the circuit court and the supreme court of appeals in vacation shall have the same power as that prescribed in this section for their
§3-2-18. Registration records; active, inactive, canceled, pending and rejected registration files; procedure; voting records.

(a) For the purposes of this article:

1. “Original voter registration record” means all records submitted or entered in writing for voter registration purposes, including:

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

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

2. “Active voter registration files” means the files of registration records, whether maintained on paper forms or in digitized data format, containing the names, addresses, birth dates and other required information for all persons within a county who are registered to vote and whose registration has not been designated as “inactive” or “canceled” pursuant to the provisions of this article.

3. “Inactive voter registration files” means the files of registration records, whether maintained on paper forms or in digitized data format, containing the names, addresses, birth dates and other required information for all persons designated “inactive” pursuant to the...
provisions of section twenty-seven of this article following the return of the prescribed notices as undeliverable at the address entered on the voter registration. For the purposes of this chapter or of any other provisions of this code relating to elections conducted under the provisions of this chapter, whenever a requirement is based on the number of registered voters, including, but not limited to, the number of ballots to be printed, the limitations on the size of a precinct, or the number of petition signatures required for election purposes, only those registrations included on the active voter registration files shall be counted and voter registrations included on the inactive voter registration files, as defined in this subdivision, shall not be counted.

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

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

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

(b) Active voter registration files and inactive voter registration files may be maintained in the same physical location or database, providing the records are coded, marked or arranged in such a way as to make the status of the registration immediately obvious. Canceled voter registration files, pending application files, and rejected application files shall each be maintained in separate physical locations or databases.

(c) The effective date of any action affecting any voter's
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registration status shall be entered on the voter record in
the appropriate file, including the effective date of
registration, change of name, address or party affiliation
or correction of the record, effective date of transfer to
inactive status, return to active status or cancellation.
When any registration is designated inactive or is
canceled, the reason for the designation or cancellation
and any reference notation necessary to locate the
original documentation related to the change shall be
entered on the voter record.

(d) Within one hundred twenty days after each
primary, general, municipal or special election, the clerk
of the county commission shall, as evidenced by the
presence or absence of signatures on the pollbooks for
such election, correct any errors or omissions on the
voter registration records resulting from the poll clerks
erroneously checking or failing to check the registration
records as required by the provisions of section thirty-
four, article one of this chapter, or shall enter the voting
records into the state uniform data system if the precinct
books have been replaced with printed registration
books as provided in section twenty-one of this article.

§3-2-19. Maintenance of active and inactive registration files
in precinct record books and county alphabetical registration file.

(a) Each county shall continue to maintain a record of
each active and inactive voter registration in precinct
registration books until the state uniform data system, is
adopted pursuant to the provisions of section twenty of
this article, fully implemented, and given final approval
by the secretary of state. The precinct registration books
shall be maintained as follows:

(1) Each active voter registration shall be entered in
the precinct book or books for the county precinct in
which the voter's residence is located and shall be filed
alphabetically by name, alphabetically within categories,
or by numerical street address, as determined by the
clerk of the county commission for the effective
administration of registration and elections. No active voter registration record shall be removed from the precinct registration books unless the registration is lawfully transferred or canceled pursuant to the provisions of this article.

(2) Each voter registration which is designated "inactive" pursuant to the procedures prescribed in section twenty-seven shall be retained in the precinct book for the county precinct in which the voter's last recorded residence address is located until the time period expires for which a record must remain on the inactive files. Every inactive registration shall be clearly identified by a prominent tag or notation or arranged in a separate section in the precinct book clearly denoting the registration status. No inactive voter registration record shall be removed from the precinct registration books unless the registration is lawfully transferred or canceled pursuant to the provisions of this article.

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

(1) County precinct books shall be used in municipal elections when the county precinct boundaries and the municipal precinct boundaries are the same and all registrants of the precinct are entitled to vote in state, county and municipal elections within the precinct or when the registration records of municipal voters within a county precinct are separated and maintained in a separate municipal section or book for that county precinct and can be used either alone or in combination with other precinct books to make up a complete set of registration records for the municipal election precinct.

(2) Separate municipal precinct books may be maintained only in cases where municipal or ward boundaries divide county precincts to the extent that it is impractical to use county precinct books or separate municipal sections of those precinct books.

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

(c) No later than the first day of January, one thousand
nine hundred ninety-five, and within thirty days
following the entry of any annexation order or change in
street names or numbers, the governing body of an
incorporated municipality shall file with the clerk of the
county commission a certified current official municipal
boundary map and a list of streets and ranges of street
numbers within the municipality to assist the clerk in
determining whether a voter's address is within the
boundaries of the municipality.

