

SB 496

FILED

2008 MAR 20 AM 11:19

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

SECRETARY OF STATE

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.

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

6 (1) When the active and inactive files are maintained
7 on precinct registration books, any person may examine
8 the files under the supervision of the clerk and obtain
9 copies of records except when a precinct book is in
10 temporary use for updating and preparing lists or
11 during the time the books are sealed for use in an
12 election. Other original voter registration records,
13 including canceled voter records, pending applications,
14 rejected applications, records of change requests,
15 reinstatements and other documents, shall be available
16 for inspection upon specific request; and

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

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

31 (c) In counties maintaining active and inactive files in
32 digitized data format, the clerk of the county
33 commission shall, upon request, prepare printed copies
34 of the lists of voters for each precinct. No list prepared
35 under this section may include the registrant's
36 telephone number, social security number or driver's
37 license number or nonoperator's identification number
38 issued by the Division of Motor Vehicles. The clerk
39 shall establish a written policy, posted within public
40 view, listing the options for selection and sorting

41 criteria and available data elements. The data elements
42 shall include, at least:

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

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

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

50 (d) In counties which maintain voter files in a
51 digitized data format, lists of registered voters may be
52 obtained for noncommercial purposes in data format on
53 disk provided and prepared by the clerk of the county
54 commission at a cost of one cent per name plus ten
55 dollars for each disk required. No data file prepared
56 under this subsection may include the registrant's
57 telephone number, social security number or driver's
58 license number or nonoperator's identification number
59 issued by the Division of Motor Vehicles.

60 (e) The fees received by the clerk of the county
61 commission shall be kept in a separate fund under the
62 supervision of the clerk for the purpose of defraying the
63 cost of the preparation of the voter lists. Any
64 unexpended balance in the fund shall be transferred to
65 the general fund of the county commission.

66 (f) The Secretary of State may make voter lists
67 available for sale subject to the limitations as provided
68 in this section for counties. The cost for a partial list
69 shall be one and one-half cents per name plus ten
70 dollars for each disk required; the cost for a complete
71 statewide list shall be one-half cent per name and a flat
72 fee of one thousand dollars. One cent per name for each
73 voter from a particular county on each partial list and
74 one-half cent per name for each voter from a particular
75 county on each statewide list sold shall be reimbursed
76 to the appropriate county. The disk fee and one-half
77 cent per name associated with a partial list and the flat
78 fee of one thousand dollars associated with a complete

79 statewide list shall be deposited to a special revenue
80 account for purpose of defraying the cost of preparing
81 the lists.

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

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

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

Chandelewhite
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Parrell Ekles
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is* *approved* this
the *20th* Day of *May* , 2008.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 17 2008

Time 11:10am