

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 505**

4 (By Senators Palumbo and Plymale)

5 _____
6 [Originating in the Committee on the Judiciary;

7 reported February 23, 2011.]

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11 A BILL to repeal §3-2-24 of the Code of West Virginia, 1931, as
12 amended; to amend and reenact §3-2-5, §3-2-6, §3-2-7, §3-2-10,
13 §3-2-18 and §3-2-30 of said code; and to amend said code by
14 adding thereto a new section, designated §3-2-6a, all relating
15 generally to voter registration; removing section relating to
16 paper records; permitting electronically transmitted
17 signatures; permitting an electronic voter registration
18 system; permitting certain persons to register up to and
19 including the day of an election; extending the time for
20 certain persons to register in person; requiring the Secretary
21 of State to adopt certain procedures to administer
22 registration of certain persons after the registration
23 deadline; creating misdemeanor offenses relating to voter
24 registration tampering; establishing criminal penalties for

1 any person who exerts improper influence over or intimidates
2 another person regarding his or her right to register;
3 establishing criminal penalties for any person who copies
4 certain information in the signed voter registration
5 application of another person; and allowing Secretary of state
6 to share voter information data files with certain authorized
7 service providers and in accordance with state and federal
8 law.

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

10 That §3-2-24 of the Code of West Virginia, 1931, as amended,
11 be repealed; that §3-2-5, §3-2-6, §3-2-7, §3-2-10, §3-2-18 and
12 §3-2-30 of said code be amended and reenacted; and that said code
13 be amended by adding thereto a new section, designated §3-2-6a, all
14 to read as follows:

15 **ARTICLE 2. REGISTRATION OF VOTERS.**

16 **§3-2-5. Forms for application for registration; information**
17 **required and requested; types of application forms;**
18 **notices.**

19 (a) (1) All state forms for application for voter registration
20 shall be prescribed by the Secretary of State and shall conform
21 with the requirements of 42 U.S.C. §1973gg, *et seq.*, the National
22 Voter Registration Act of 1993 and the requirements of the
23 provisions of this article. Separate application forms may be
24 prescribed for voter registration conducted by the clerk of the

1 county commission, registration by mail, registration in
2 conjunction with an application for motor vehicle driver's license
3 and registration at designated agencies. These forms may consist
4 of one or more parts, may be combined with other forms for use in
5 registration by designated agencies or in conjunction with driver
6 licensing and may be revised and reissued as required by the
7 Secretary of State to provide for the efficient administration of
8 voter registration.

9 (2) Notwithstanding any provisions of subdivision (1) of this
10 subsection to the contrary, the federal postcard application for
11 voter registration issued pursuant to 42 U.S.C. §1973, *et seq.*, the
12 Uniformed and Overseas Citizens Absentee Voting Act of 1986, and
13 the mail voter registration application form prescribed by the
14 Federal Election Commission pursuant to 42 U.S.C. §1973gg, *et seq.*,
15 the National Voter Registration Act of 1993, shall be accepted as
16 a valid form of application for registration pursuant to the
17 provisions of this article.

18 (b) Each application form for registration shall include:

19 (1) A statement specifying the eligibility requirements for
20 registration and an attestation that the applicant meets each
21 eligibility requirement;

22 (2) Any specific notice or notices required for a specific
23 type or use of application by 42 U.S.C. §1973gg, *et seq.*, the
24 National Voter Registration Act of 1993;

1 (3) A notice that a voter may be permitted to vote the
2 partisan primary election ballot of a political party only if the
3 voter has designated that political party on the application for
4 registration unless the political party has determined otherwise;

5 (4) The applicant's driver's license number or an
6 identification number issued by the Division of Motor Vehicles. If
7 the applicant does not have a driver's license or an identification
8 card issued by the Division of Motor Vehicles, then the last four
9 digits of the applicant's social security number; and

10 (5) Any other instructions or information essential to
11 complete the application process.