(d) Each county, so long as precinct registration books
are maintained, shall maintain a duplicate record of
every active and inactive voter registration in a county
alphabetical file. The alphabetical file may be main-
tained on individual paper forms, or, upon approval of
the secretary of state of a qualified data storage
program, may be maintained in digitized format. A
qualified data storage program shall be required to
contain the same information for each voter registration
as the precinct books, shall be subject to proper security
from unauthorized alteration and shall be regularly
duplicated to backup data storage to prevent accidental
destruction of the information on file.

§3-2-20. Establishment of a state uniform voter data system
of digitized electronic storage of voter registration records.

(a) For the purposes of this article, the term “state
uniform voter data system” means a uniform software
program and system of digitized electronic storage of
voter registration records.

(b) A state uniform voter data system shall be
established in the state to standardize voter registration
record storage in each county, to provide for the efficient
maintenance and correction of records, to provide for effective compliance with the "National Voter Registration Act of 1993" (42 U.S.C. 1973gg), to simplify record keeping, training and supervision, and to improve information sharing and transfer capabilities.

(c) The state uniform voter data system shall include uniform voter registration software, standard required data elements, uniform security procedures and access requirements, the capacity to interface with common word processing and other software programs, the capacity to be used on a variety of compatible computer hardware and the capacity to transmit data to a central state computer.

(d) The secretary of state, in consultation with the state election commission and an advisory committee appointed by the commission, shall develop a comprehensive plan for the selection and/or development of appropriate voter registration software and for the development and implementation of pilot programs in at least six counties in the state no later than the thirty-first day of December, one thousand nine hundred ninety-five.

(1) The advisory committee shall include at least three persons who serve as clerks of a county commission in the state, two persons with expertise in computer technology and two representatives of the general public. No person serving on the advisory committee shall have any previous or current employment with or significant financial interest in any company which develops, offers for sale or provides service for any particular voter registration or election software, or which offers for sale computer hardware.

(2) Following the development of a proposed comprehensive plan pursuant to this subsection, the secretary of state and the advisory committee shall submit the plan to the state election commission and shall make the plan available for public inspection for at least thirty days prior to requesting proposals or bids.
(3) The uniform software program licenses for the counties shall be purchased with funds from the combined voter registration and driver licensing fund established in section twelve of this article.

(e) Full implementation of the uniform system within each county of the state shall proceed as soon as possible, subject to the extent of available funding and the limitations of time periods immediately preceding and following elections, and shall be completed in each county no later than the first day of July, one thousand nine hundred ninety-nine.

(f) Counties which adopt and implement the state uniform voter data system shall be eligible for reimbursement pursuant to the provisions of subdivision (7), subsection (a), section twelve of this article for the cost of conversion of existing data or entry of the existing voter records and for the cost of voter list maintenance procedures conducted jointly with other participating counties.

§3-2-21. Maintenance of records in state uniform voter data system in lieu of precinct record books.

(a) The clerk of the county commission of each county, upon installation of the state uniform voter data system, shall prepare a “Voter Registration Data System Record” book into which all required records of appointments of authorized personnel, tests, repairs, program alterations or upgrades and any other action by the clerk of the county commission or by any other person under supervision of the clerk affecting the programming or records contained in the system, other than routine data entry, alteration, use, transfer or transmission of records shall be entered.

(b) The clerk of the county commission shall appoint all personnel authorized to add, change or transfer voter registration information within the state uniform voter data system, and a record of each appointment and the date of authorization shall be entered as provided in
subsection (a) of this section. The assignment and
confidential record of assigned system identification or
authorized user code for each person appointed shall be
as prescribed by the secretary of state.

(c) Voter registration records entered into and
maintained in the state uniform voter data system shall
include the information required for application for
voter registration, for maintenance of registration and
voting records, for conduct of elections and for statistical
purposes, as prescribed by the secretary of state.

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

(e) The clerk of the county commission shall maintain,
within the data system, active and inactive voter
registration files, canceled voter registration files,
pending application files, and rejected application files,
all as defined in section eighteen of this article.

(f) Upon receipt of a completed voter registration
application, the clerk shall enter the information
provided on the application into the pending application
file and initiate the verification or notice of disposition
procedure as provided in section sixteen of this article.
Upon completion of the verification or notice of
disposition, the voter record shall be transferred to the
proper file.

