WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

COMMITTEE SUBSTITUTE
FOR
ENROLLED
Senate Bill No. 496

(Senators Kessler, Oliverio, White, McKenzie and Plymale, original sponsors)

[Passed March 4, 2008; in effect from passage.]
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AN ACT to amend and reenact §3-2-30 of the Code of West
Virginia, 1931, as amended, relating to protecting certain
information maintained in voter registration files.

Be it enacted by the Legislature of West Virginia:

That §3-2-30 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-30. Public inspection of voter registration records in the
office of the clerk of the county commission;
providing voter lists for noncommercial use;
prohibition against resale of voter lists for
commercial use or profit.
(a) Any person may examine the active, inactive, rejected and canceled voter registration records 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 may examine the 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; and

(2) When the active, inactive, rejected and canceled voter files are maintained in data format, any person may 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 for examination and copying shall include all registration and voting information maintained in the file, but may not include the registrant's telephone number, social security number or driver's license number or nonoperator's identification number issued by the Division of Motor Vehicles.

(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.

(c) 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 voters for each precinct. No list prepared under this section may include the registrant's telephone number, social security number or driver's license number or nonoperator's identification number issued by the Division of Motor Vehicles. The clerk shall establish a written policy, posted within public view, listing the options for selection and sorting
criteria and available data elements. The data elements shall include, at least:

1. The name, residence address, political party affiliation and status of the registrant;

2. The available formats of the lists; and

3. The times at which lists will be prepared. A copy of the county policy shall be filed with the Secretary of State no later than the first day of January of each even-numbered year.

(d) 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 registrant's telephone number, social security number or driver's license number or nonoperator's identification number issued by the Division of Motor Vehicles.

(e) 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 unexpended balance in the fund shall be transferred to the general fund of the county commission.

(f) The Secretary of State may make voter lists available for sale subject to the limitations as provided in this section for counties. The cost for a partial list shall be one and one-half cents per name plus ten dollars for each disk required; the cost for a complete statewide list shall be one-half cent per name and a flat fee of one thousand dollars. One cent per name for each voter from a particular county on each partial list and one-half cent per name for each voter from a particular county on each statewide list sold shall be reimbursed to the appropriate county. The disk fee and one-half cent per name associated with a partial list and the flat fee of one thousand dollars associated with a complete
statewide list shall be deposited to a special revenue
account for purpose of defraying the cost of preparing
the lists.

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

(h) No voter registration lists or data files containing
voter names, addresses or other information derived
from voter data files obtained pursuant to the
provisions of this article may be used for commercial or
charitable solicitations or advertising, sold or
reproduced for resale.
The 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 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 Day of , 2008.

Governor