

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-FIRST LEGISLATURE**  
**REGULAR SESSION, 2013**



**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 535**

(SENATORS PALUMBO, WELLS, McCABE AND FITZSIMMONS,  
*ORIGINAL SPONSORS*)

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

SB535

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DEPARTMENT OF STATE

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SECRETARY OF STATE

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**AN ACT to repeal §3-2-24 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1-3 of said code; and to amend and reenact §3-2-2, §3-2-4a, §3-2-18, §3-2-19, §3-2-21, §3-2-23, §3-2-25 and §3-2-29 of said code, all relating to the maintenance of voter registration lists and related records generally; repealing provisions governing superseded voter list purging procedures; updating specific constitutional provisions relating to voting; modifying when a person under the age of eighteen may vote in a primary election; updating the processes and responsibilities for statewide voter registration and establishing county and state roles in the voter registration process; modifying the processes of maintaining voter registration records; specifying county roles in maintaining voter registration files for municipal elections; modifying processes for the maintenance of records in the statewide voter registration database; permitting registration records to be shared across state lines pursuant to certain programs; modifying processes for cancellation of deceased or ineligible voters' registrations; providing county and state roles in the systematic purging program for removal of ineligible voters**

from active voter registration records; and providing for the custody of paper and electronic voter registration records.

*Be it enacted by the Legislature of West Virginia:*

That §3-2-24 of the Code of West Virginia, 1931, as amended, be repealed; that §3-1-3 of said code be amended and reenacted; and that §3-2-2, §3-2-4a, §3-2-18, §3-2-19, §3-2-21, §3-2-23, §3-2-25 and §3-2-29 of said code be amended and reenacted, all to read as follows:

## **ARTICLE I. GENERAL PROVISIONS AND DEFINITIONS.**

### **§3-1-3. Persons entitled to vote.**

1           Citizens of the state shall be entitled to vote at all  
2 elections held within the precincts of the counties and  
3 municipalities in which they respectively reside. But no  
4 person who has not been registered as a voter as required by  
5 law, or who is a minor, or who has been declared mentally  
6 incompetent by a court of competent jurisdiction, or who is  
7 under conviction of treason, felony or bribery in an election,  
8 or who is not a bona fide resident of the state, county or  
9 municipality in which he or she offers to vote, shall be  
10 permitted to vote at such election while such disability  
11 continues, unless otherwise specifically provided by federal  
12 or state code. Subject to the qualifications otherwise  
13 prescribed in this section, however, a minor shall be  
14 permitted to vote only in a primary election if he or she will  
15 have reached the age of eighteen years on the date of the  
16 general election next to be held after such primary election.

## **ARTICLE 2. REGISTRATION OF VOTERS.**

### **§3-2-2. Eligibility to register to vote.**

1       (a) Any person who possesses the constitutional  
2 qualifications for voting may register to vote. To be  
3 qualified, a person must be a citizen of the United States and  
4 a legal resident of West Virginia and of the county where he  
5 or she is applying to register, shall be at least eighteen years  
6 of age, except that a person who is at least seventeen years of  
7 age and who will be eighteen years of age by the time of the  
8 next ensuing general election may also be permitted to  
9 register, and shall not be otherwise legally disqualified:  
10 *Provided*, That a registered voter who has not reached  
11 eighteen years of age may vote both partisan and nonpartisan  
12 ballots in a federal, state, county, municipal or special  
13 primary election if he or she will be eighteen years of age by  
14 the time of the corresponding general election.

15       (b) Any person who has been convicted of a felony,  
16 treason or bribery in an election, under either state or federal  
17 law, is disqualified and is not eligible to register or to  
18 continue to be registered to vote while serving his or her  
19 sentence, including any period of incarceration, probation or  
20 parole related thereto. Any person who has been declared  
21 mentally incompetent by a court of competent jurisdiction is  
22 disqualified and shall not be eligible to register or to continue  
23 to be registered to vote for as long as that disability  
24 continues.

**§3-2-4a. Statewide voter registration database.**

1       (a) The Secretary of State shall implement and maintain  
2 a single, official, statewide, centralized, interactive  
3 computerized voter registration database of every legally  
4 registered voter in the state, as follows:

5       (1) The statewide voter registration database shall serve  
6 as the single system for storing and managing the official list  
7 of registered voters throughout the state.