(g) Upon receipt of an application or written confirma-
tion from the voter of a change of address within the
county, change of name, change of party affiliation or
other correction to a registration record in the active
voter registration file, the change shall be entered in the
record and the required notice of disposition mailed.

(h) Upon receipt of an application or written confirma-
tion from the voter of a change of address within the
county, change of name, change of party affiliation or other correction to a registration record in the inactive voter registration file, the change shall be entered in the record, the required notice of disposition mailed and the record transferred to the active registration file or returned to active status, and the date of the transaction shall be recorded.

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

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

(k) At least once each month during a period prescribed by the secretary of state, the clerk of the county commission of each county utilizing the state uniform voter data system shall transmit to the secretary of state, by electronic transmission or by the mailing of one or more data disks or other approved means, a copy of the active, inactive and pending application files as of the date of transmission, for the purpose of comparison of those records to the voter registration records of other counties in the state and for any other list maintenance procedures authorized by the provisions of this article.

(l) The secretary of state shall promulgate legislative rules pursuant to the provisions of chapter twenty-nine-a of this code establishing procedures for the elimination of separate precinct registration books as the
official active and inactive voter registration files and for the use of the state uniform voter data system to maintain all files, to produce voter lists for public inspection and to produce precinct voter records for election day use. Separate precinct registration books shall be maintained pursuant to the provisions of section nineteen of this article until all necessary provisions required for the conduct of elections at the polling place and for the implementation of the provisions of this chapter have been made. When a county is authorized to use the state uniform voter data system exclusively for all prescribed files, the clerk of the county commission shall transfer the original voter records contained in the precinct registration books to alphabetical record storage files which shall be retained in accordance with the provisions of section twenty-nine of this article, and any rules issued pursuant thereto.

§3-2-22. Correction of voter records.

(a) Any registered voter who moves from one residence to another within the county may file a request for change of address on the voter registration records by completing and signing, under penalty of perjury, as provided in section thirty-six of this article, and filing:

1. A change of address form at the office of the clerk of the county commission or through any of the voter registration outreach services established pursuant to the provisions of section eight of this article;

2. A state or federal mail registration form;

3. A change of address form for driver licensing purposes;

4. A change of address form for voter registration purposes at any authorized voter registration agency;

5. A confirmation of change of address form received pursuant to the provisions of section twenty-four, twenty-five, twenty-six or twenty-seven of this article; or
(6) An affidavit of change of address at the polling place of the precinct in which the new residence is located on election day.

(b) Upon the receipt of any request for change of address as provided in subsection (a) of this section, the clerk shall enter the change, assign the proper county precinct number and, if applicable, assign the proper municipal precinct number, and issue an acknowledgment notice or mail that notice to the voter at the new address.

(c) When the clerk of the county commission receives notice that a voter may have moved from one residence to another within the county from the United States postal service or through state programs to compare voting registration records with records of other official state or county agencies which receive, update and utilize residence address information, the clerk shall enter the change of address onto the voter registration record and send the confirmation notice as prescribed in section twenty-six of this article.

(d) Any registered voter who changes his or her legal name through marriage or by order of the circuit court may file a request for change of address on the voter registration records by completing and signing, under penalty of perjury, as provided in section thirty-six of this article, and filing:

(1) Any voter registration application form authorized by this article; or

(2) An affidavit of change of legal name at the polling place on election day.

(e) Upon the receipt of any request for change of legal name as provided in subsection (d) of this section, the clerk shall enter the change and issue an acknowledgment notice or mail the notice to the voter.

(f) Any registered voter who desires to change his or her political party affiliation may do so by filing, no later
than the close of voter registration for an election, any voter registration application form authorized by the provisions of this article. Upon receipt of a request for change of political party affiliation, the clerk shall enter the change and issue an acknowledgement notice or mail the notice to the voter.

(g) Any registered voter who finds an error in the information on his or her voter registration record may request a correction of the record by completing, signing and filing any voter registration form authorized by the provisions of this article, or an affidavit requesting such correction at the polling place on election day: Provided, That any voter who, in a primary election, alleges the party affiliation entered on the voter registration record at the polling place is incorrect and who desires to vote the ballot of a political party for which he or she does not appear to be eligible, may vote a challenged or provisional ballot of the desired political party: Provided, however, That the ballot may be counted in the canvass only if the original voter registration record contains a designation of such political party which has been filed no later than the close of registration for the primary election in issue.