12 (c) Each application form shall require that the following be
13 provided by the applicant, under oath, and any application which
14 does not contain each of the following shall be considered
15 incomplete:

16 (1) The applicant's legal name, including the first name,
17 middle or maiden name, if any, and last name;

18 (2) The month, day and year of the applicant's birth;

19 (3) The applicant's residence address, including the number
20 and street or route and city and county of residence except:

21 (A) In the case of a person eligible to register under the
22 provisions of 42 U.S.C. §1973ff, *et seq.*, the Uniformed and
23 Overseas Citizens Absentee Voting Act, the address at which he or
24 she last resided before leaving the United States or entering the

1 uniformed services, or if a dependent child of such a person, the
2 address at which his or her parent last resided; and

3 (B) In the case of a homeless person having no fixed residence
4 address who nevertheless resides and remains regularly within the
5 county, the address of a shelter, assistance center or family
6 member with whom he or she has regular contact or other specific
7 location approved by the clerk of the county commission for the
8 purposes of establishing a voting residence; and

9 (4) The applicant's signature, under penalty of perjury as
10 provided in section thirty-six of this article, to the attestation
11 of eligibility to register to vote and to the truth of the
12 information given: Provided, That the clerk may accept the
13 electronically transmitted signature kept on file with another
14 approved state database for any applicant who applies to register
15 to vote using an approved electronic voter registration system, in
16 accordance with procedures adopted by the Secretary of State.

17 (d) The applicant shall be requested to provide the following
18 information, but no application shall be rejected for lack of this
19 information:

20 (1) An indication whether the application is for a new
21 registration, change of address, change of name or change of party
22 affiliation;

23 (2) The applicant's choice of political party affiliation, if
24 any, or an indication of no affiliation: *Provided, That any*

1 applicant who does not enter any choice of political party
2 affiliation shall be listed as having no party affiliation on the
3 voting record;

4 (3) The applicant's residence mailing address if different
5 than the residence street address;

6 (4) The last four digits of the applicant's social security
7 number;

8 (5) The applicant's telephone number;

9 (6) The address at which the applicant was last registered to
10 vote, if any, for the purpose of canceling or transferring the
11 previous registration; and

12 (7) The applicant's gender.

13 (e) The Secretary of State shall prescribe the printing
14 specifications of each type of voter registration application and
15 the voter registration application portion of any form which is
16 part of a combined agency form.

17 (f) Application forms prescribed in this section may refer to
18 various public officials by title or official position, but in no
19 case may the actual name of any officeholder be printed on the
20 voter registration application or on any portion of a combined
21 application form.

22 (g) No later than July 1, of each odd-numbered year, the
23 Secretary of State shall submit the specifications of the voter
24 registration application by mail for statewide bidding for a

1 contract period beginning September 1, of each odd-numbered year
2 and continuing for two calendar years. The successful bidder shall
3 produce and supply the required mail voter registration forms at
4 the contract price to all purchasers of the form for the period of
5 the contract.

6 **§3-2-6. Time of registration application before an election.**

7 (a) Voter registration before an election shall close on the
8 twenty-first day before the election, or on the first day
9 thereafter which is not a Saturday, Sunday or legal holiday.

10 (b) An application for voter registration, transfer of
11 registration, change of name or change of political party
12 affiliation submitted by an eligible voter by the close of voter
13 registration shall be effective for any subsequent primary, general
14 or special election if the following conditions are met:

15 (1) The application contains the information required by
16 subsection (c), section five of this article: *Provided*, That
17 incomplete applications for registration containing information
18 which are submitted within the required time may be corrected
19 within four business days after the close of registration if the
20 applicant provides the required information; and

21 (2) The application is received by the appropriate clerk of
22 the county commission no later than the hour of the close of
23 registration or is otherwise submitted by the following deadlines:

24 (A) If mailed, the application shall be addressed to the

1 appropriate clerk of the county commission and is postmarked by the
2 postal service no later than the date of the close of registration:
3 *Provided*, That if the postmark is missing or illegible, the
4 application shall be presumed to have been mailed no later than the
5 close of registration if it is received by the appropriate clerk of
6 the county commission no later than the third day following the
7 close of registration;

8 (B) If accepted by a designated agency or motor vehicle
9 licensing office, the application is received by that agency or
10 office no later than the close of registration;

11 (C) If accepted through a registration outreach program, the
12 application is received by the clerk, deputy clerk or registrar no
13 later than the close of registration; ~~and~~

14 (D) If accepted through an approved electronic voter
15 registration system, the application is received by the clerk,
16 deputy clerk, registrar, or other entity designated by the
17 Secretary of State no later than the close of registration; and

18 (3) The verification notice by the provisions of section
19 sixteen of this article mailed to the voter at the residence
20 indicated on the application is not returned as undeliverable.