8           (2) The statewide voter registration database shall contain  
9 the name, registration information and voter history of every  
10 legally registered voter in the state.

11           (3) In the statewide voter registration database, the  
12 Secretary of State shall assign a unique identifier to each  
13 legally registered voter in the state.

14           (4) The statewide voter registration database shall be  
15 coordinated with other agency databases within the state and  
16 elsewhere, as appropriate.

17           (5) The Secretary of State, any clerk of the county  
18 commission or any authorized designee of the Secretary of  
19 State or clerk of the county commission may obtain  
20 immediate electronic access to the information contained in  
21 the statewide voter registration database.

22           (6) The clerk of the county commission shall  
23 electronically enter voter registration information into the  
24 statewide voter registration database on an expedited basis at  
25 the time the information is provided to the clerk.

26           (7) The Secretary of State shall provide necessary support  
27 to enable every clerk of the county commission in the state to  
28 enter information as described in subdivision (6) of this  
29 subsection.

30           (8) The statewide voter registration database shall serve  
31 as the official voter registration list for conducting all  
32 elections in the state.

33           (b) The Secretary of State or any clerk of a county  
34 commission shall perform maintenance with respect to the  
35 statewide voter registration database on a regular basis as  
36 follows:

37 (1) If an individual is to be removed from the statewide  
38 voter registration database, he or she shall be removed in  
39 accordance with the provisions of 42 U. S. C. §1973gg, *et*  
40 *seq.*, the National Voter Registration Act of 1993.

41 (2) The Secretary of State shall coordinate the statewide  
42 voter registration database with state agency records and shall  
43 establish procedures for the removal of names of individuals  
44 who are not qualified to vote because of felony status or  
45 death. No state agency may withhold information regarding  
46 a voter's status as deceased or as a felon unless ordered by a  
47 court of law.

48 (c) The list maintenance performed under subsection (b)  
49 of this section shall be conducted in a manner that ensures  
50 that:

51 (1) The name of each registered voter appears in the  
52 statewide voter registration database;

53 (2) Only voters who are not registered, who have  
54 requested in writing that their voter registration be canceled  
55 or who are not eligible to vote are removed from the  
56 statewide voter registration database;

57 (3) Duplicate names are eliminated from the statewide  
58 voter registration database; and

59 (4) Deceased individuals' names are eliminated from the  
60 statewide voter registration database.

61 (d) The Secretary of State and the clerks of all county  
62 commissions shall provide adequate technological security  
63 measures to prevent the unauthorized access to the statewide  
64 voter registration database established under this section.

65 (c) The Secretary of State shall ensure that voter  
66 registration records in the state are accurate and updated  
67 regularly, including the following:

68 (1) A system of file maintenance that makes a reasonable  
69 effort to remove registrants who are ineligible to vote from  
70 the official list of eligible voters. Under the system,  
71 consistent with 42 U. S. C. §1973gg, *et seq.*, registrants who  
72 have not responded to a notice sent pursuant to section  
73 twenty six, article two of this chapter, who have not  
74 otherwise updated their voter registration address and who  
75 have not voted in two consecutive general elections for  
76 federal office shall be removed from the official list of  
77 eligible voters, except that no registrant may be removed  
78 solely by reason of a failure to vote;

79 (2) By participation in programs across state lines to  
80 share data specifically for voter registration to ensure that  
81 voters who have moved across state lines or become deceased  
82 in another state are removed in accordance with state law and  
83 42 U. S. C. §1973gg, *et seq.*; and

84 (3) Through safeguards to ensure that eligible voters are  
85 not removed in error from the official list of eligible voters.

86 (f) Applications for voter registration may only be  
87 accepted when the following information is provided:

88 (1) Except as provided in subdivision (2) of this  
89 subsection and notwithstanding any other provision of law to  
90 the contrary, an application for voter registration may not be  
91 accepted or processed unless the application includes:

92 (A) In the case of an applicant who has been issued a  
93 current and valid driver's license, the applicant's driver's  
94 license number;

95 (B) In the case of an applicant who has been issued an  
96 identification card by the Division of Motor Vehicles, the  
97 applicant's identification number; or

98 (C) In the case of any other applicant, the last four digits  
99 of the applicant's Social Security number; and

100 (2) If an applicant for voter registration has not been  
101 issued a current and valid driver's license, Division of Motor  
102 Vehicles identification card or a Social Security number, the  
103 Secretary of State shall assign the applicant a number which  
104 will serve to identify the applicant for voter registration  
105 purposes. The number assigned under this subdivision shall  
106 be the unique identifying number assigned under the  
107 statewide voter registration database.