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

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

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

(1) A death certificate from the registrar of vital statistics or a notice from the secretary of state that a comparison of the records of the registrar with the county voter registration records show the person to be deceased;

(2) The publication of an obituary clearly identifying the deceased person by name, residence and age corresponding to the voter record; or
(3) An affidavit signed by the parent, legal guardian, child, sibling or spouse of the voter giving the name and birth date of the voter, and date and place of death;

(b) Upon receipt of an official notice from a state or federal court that the person has been convicted of a felony, of treason or bribery in an election, in which event, the clerk shall enter a notation on the voter record of the date upon which the term of any sentence for such conviction will cease, unless sooner vacated by court action or pardon;

(c) Upon receipt of a notice from the appropriate court of competent jurisdiction of a determination of a voter’s mental incompetence;

(d) Upon receipt from the voter registration of a written request to cancel the voter’s registration, upon confirmation by the voter of a change of address to an address outside the county, upon notice from a voter registrar of another jurisdiction outside the county or state of the receipt of an application for voter registration in that jurisdiction, or upon notice from the secretary of state that a voter registration application accepted in another county of the state subsequent to the last registration date in the first county, as determined from a comparison of voter records;

(e) Upon failure to respond and produce evidence of continued eligibility to register following the challenge of the voter’s registration pursuant to the provisions of section twenty-eight of this article; or

(f) As required under the provisions of section twenty-seven of this article.


(a) In any county maintaining active voter registration files only in paper records in precinct registration books and alphabetical files, as provided in section nineteen of
this article, the systematic purging program provided in this section shall begin with the mailing of the first notice no earlier than the first day of October and no later than the first day of November of each odd numbered year, and shall be completed no later than the first day of February of the following year.

(b) The clerk of the county commission shall first send to every voter whose registration is designated as active and who has not updated his or her voter registration record since the first day of January of the same year a notice by first class mail, nonforwardable, address correction requested, the form of which shall be prescribed or approved by the secretary of state. The notice shall be addressed to the voter's residence address as it appears on the voter registration card. The clerk shall group the mailings by precinct, alphabetical grouping or zip code, and shall record the date on which each grouping was mailed. Upon the receipt of any such notices returned as undeliverable, the clerk shall arrange them in alphabetical order within the selected grouping.

(c) Not less than fourteen nor more than twenty-eight days following the mailing of the first notice to each group, the clerk shall prepare a list containing the name and address of each voter within the group for whom the first notice was returned as undeliverable. The list shall be titled “Systematic Purging Program Notices” and shall include the name of the county, name of the mailing group and the date of the preparation of the list.

(d) The clerk shall then mail to each voter whose name appears on the lists prepared pursuant to subsection (c) of this section a confirmation notice in accordance with the provisions of section twenty-six of this article and of Section 8(d)(2) of the “National Voter Registration Act of 1993” (42 U.S.C. 1973gg). All notices mailed to the voters of a particular mailing group shall be mailed on the same day and the date of the mailing of the notice shall be entered on the list. All such notices shall be mailed no later than the thirty-first day of December.
(e) Upon receipt of any response or returned mailing sent pursuant to the provisions of subsection (d) of this section, the clerk shall immediately enter the date and type of response received on the list of voters prepared pursuant to the provisions of this section and shall then proceed in accordance with the provisions of section twenty-six of this article. For purposes of complying with the record-keeping and public inspection requirements of the “National Voter Registration Act of 1993” (42 U.S.C. 1973gg), and with the provisions of section twenty-seven of this article, the lists shall be kept in a binder, prepared for such purpose, in the order in which the mailing groups were first given notice, and the binder shall be available for public inspection. Information concerning whether or not each person has responded to the notice shall be available for public inspection as of the date the information is received.

(f) Any voter to whom a confirmation notice was mailed pursuant to the provisions of subsection (d) of this section who fails to respond to the notice or to update his or her voter registration by the first day of February immediately following the completion of the program, shall be designated inactive by a clear mark or tag, or placed within the inactive voter registration file, as defined in section nineteen of this article.

§3-2-25. Systematic purging program for removal of ineligible voters from active voter registration files for counties with state approved uniform voter data system; modified program for counties using other digitized record storage systems.

(a) In any county maintaining active voter registration files in the state uniform voter data system, as defined in section twenty of this article, the systematic purging program provided for in this section shall begin no earlier than the first day of October of each odd numbered year and shall be completed no later than the first day of February of the following year. The clerk of the county commission shall transmit or mail on data
disk to the secretary of state a copy of the digitized
records contained in the active voter registration file as
of the first day of October, to be received by the
secretary of state no later than the fifteenth day of
October.