21 **§3-2-6a. Extended time for certain persons to register in person.**

22 (a) Notwithstanding the provisions of section six, article two
23 of this chapter, the following persons shall be entitled to
24 register in person at the office of the clerk of the county

1 commission up to and including the day of the election:

2 (1) Any member of a uniformed service of the United States, as
3 defined in 42 U.S.C. §1973ff-6(7), who is on active duty;

4 (2) Any member of the Merchant Marine of the United States;

5 (3) Any person who resides temporarily outside of the United
6 States; or

7 (4) The spouse or any dependent residing with a person listed
8 in subdivision (1), (2) or (3) of this subsection.

9 This subsection applies only to those persons who are
10 otherwise qualified to register and who, by reason of such active
11 duty or temporary overseas residency, are normally absent from the
12 county in which they reside or have been absent from that county
13 and returned to reside there during the twenty-one days immediately
14 preceding the election.

15 (b) Any person who was on active duty as a member of a
16 uniformed service of the United States, as defined in 42 U.S.C.
17 §1973ff-6(7), and discharged from that service during the sixty
18 days immediately preceding the election, and the member's spouse or
19 dependent, shall be entitled to register, if otherwise qualified,
20 in person up to and including the day of the election.

21 (c) The Secretary of State shall adopt procedures for the
22 addition of persons registered under this section to the lists of
23 registered voters.

24 **§3-2-7. Hours and days of registration in the office of the clerk**

1 **of the county commission; in-person application for**
2 **voter registration; identification required.**

3 (a) The clerk of the county commission shall provide voter
4 registration services at all times when the office of the clerk is
5 open for regular business.

6 (b) Any eligible voter who desires to apply for voter
7 registration in person at the office of the clerk of the county
8 commission shall complete a voter registration application on the
9 prescribed form and shall sign the oath required on that
10 application in the presence of the clerk of the county commission
11 or his or her deputy: Provided, That a voter may apply for voter
12 registration using an approved electronic voter registration system
13 available at the office of the clerk in participating localities.
14 The system may electronically transfer the voter's signature stored
15 in the database of another state agency in accordance with
16 procedures adopted by the Secretary of State. The applicant shall
17 present valid identification and proof of age, except that the
18 clerk may waive the proof of age requirement if the applicant is
19 clearly over the age of eighteen.

20 (c) The clerk shall attempt to establish whether the residence
21 address given is within the boundaries of an incorporated
22 municipality and, if so, make the proper entry required for
23 municipal residents to be properly identified for municipal voter
24 registration purposes.

1 (d) Upon receipt of the completed registration application,
2 the clerk shall either:

3 (1) Provide a notice of procedure for verification and notice
4 of disposition of the application and immediately begin the
5 verification process prescribed by the provisions of section
6 sixteen of this article; or

7 (2) Upon presentation of a current driver's license or
8 state-issued identification card containing the residence address
9 as it appears on the voter registration application, issue the
10 receipt of registration.

11 **§3-2-10. Application for registration by mail.**

12 (a) Any qualified person may apply to register, change,
13 transfer or correct his or her voter registration by mail.
14 Application shall be made on a prescribed form as provided by
15 section five of this article.

16 (b) To the extent possible, with funds allocated annually for
17 such purpose, the Secretary of State shall make state mail
18 registration forms available for distribution through governmental
19 and private entities and organized voter registration programs.
20 The Secretary of State shall make a record of all requests by
21 entities or organizations for two hundred or more forms with a
22 description of the dates and locations in which the proposed
23 registration drive is to be conducted. The Secretary of State
24 shall also require the entity or organization requesting the forms

1 to provide contact information on a form prescribed by the
2 Secretary of State. The Secretary of State may limit the
3 distribution to a reasonable amount per group.

