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.]
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.

(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 chapter twenty-nine-b of this code.

Active, inactive, rejected and canceled voter files are to be maintained in electronic 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, email address, Social Security number or driver’s license number or nonoperator’s identification number issued by the Division of Motor Vehicles.

(b) The clerk of the county commission shall, upon request, provide printed copies of the lists of voters for each precinct. No list prepared under this section may include the registrant’s telephone number, email address, 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 January 1 of each even-numbered year.

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

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

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

(g) This section may not be interpreted to prevent the Secretary of State from sharing data files containing voter information with authorized service providers or sharing data across state lines with any state or local election official for the purpose of voter registration and election administration 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.

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

1 (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
(6) Statewide Absentee Received List .............. $200

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

(8) Voter History List ................ Current hourly rate

(9) Complex Research Query ........ Current hourly rate

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

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

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

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

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

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

d) Net proceeds from the sale of data originating in the statewide voter registration system, along with any interest on
such funds, shall be deposited into the State Election Fund as set forth in subsection (b), section forty-eight, article one, chapter three of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Member
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 of the House of Delegates

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

Governor
PRESENTED TO THE GOVERNOR

May 1, 2013

Time 1:45 pm