(b) Upon receipt of the voter records in data format,
the secretary of state shall provide for the comparison of
data records of all participating counties. The secretary
of state shall, based on the comparison, prepare a data
file or printed list for each county which shall include
the voter registration record for each voter shown on
that county's list who appears to have registered or to
have updated a voter registration in another county at a
subsequent date. The resulting files and/or lists shall be
returned to the appropriate county and the clerk of the
county commission shall proceed with the confirmation
procedure for those voters as prescribed in section
twenty-six of this article.

(c) The secretary of state may provide for the compari-
son of data records of participating counties with the
data records of the division of motor vehicles, the
registrar of vital statistics and with the data records of
any other state agency which maintains records of
residents of the state, if the procedure is practical and
the agency agrees to participate. Any resulting informa-
tion regarding potentially ineligible voters shall be
returned to the appropriate county and the clerk of the
county commission shall proceed with the confirmation
procedure as prescribed in section twenty-six of this
article.

(d) The records of all of the voters of all participating
counties not identified pursuant to the procedures set
forth in subsections (b) and (c) of this section shall be
combined for comparison with United States postal
service change of address information, as described in
Section 8(c)(A) of the "National Voter Registration Act
of 1993" (42 U.S.C. 1973gg). The secretary of state shall
contract with an authorized vendor of the United States
postal service to perform the comparison. Not less than thirty percent nor more than fifty percent of the cost of the change of address comparison procedure shall be paid for from the combined voter registration and licensing fund established in section twelve of this article and participating counties shall reimburse the fund for the balance of the cost prorated on a per voter basis.

(e) The secretary of state shall return to each county the identified matches of the county voter registration records and the postal service change of address records.

(1) When the change of address information indicates the voter has moved to a new address within the county, the clerk of the county commission shall enter the new address on the voter record in the active registration file and assign the proper precinct.

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

(f) The clerk of the county commission shall prepare a list containing the name and address of each voter to whom a confirmation notice was mailed and the date on which the notice was mailed. The list shall be titled “Systematic Purging Program Notices” and shall include the name of the county and the date of the preparation of the list and shall be arranged in alphabetical order within precincts or for the entire county.

(g) Upon receipt of any response or returned mailing sent pursuant to the provisions of subsection (e) of this section, the clerk shall immediately enter the date and
type of response received on the list of voters prepared
pursuant to the provisions of this section and shall then
proceed in accordance with the provisions of section
twenty-six of this article.

(h) For purposes of complying with the record-keeping
and public inspection requirements of the “National
Voter Registration Act of 1993” (42 U.S.C. 1973gg), and
with the provisions of section twenty-seven of this
article, the lists shall be maintained either in printed
form kept in a binder prepared for such purpose and
available for public inspection or in read-only data
format available for public inspection on computer
 terminals set aside and available for regular use by the
general public. Information concerning whether or not
each person has responded to the notice shall be entered
onto the list upon receipt and shall be available for
public inspection as of the date the information is
received.

(i) Any voter to whom a confirmation notice was
mailed pursuant to the provisions of subsection (e) of
this section who fails to respond to the notice or to
update his or her voter registration by the first day of
February immediately following the completion of the
program, shall be designated inactive and placed within
the inactive voter registration file, as defined in section
nineteen of this article. Any voter designated inactive
shall be required to affirm his or her current residence
address upon appearing at the polls to vote.

(j) A county which uses a digitized data system for
voter registration other than the state uniform voter data
system shall conduct the systematic purging program for
removal of ineligible voters from active voter registra-
tion files by contracting directly with an authorized
vendor of the United States postal service for change of
address information, at county expense, for the identifi-
cation of potentially ineligible voters, and upon receipt
of the list of matches, shall perform the steps required by
the provisions of subsections (e) through (i) of this
section within the same time limits and procedures required for those counties participating in the state approved system.

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

§3-2-26. Confirmation notices for systematic purging program.

(a) For purposes of this article, a “confirmation notice” means a specific notice sent to a registered voter when that voter appears to have moved or to have become ineligible to vote, based on:

(1) A mailing returned as undeliverable as provided in sections sixteen, seventeen and twenty of this article; or

(2) Information obtained through a systematic purging program as provided in sections twenty-four and twenty-five of this article.