4 (c) The clerk of the county commission shall provide up to
5 four mail registration forms to any resident of the county upon
6 request. To the extent possible with funds allocated annually for
7 the purpose, the clerk of the county commission shall make state
8 mail registration forms available for distribution through
9 organized voter registration programs within the county. The clerk
10 of the county commission shall make a record of all requests by
11 entities or organizations for ten or more forms with a description
12 of the dates and locations in which the proposed registration drive
13 is to be conducted. The clerk may limit the distribution to a
14 reasonable amount per group.

15 (d) The applicant shall provide all required information and,
16 only after completing the information, sign the prescribed
17 applicant's oath under penalty of perjury as provided in section
18 thirty-six of this article. No person may alter or add any entry
19 or make any mark which would alter any material information on the
20 voter registration application after the applicant has signed the
21 oath: *Provided*, That the clerk of the county commission may
22 correct any entry upon the request of the applicant provided the
23 request is properly documented and the correction is dated and
24 initialed by the clerk.

1 (e) Completed applications shall be mailed or delivered to the
2 clerk of the county commission of the county in which the voter
3 resides. If a clerk receives a completed mail application form
4 from a voter whose residence address is located in another county,
5 the clerk shall forward that application within three days to the
6 clerk of the county commission of the county of the applicant's
7 residence.

8 (f) Upon receipt of the application for registration by the
9 appropriate clerk of the county commission, the clerk shall:

10 (1) Attempt to establish whether the residence address given
11 is within the boundaries of an incorporated municipality and, if
12 so, make the proper entry required for municipal residents to be
13 properly identified for municipal voter registration purposes; and

14 (2) Immediately begin the verification process required by the
15 provisions of section sixteen of this article.

16 (g) Any person who registers by mail pursuant to this section
17 and who has not previously voted in an election in the state shall
18 be required to present the following forms of identification to the
19 Secretary of State or clerk of the county commission:

20 (1) In the case of an individual who votes in person, a
21 current and valid photo identification; or a copy of a current
22 utility bill, bank statement, government check, paycheck or other
23 government document that shows the name and address of the voter;

24 (2) In the case of an individual who votes by mail, a copy of

1 a current and valid photo identification or a copy of a current
2 utility bill, bank statement, government check, paycheck or other
3 government document that shows the name and address of the voter,
4 submitted with the ballot.

5 (h) An individual who desires to vote in person or by mail,
6 but who does not meet the requirements of subsection (g) of this
7 section, may cast a provisional ballot.

8 (i) Subsection (g) of this section does not apply in the case
9 of a person:

10 (1) Who registers to vote by mail under 42 U.S.C. §1973gg-4,
11 *et seq.*, and submits as part of his or her registration either a
12 copy of a current and valid photo identification or a copy of a
13 current utility bill, bank statement, government check, paycheck or
14 government document that shows the name and address of the voter;

15 (2) (A) Who registers to vote by mail under 42 U.S.C.
16 §1973gg-4, *et seq.*, and submits with his or her registration either
17 a driver's license number or at least the last four digits of the
18 individual's social security number; and (B) with respect to whom
19 the Secretary of State or clerk of the county commission matches
20 the information submitted under paragraph (A) of this subdivision
21 with an existing state identification record bearing the same
22 number, name and date of birth as provided in the registration; or

23 (3) Who is: (A) Entitled to vote by absentee ballot under 42
24 U.S.C. §1973ff-1, *et seq.*, the Uniformed and Overseas Citizens

1 Absentee Voting Act; (B) provided the right to vote otherwise than
2 in person under 42 U.S.C. §1973ee-1(b)(2)(B)(ii); or 25 (iii),
3 section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly
4 and Handicapped Act; (C) entitled to vote otherwise than in person
5 under any other federal law: *Provided*, That any person who has
6 applied for an absentee ballot pursuant to the provisions of
7 subdivision (1), subsection (b), section one, article three of this
8 chapter; paragraph (B), subdivision (2) of said subsection;
9 subdivision (3) of said subsection; or subsection (c) of said
10 section may not have his or her ballot in that election challenged
11 for failure to appear in person or for failure to present
12 identification.

13 (j) Any person who submits a state mail voter registration
14 application to the clerk of the county commission in the county in
15 which he or she is currently registered for the purpose of entering
16 a change of address within the county, making a change of party
17 affiliation or recording a change of legal name shall not be
18 required to make his or her first vote in person or to present
19 identification or proof of age.