108 (g) The Secretary of State and the Commissioner of the  
109 Division of Motor Vehicles shall enter into an agreement to  
110 match and transfer applicable information in the statewide  
111 voter registration database with information in the database  
112 of the Division of Motor Vehicles to the extent required to  
113 enable each official to verify the accuracy of the information  
114 provided on applications for voter registration.

115 (h) The Commissioner of the Division of Motor Vehicles  
116 shall enter into an agreement with the Commissioner of  
117 Social Security under 42 U. S. C. §401, *et seq.*, the Social  
118 Security Act. All fees associated with this agreement shall be  
119 paid for from moneys in the fund created under section  
120 twelve of this article.

**§3-2-18. Registration records; active, inactive, canceled,  
pending and rejected registration files; procedure;  
voting records.**

1 (a) For the purposes of this article:



2           (1) "Original voter registration record" means all records  
3 submitted or entered in writing or electronically, where  
4 permitted by law, for voter registration purposes, including:

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

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

18           (2) "Active voter registration records" means the  
19 registration records, whether on paper or in electronic format,  
20 containing the names, addresses, birth dates and other  
21 required information for all persons within a county who are  
22 registered to vote and whose registration has not been  
23 designated as inactive or canceled pursuant to the provisions  
24 of this article.

25           (3) "Inactive voter registration records" means the  
26 registration records, whether on paper or in electronic format,  
27 containing the names, addresses, birth dates and other  
28 required information for all persons designated inactive  
29 pursuant to the provisions of section twenty-seven of this  
30 article following the return of the prescribed notices as  
31 undeliverable at the address provided by the United States  
32 Postal Service or entered on the voter registration, or for

33 failure of the contacted voter to return a completed  
34 confirmation notice within thirty days of the mailing.

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

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

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

48 (7) "Confirmation pending records" means the records  
49 containing all required information for persons who have  
50 been identified to be included in the next succeeding mailing  
51 of address confirmation notices as set forth by the National  
52 Voter Registration Act of 1993(42 U. S. C. §1973gg, *et seq.*).

53 (b) For the purposes of this chapter or of any other  
54 provisions of this code relating to elections conducted under  
55 the provisions of this chapter, whenever a requirement is  
56 based on the number of registered voters, including, but not  
57 limited to, the number of ballots to be printed, the limitations  
58 on the size of a precinct, or the number of petition signatures  
59 required for election purposes, only those registrations  
60 included on the active voter registration files shall be counted  
61 and voter registrations included on the inactive voter  
62 registration files, as defined in this subdivision, shall not be  
63 counted.

64 (c) Active voter registration records, confirmation  
65 pending records and inactive voter registration records may  
66 be maintained in the same physical location, providing the  
67 records are coded, marked or arranged in such a way as to  
68 make the status of the registration immediately obvious.  
69 Canceled voter registration records, pending application  
70 records and rejected application records may be maintained  
71 in separate physical locations. However, all such records  
72 shall be maintained in the statewide voter registration  
73 database, subject to this article.

74 (d) The effective date of any action affecting any voter's  
75 registration status shall be entered on the voter record,  
76 including the effective date of registration, change of name,  
77 address or party affiliation or correction of the record,  
78 effective date of transfer to inactive status, return to active  
79 status or cancellation. When any registration is designated  
80 inactive or is canceled, the reason for the designation or  
81 cancellation and any reference notation necessary to locate  
82 the original documentation related to the change shall be  
83 entered on the voter record.

84 (e) Within one hundred twenty days after each primary,  
85 general, municipal or special election, the clerk of the county  
86 commission shall enter the voting records into the statewide  
87 voter registration database.

**§3-2-19. Maintenance of active and inactive registration records for municipal elections.**

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

3 (1) Clerks of the county commissions shall prepare  
4 pollbooks or voter lists to be used in municipal elections  
5 when the county precinct boundaries and the municipal

6 precinct boundaries are the same and all registrants of the  
7 precinct are entitled to vote in state, county and municipal  
8 elections within the precinct or when the registration records  
9 of municipal voters within a county precinct are separated  
10 and maintained in a separate municipal section or book for  
11 that county precinct and can be used either alone or in  
12 combination with other pollbooks or voter lists to make up a  
13 complete set of registration records for the municipal election  
14 precinct.