(b) A confirmation notice shall be sent by first class, forwardable mail and shall include a pre-addressed, postage prepaid or business reply return card on which the registrant may state his or her current address, together with a notice prescribed by the secretary of
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§3-2-27. Procedure following sending of confirmation notices; correction or cancellation of registrations upon response; designation of inactive when no response; cancellation of inactive voters; records.

(a) Upon receipt of a confirmation response card mailed pursuant to the provisions of section twenty-six of this article and returned completed and signed by the voter, the clerk shall either:

(1) Update the voter registration by noting the confirmation of the current address if no other changes are requested or by entering any change of address within the county, change of name or other correction requested by the voter; or

(2) Cancel the voter's registration if the voter confirms that he or she has moved out of the county.

(b) Upon receipt of the confirmation notice returned undeliverable, the clerk may either:

(1) Send a second confirmation notice to the old residence address if the first notice was sent to a new address provided by the postal service; or

(2) Designate the registration as "inactive" or transfer it to the inactive voter registration file, as defined in section nineteen of this article.

(c) If no response to the confirmation notice is received by the first day of February following the mailing of the confirmation notice, the clerk shall designate the registration as "inactive" or transfer it to the inactive voter registration file as provided in section nineteen of this article.

(d) An inactive voter registration shall be returned to active status or transferred to the active voter registra-
tion file upon the voter's application to update the
registration or to vote in any election while they remain
on the inactive list.

(e) The clerk of the county commission shall cancel the
records of all voters on the inactive file who have not
responded to the confirmation notice, otherwise updated
their voter registrations or voted in any state, county or
municipal primary, general or special election held
within the county during a period beginning on the date
of the notice and ending on the day after the date of the
second general election for federal office which occurs
after the date of the notice.

§3-2-28. Challenges; notice; cancellation of registration.

(a) The registration of any registered voter may be
challenged by the clerk of the county commission, the
secretary of state, any registrar of the county, the
chairman of any political party committee or by any
voter who shall appear in person at the clerk's office.
The person challenging the registration shall complete a
form prescribed by the secretary of state giving the name
and address of the voter and the reason for challenge.
The challenge shall be filed as a matter of record in the
office of the clerk of the county commission.

(b) Upon the receipt of a challenge, the clerk of the
county commission shall mail a notice of challenge to the
registrant, setting forth that the voter's registration will
be canceled if the voter does not appear in person during
business hours at the clerk's office within a period of
thirty days from the mailing of the notice and present
evidence of his or her eligibility. The form of the notice
of challenge shall be prescribed by the secretary of state
and shall be mailed by certified mail, return receipt
requested.

(c) If the notice of challenge is returned as undeliver-
able at the registration address, or if the challenged
registrant does not appear and present evidence of
continued eligibility within the prescribed time, the
voter's registration shall be immediately canceled. Returned mail or failure to appear shall be prima facie evidence of the registrant's ineligibility. If the registrant does timely appear and present evidence of his or her eligibility, the clerk shall determine eligibility to be registered as a voter as in any other case. If the reason for ineligibility is that the voter does not reside at the address on the registration and the voter presents evidence of residence elsewhere in the county, the clerk of the county commission shall accept a request for change of address and remove the challenge.

§3-2-29. Custody of original registration records and voter registration data files.

(a) All original registration records and voter registration data files shall remain in the custody of the county commission, by its clerk, and shall not be removed except for use in an election or by the order of a court of record or in compliance with a subpoena duces tecum issued by the secretary of state pursuant to the provisions of section six, article one-a of this chapter.

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

(c) Prior to the destruction of original voter registration applications or registration cards of voters whose registration has been canceled at least five years previously, the clerk of the county commission shall notify the secretary of state of the intention to destroy those records. If the secretary of state determines, within ninety days of the receipt of the notice, that those records are of sufficient historical value that microfilm
or other permanent data storage is desirable, the
secretary of state may require that the records be
delivered to a specified location for processing at state
expense.

(d) When a county maintains in digitized data format
the active, inactive, pending, rejected and canceled
registration files, a data format copy of each of the files
shall be maintained as a permanent record, as follows:

(1) Individual canceled registration records shall be
maintained in a regularly accessible data file for a period
of at least three years following cancellation. Upon the
expiration of three years, those individual records may
be removed from the regularly accessible canceled
registration file and stored on tape or disk. The records
removed may be added to a single file containing
previously canceled registration records for permanent
storage, and the tape or disk shall be clearly labeled.

(2) Rejected registration record files shall be main-
tained in the same manner as provided for canceled
registration files.

