

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2013



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 482

(SENATOR PALUMBO, *ORIGINAL SPONSOR*)

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

SB 482

2013 MAR -3 PM 2:33
SEN. PALUMBO
SEN. PALUMBO

2013 MAY -3 PM 2: 33

SECRETARY OF STATE

E N R O L L E D
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 482

(SENATOR PALUMBO, *original sponsor*)

[Passed April 13, 2013; in effect ninety days from passage.]

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

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 3. ELECTIONS.

ARTICLE 2. REGISTRATION OF VOTERS.

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 1. FEES AND ALLOWANCES.

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

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

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

5

[Enr. Com. Sub. for S. B. No. 482

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

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

13 (8) Voter History List. Current hourly rate

14 (9) Complex Research Query. Current hourly rate

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

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

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

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

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

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

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

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

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

Rocky Fulmer
.....
Member ~~Chairman~~ Senate Committee

Johnny Wells
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Joseph M. Minard
.....
Clerk of the Senate

Bryan W. Burt
.....
Clerk of the House of Delegates

Jeff Vukobratovic
.....
President of the Senate

Paul R. Stamler
.....
Speaker of the House of Delegates

2013 MAY -3 PM 2:33
SECRETARY OF STATE
FILED

The within *is approved* this the *3rd*
May
Day of, 2013.

Paul R. Stamler
.....
Governor

PRESENTED TO THE GOVERNOR

MAY - 1 2013

Time 1:45 pm