15 (2) Upon request of the municipality, and if the clerk of  
16 the county commission does not object, separate municipal  
17 precinct books shall be maintained in cases where municipal  
18 or ward boundaries divide county precincts and it is  
19 impractical to use county pollbooks or voter lists or separate  
20 municipal sections of those pollbooks or voter lists. If the  
21 clerk of the county commission objects to the request of a  
22 municipality for separate municipal precinct books, the State  
23 Election Commission must determine whether the separate  
24 municipal precinct books should be maintained.

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

30 (b) Within thirty days following the entry of any  
31 annexation order or change in street names or numbers, the  
32 governing body of an incorporated municipality shall file  
33 with the clerk of the county commission a certified current  
34 official municipal boundary map and a list of streets and  
35 ranges of street numbers within the municipality to assist the  
36 clerk in determining whether a voter's address is within the  
37 boundaries of the municipality.

**§3-2-21. Maintenance of records in the statewide voter registration database in lieu of precinct record books.**

1           (a) The clerk of the county commission of each county  
2 shall maintain a voter registration data system record book  
3 into which all required records of appointments of authorized  
4 personnel, tests, repairs, program alterations or upgrades and  
5 any other action by the clerk of the county commission or by  
6 any other person under supervision of the clerk affecting the  
7 programming or records contained in the system, other than  
8 routine data entry, alteration, use, transfer or transmission of  
9 records shall be entered.

10           (b) The clerk of the county commission shall appoint all  
11 personnel authorized to add, change or transfer voter  
12 registration information within the statewide voter  
13 registration database, and a record of each appointment and  
14 the date of authorization shall be entered as provided in  
15 subsection (a) of this section. The assignment and  
16 confidential record of assigned system identification or  
17 authorized user code for each person appointed shall be as  
18 prescribed by the Secretary of State.

19           (c) Voter registration records entered into and maintained  
20 in the statewide voter registration database shall include the  
21 information required for application for voter registration, for  
22 maintenance of registration and voting records, for conduct  
23 of elections and for statistical purposes, as prescribed by the  
24 Secretary of State.

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

30       (e) The clerk of the county commission shall maintain,  
31 within the statewide voter registration database, active and  
32 inactive voter registration records, confirmation pending  
33 records, canceled voter registration records, pending  
34 application records and rejected application records, all as  
35 defined in section eighteen of this article.

36       (f) Upon receipt of a completed voter registration  
37 application, the clerk shall enter into the statewide voter  
38 registration database the information provided on the  
39 application, mark the records as pending and initiate the  
40 verification or notice of disposition procedure as provided in  
41 section sixteen of this article. Upon completion of the  
42 verification or notice of disposition, the status of the voter  
43 record shall be properly noted in the statewide voter  
44 registration database.

45       (g) Upon receipt of an application or written confirmation  
46 from the voter of a change of address within the county,  
47 change of name, change of party affiliation or other  
48 correction to an active voter registration record, the change  
49 shall be entered in the record and the required notice of  
50 disposition mailed.

51       (h) Upon receipt of an application or written confirmation  
52 from an inactive voter of a change of address within the  
53 county, change of name, change of party affiliation or other  
54 correction to a registration record, any necessary change shall  
55 be entered in the record, the required notice of disposition  
56 mailed and the record updated to active status, and the date of  
57 the transaction shall be recorded. Receipt of an application  
58 or written confirmation from an inactive voter that confirms  
59 the voter's current address shall be treated in the same  
60 manner.

61 (i) Upon receipt of a notice of death, a notice of  
62 conviction or a notice of a determination of mental  
63 incompetence, as provided in section twenty-three of this  
64 article, the date and reason for cancellation shall be entered  
65 on the voter's record and the record status shall be changed  
66 to canceled.