(3) At least once each calendar year, during the month
of February, a data format copy of the active registration
file, inactive registration file and pending application
file shall be made, containing all records maintained in
those files as of the date of the copy. The copy shall be
stored on tape or disk and shall be clearly labeled with
the types of files and the date the copy was made.

§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.

(a) The active, inactive, rejected and canceled voter
registration records shall be made available for public
inspection during office hours of the clerk of the county
commission in accordance with the provisions of chapter
twenty-nine-b of this code, as follows:
(1) When the active and inactive files are maintained on precinct registration books, any person shall be allowed to examine these files under the supervision of the clerk and obtain copies of records, except when a precinct book is in temporary use for updating and preparing lists, or during the time the books are sealed for use in an election. Other original voter registration records, including canceled voter records, pending applications, rejected applications, records of change requests, reinstatements and other documents shall be available for inspection upon specific request.

(2) When the active, inactive, rejected and canceled voter files are maintained in data format, any person shall be allowed to examine voter record information in printed form or in a read-only data format on a computer terminal set aside for public use, if available. The data files available shall include all registration and voting information maintained in the file, except that the telephone number and social security number of any voter shall not be available for inspection or copying in any format.

(b) Printed lists of registered voters may be purchased for noncommercial use from the clerk of the county commission at a cost of one cent per name.

(1) In counties maintaining active and inactive files on precinct registration books only, a separate list for each of the two major political parties and for voters registered independent or other affiliation shall be prepared for each precinct. The lists shall be arranged in alphabetical order or street order, as the books are maintained, and shall include the name, residence address and party affiliation of the voter, along with a designation of inactive status where applicable. The lists shall be prepared prior to the primary election, and the clerk shall not be required to supplement or revise those lists as registrations are added or canceled.

(2) In counties maintaining active and inactive files in digitized data format, the clerk of the county commission
shall, upon request, prepare printed copies of the lists of
takers for each precinct. No list prepared under this
section may include the telephone number or social
security number of the registrant. The clerk shall
establish a written policy, which shall be posted within
public view, listing the options which may be requested
for selection and sorting criteria and available data
elements, which shall include at least the name,
residence address, political party affiliation and status,
and the format of the lists and the times at which lists
will be prepared. A copy of the policy shall be filed with
the secretary of state no later than the first day of
January, one thousand nine hundred ninety-five, and
within thirty days after any change in policy.

(c) In counties which maintain voter files in a digitized
data format, lists of registered voters may be obtained
for noncommercial purposes in data format on disk
provided and prepared by the clerk of the county
commission at a cost of one cent per name plus ten
dollars for each disk required. No data file prepared
under this subsection may include the telephone number
or social security number of the registrant.

(d) The fees received by the clerk of the county
commission shall be kept in a separate fund under the
supervision of the clerk for the purpose of defraying the
cost of the preparation of the voter lists. Any unex-
pended balance in the fund shall be transferred to the
general fund of the county commission.

(e) After the implementation of the state uniform voter
data system, the secretary of state may make voter lists
available for sale subject to the limitations as provided
in this section for counties, except that the cost shall be
one and one-half cents per name plus ten dollars for each
disk required. One cent per name for each voter from a
particular county on each list sold shall be reimbursed to
the appropriate county and one-half cent per name shall
be deposited to a special account for purpose of
defraying the cost of the preparation of the lists.
(f) No voter registration lists or data files containing the names, addresses or other information relating to voters derived from voter data files obtained pursuant to the provisions of this article may be used for commercial solicitations or advertising, sold or reproduced for resale, or provided to any person at less than the prescribed cost for any purpose other than official use.

§3-2-31. Rules pertaining to voting after registration or change of address within the county.

(a) A voter who designates a political affiliation with a major party on a registration application filed at least thirty days before the primary may vote the ballot of that political party in the primary election. Political parties, through the official action of their state executive committees, shall be permitted to determine whether unaffiliated voters or voters of other parties shall be allowed to vote that party's primary election ballot upon request.

(b) A voter whose registration record lists one residence address but the voter has since moved to another residence address within the precinct shall be permitted to update the registration at the polling place and vote without challenge for that reason.

(c) A voter whose registration record lists one residence address but the voter has since moved to another residence address in a different precinct in the same county shall be permitted to update the registration at the polling place serving the new precinct and shall be permitted to vote a challenged or provisional ballot at the new polling place. If the voter's registration is found on the registration records within the county during the canvass and no other challenge of eligibility was entered on election day, the challenge shall be removed and the ballot shall be counted.