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

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

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

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

4 (A) A death certificate from the Registrar of Vital  
5 Statistics or a notice from the Secretary of State that a  
6 comparison of the records of the registrar with the county  
7 voter registration records show the person to be deceased;

8 (B) The publication of an obituary or other writing  
9 clearly identifying the deceased person by name, residence  
10 and age corresponding to the voter record; or

11 (C) An affidavit signed by the parent, legal guardian,  
12 child, sibling or spouse of the voter giving the name and birth  
13 date of the voter, and date and place of death;

14       (2) Upon receipt of an official notice from a state or  
15 federal court that the person has been convicted of a felony,  
16 of treason or bribery in an election;

17       (3) Upon receipt of a notice from the appropriate court of  
18 competent jurisdiction of a determination of a voter's mental  
19 incompetence;

20       (4) Upon receipt from the voter of a written request to  
21 cancel the voter's registration, upon confirmation by the voter  
22 of a change of address to an address outside the county, upon  
23 notice from a voter registrar of another jurisdiction outside  
24 the county or state of the receipt of an application for voter  
25 registration in that jurisdiction, or upon notice from the  
26 Secretary of State that a voter registration application was  
27 accepted in another county of the state subsequent to the last  
28 registration date in the first county, as determined from a  
29 comparison of voter records; or

30       (5) Upon failure to respond and produce evidence of  
31 continued eligibility to register following the challenge of the  
32 voter's registration pursuant to the provisions of section  
33 twenty-eight of this article.

**§3-2-25. Systematic purging program for removal of ineligible  
voters from active voter registration files;  
comparison of data records; confirmation notices;  
public inspection list.**

1       (a) The systematic purging program provided in this  
2 section shall begin no earlier than October 1 of each odd-  
3 numbered year and shall be completed no later than February  
4 1 of the following year. The clerk of the county commission  
5 shall transmit or mail to the Secretary of State a certification  
6 that the systematic purging program has been completed and  
7 all voters identified as no longer eligible to vote have been



8 canceled in the statewide voter registration database in  
9 accordance with the law no later than February 15 in the year  
10 in which the purging program is completed.

11 (b) The Secretary of State shall provide for the  
12 comparison of data records of all counties. The Secretary of  
13 State shall, based on the comparison, prepare a list for each  
14 county which shall include the voter registration record for  
15 each voter shown on that county's list who appears to have  
16 registered or to have updated a voter registration in another  
17 county at a subsequent date. The resulting lists shall be  
18 returned to the appropriate county and the clerk of the county  
19 commission shall proceed with the confirmation procedure  
20 for those voters as prescribed in section twenty-six of this  
21 article.

22 (c) The Secretary of State may provide for the  
23 comparison of data records of counties with the data records  
24 of the Division of Motor Vehicles, the registrar of vital  
25 statistics and with the data records of any other state agency  
26 which maintains records of residents of the state, if the  
27 procedure is practical and the agency agrees to participate.  
28 Any resulting information regarding potentially ineligible  
29 voters shall be returned to the appropriate county and the  
30 clerk of the county commission shall proceed with the  
31 confirmation procedure as prescribed in section twenty-six of  
32 this article.

33 (d) The records of all voters not identified pursuant to the  
34 procedures set forth in subsections (b) and (c) of this section  
35 shall be combined for comparison with United States Postal  
36 Service change of address information, as described in  
37 section 8(c)(A) of the National Voter Registration Act of  
38 1993 (42 U. S. C. §1973gg, *et seq.*). The Secretary of State  
39 shall contract with an authorized vendor of the United States  
40 Postal Service to perform the comparison. The cost of the

41 change of address comparison procedure shall be paid for  
42 from the combined voter registration and licensing fund  
43 established in section twelve of this article and the cost of the  
44 confirmation notices, labels and postage shall be paid for by  
45 the counties.

46 (c) The Secretary of State shall return to each county the  
47 identified matches of the county voter registration records  
48 and the postal service change of address records.

49 (1) When the change of address information indicates the  
50 voter has moved to a new address within the county, the clerk  
51 of the county commission shall enter the new address on the  
52 voter record and assign the proper precinct.

53 (2) The clerk of the county commission shall then mail to  
54 each voter who appears to have moved from the residence  
55 address shown on the registration records a confirmation  
56 notice pursuant to section twenty-six of this article and of  
57 section 8(d)(2) of the National Voter Registration Act of  
58 1993 (42 U. S. C. §1973gg, *et seq.*). The notice shall be  
59 mailed, no later than December 31, to the new address  
60 provided by the postal service records or to the old address if  
61 a new address is not available.