(d) A voter whose registration record has been placed on an inactive status or transferred to an inactive file
and who has not responded to a confirmation notice sent pursuant to the provisions of section twenty-four, twenty-five or twenty-six of this article and who offers to vote at the polling place where he or she is registered to vote shall be required to affirm his or her present residence address under penalty of perjury, as provided in section thirty-six of this article.

§3-2-32. Unlawful registration or rejection of voter; penalties.

(a) Any registrar or clerk of the county commission who knowingly registers or permits to be registered a person not lawfully entitled to be registered, or who knowingly refuses to register a person entitled to be registered, or who knowingly assists in preventing such person from being registered, or who inserts or intentionally permits to be inserted a name or other entry in any registration form or file, knowing or having reason to know that the entry should not be made, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than one thousand dollars or confined in the county jail for not more than one year, or both, in the discretion of the court.

(b) Any person who registers or applies to be registered, or persuades or assists another to be registered, or who applies for a change of residence address, knowing or having reason to know that he or she is not entitled to be registered or to have his or her residence address changed on the registration record, or any person who declares an address known not to be his or her legal residence or who impersonates another in an application for registration, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than one thousand dollars or confined in the county jail for not more than one year, or both, in the discretion of the court.

§3-2-33. Neglect of duty by registration officers; penalties.

Any registrar or clerk of the county commission or his or her authorized deputies or any other persons upon
§3-2-34. Alteration or destruction of records; penalties.

(a) Any person who wrongfully and intentionally inserts or permits to be wrongfully inserted any name or material entry on any registration form, file or any other record in connection with registration, or who wrongfully alters or destroys an entry which has been duly made, or who wrongfully takes and removes any such registration form, or any other record authorized or required in connection with registration from the custody of any person having lawful charge thereof, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than one thousand dollars or confined in the county jail for not more than one year, or both, in the discretion of the court.

(b) Any person, in the absence of specific authority provided under the provisions of this article, destroys or attempts to destroy any registration document or record, or who removes or attempts to remove such registration document or record, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars nor more than one thousand dollars or confined in the county jail for not more than one year, or both, in the discretion of the court.

§3-2-35. Withholding information; penalties.

Any person who neglects to or refuses to furnish to the secretary of state, to the county commission, or to the clerk of the county commission any information which he or she is authorized to obtain in connection with
registration, or to exhibit any records, papers or docu-
ments herein authorized to be inspected by them, shall
be guilty of a misdemeanor, and, upon conviction there-
of, shall be fined not more than one thousand dollars, or
confined in the county jail for not more than one year, or
both, at the discretion of the court.

§3-2-36. Crimes and offenses relating to applications for
registration or change of registration; penalties.

(a) A person who willfully provides false information
concerning a material matter or thing on an application
for registration or change of registration, under oath,
affirmation or attestation, shall be deemed guilty of
perjury; one who induces or procures another person to
do so shall be deemed guilty of subordination of perjury.

(b) A person who knowingly offers any application for
registration or transfer of registration when the
applicant therein is not qualified to register or transfer
his registration, or any person who knowingly adminis-
ters an oath or affirmation to an applicant for registra-
tion or change of registration when the application
contains false information concerning a material matter
or thing, or any person who falsely represents that an
oath or affirmation was executed by an applicant for
registration or change of registration, shall be guilty of
a felony, and, upon conviction thereof, shall be impris-
oned in the penitentiary not less than one year nor more
than three years, or fined not less than five hundred
dollars nor more than five thousand dollars, or both
fined and imprisoned, or, in the discretion of the court,
be confined in the county jail for not more than one year,
or fined not less than five hundred dollars nor more than
five thousand dollars, or both fined and imprisoned.

§3-2-37. Effective date.

(a) Except as may otherwise be specifically provided in
this section, the provisions of this article shall take effect
on the first day of January, one thousand nine hundred
ninety-five. The provisions of this article relating to the
preparation for implementation of voter registration programs and procedures under this article and under the “National Voter Registration Act of 1993” (42 U.S.C. 1973gg), including sections three, five, twelve, thirteen of this article and subsections (a) and (b), section fourteen of this article and subdivision (4), subsection (b), section nineteen of this article and section twenty of this article, shall take effect upon the effective date of this article.

(b) All procedures and requirements established by the previous enactment of this article, except the provisions of subsection (d), section twenty-two of this article, shall continue in effect until the thirty-first day of December, one thousand nine hundred ninety-four inclusive, as if article two of this chapter had not been amended.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 30th day of March, 1994.

Governor