62 (f) The clerk of the county commission shall indicate in  
63 the statewide voter registration database the name and  
64 address of each voter to whom a confirmation notice was  
65 mailed and the date on which the notice was mailed.

66 (g) Upon receipt of any response or returned mailing sent  
67 pursuant to the provisions of subsection (c) of this section,  
68 the clerk shall immediately enter the date and type of  
69 response received in the statewide voter registration database  
70 and shall then proceed in accordance with the provisions of  
71 section twenty-six of this article.

72           (h) For purposes of complying with the record keeping  
73 and public inspection requirements of the National Voter  
74 Registration Act of 1993 (42 U. S. C. §1973gg, *et seq.*), and  
75 with the provisions of section twenty-seven of this article, the  
76 public inspection lists shall be maintained either in printed  
77 form kept in a binder prepared for such purpose and available  
78 for public inspection during regular business hours at the  
79 office of the clerk of the county commission or in read-only  
80 data format available for public inspection on computer  
81 terminals set aside and available for regular use by the  
82 general public. Information concerning whether or not each  
83 person has responded to the notice shall be entered into the  
84 statewide voter registration database upon receipt and shall  
85 be available for public inspection as of the date the  
86 information is received.

87           (i) Any voter to whom a confirmation notice was mailed  
88 pursuant to the provisions of subsection (e) of this section  
89 who fails to respond to the notice or to update his or her voter  
90 registration address by February 1 immediately following the  
91 completion of the program, shall be designated inactive in the  
92 statewide voter registration database. Any voter designated  
93 inactive shall be required to affirm his or her current  
94 residence address, on a form prescribed by the Secretary of  
95 State, upon appearing at the polls to vote.

96           (j) In addition to the preceding purging procedures, all  
97 counties using the change of address information of the  
98 United States Postal Service shall also, once each four years  
99 during the period established for systematic purging in the  
100 year following a presidential election year, conduct the same  
101 procedure by mailing a confirmation notice to those persons  
102 not identified as potentially ineligible through the change of  
103 address comparison procedure but who have not updated  
104 their voter registration records and have not voted in any  
105 election during the preceding four calendar years. The

106 purpose of this additional systematic confirmation procedure  
107 shall be to identify those voters who may have moved  
108 without filing a forwarding address, moved with a forwarding  
109 address under another name, died in another county or state  
110 so that the certificate of death was not returned to the clerk of  
111 the county commission, or who otherwise have become  
112 ineligible.

**§3-2-29. Custody of original registration records.**

1 (a) All original registration records in paper format shall  
2 remain in the custody of the county commission, by its clerk,  
3 or, electronically, in the statewide voter registration database  
4 and shall not be removed except for use in an election or by  
5 the order of a court of record or in compliance with a  
6 subpoena duces tecum issued by the Secretary of State  
7 pursuant to the provisions of section six, article one-a of this  
8 chapter.

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

18 (c) Prior to the destruction of original voter registration  
19 applications or registration cards of voters whose registration  
20 has been canceled at least five years previously, the clerk of  
21 the county commission shall notify the Secretary of State of  
22 the intention to destroy those records. If the Secretary of  
23 State determines, within ninety days of the receipt of the  
24 notice, that those records are of sufficient historical value that

25 microfilm or other permanent data storage is desirable, the  
26 Secretary of State may require that the records be delivered  
27 to a specified location for processing at state expense.

28 (d) Active, inactive, pending, rejected and canceled  
29 registration records shall be maintained as a permanent  
30 record, as follows:

31 (1) Individual canceled registration records shall be  
32 maintained in the statewide voter registration database for a  
33 period of at least five years following cancellation. Upon the  
34 expiration of five years, those individual records may be  
35 removed from the statewide voter registration database and  
36 disposed of in accordance with the appropriate documented  
37 retention policy.

38 (2) Rejected registration records shall be maintained in the  
39 same manner as provided for canceled registration records.

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

*Roby Ferguson*  
.....  
Member ~~Chairman~~ Senate Committee

*Danny Wells*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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

*Bruce W. Sear*  
.....  
Clerk of the House of Delegates

*Jeffrey*  
.....  
President of the Senate

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

2013 MAY -3 PM 2:27  
FILED  
CLERK OF STATE

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

*Carl Ray Tomlin*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAY - 1 2013

Time 1:55 pm