20 (k) On and after July 1, 2006, any person who agrees to mail
21 or to deliver a signed voter registration application to the
22 Secretary of State or the clerk of the county commission and who
23 intentionally interferes with the applicant's effort to register
24 either by destroying the application or by failing to mail or to

1 deliver the application in a timely manner is guilty of a
2 misdemeanor and, upon conviction thereof, shall be fined not more
3 than \$1,000, or confined in a jail for not more than one year, or
4 both. For purposes of this subsection, the mailing or delivery of
5 an application is timely if it is mailed or delivered within
6 fifteen days after the applicant signs the application or in
7 accordance with the provisions of article two, chapter three of
8 this code for processing before the closing of the registration
9 records for the pending election, whichever comes first.

10 (l) On or after July 1, 2006, any person who intentionally
11 solicits multiple registrations from any one person or who
12 intentionally falsifies a registration application is guilty of a
13 misdemeanor and, upon conviction thereof, shall be fined not more
14 than \$1,000, or confined in jail for not more than one year, or
15 both.

16 (m) Any person who mails or delivers a signed voter
17 registration application to the Secretary of State or to the clerk
18 of the county commission and exerts improper influence on the
19 choice of party affiliation of an applicant or otherwise attempts
20 to improperly interfere with or intimidate an applicant relating to
21 that applicant's decision to register or not to register is guilty
22 of a misdemeanor and, upon conviction, shall be fined not more than
23 \$1,000, or confined in jail for not more than one year, or both
24 fined and confined.

1 (n) Any person who mails or delivers a signed voter
2 registration application to the Secretary of State or to the clerk
3 of the county commission and copies or causes to be copied,
4 manually or electronically, any information contained within the
5 registration document other than the name of the applicant and the
6 date of the applicants's signature is guilty of a misdemeanor and,
7 upon conviction, shall be fined not more than \$1,000, or confined
8 in jail for not more than one year, or both fined and confined.

9 **§3-2-18. Registration records; active, inactive, canceled, pending**
10 **and rejected registration files; procedure; voting**
11 **records.**

12 (a) For the purposes of this article:

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

16 (A) Any original application or notice submitted by any person
17 for registration or reinstatement, change of address, change of
18 name, change of party affiliation, correction of records,
19 cancellation, confirmation of voter information or other request or
20 notice for voter registration purposes; and

21 (B) Any original entry made on any voter's registration record
22 at the polling place, or made or received by the clerk of the
23 county commission relating to any voter's registration, such as
24 records of voting, presentation of identification and proof of age,

1 challenge of registration, notice of death or obituary notice,
2 notice of disqualifying conviction or ruling of mental incompetence
3 or other original document which may affect the status of any
4 person's voter registration.

5 (2) "Active voter registration files" means the files of
6 registration records, whether maintained on paper forms or in
7 digitized data format, containing the names, addresses, birth dates
8 and other required information for all persons within a county who
9 are registered to vote and whose registration has not been
10 designated as "inactive" or "canceled" pursuant to the provisions
11 of this article.

12 (3) "Inactive voter registration files" means the files of
13 registration records, whether maintained on paper forms or in
14 digitized data format, containing the names, addresses, birth dates
15 and other required information for all persons designated
16 "inactive" pursuant to the provisions of section twenty-seven of
17 this article following the return of the prescribed notices as
18 undeliverable at the address entered on the voter registration.
19 For the purposes of this chapter or of any other provisions of this
20 code relating to elections conducted under the provisions of this
21 chapter, whenever a requirement is based on the number of
22 registered voters, including, but not limited to, the number of
23 ballots to be printed, the limitations on the size of a precinct,
24 or the number of petition signatures required for election

1 purposes, only those registrations included on the active voter
2 registration files shall be counted and voter registrations
3 included on the inactive voter registration files, as defined in
4 this subdivision, shall not be counted.

5 (4) "Canceled voter registration files" means the files
6 containing all required information for all persons who have been
7 removed from the active and inactive voter registration files and
8 who are no longer registered to vote within the county.

9 (5) "Pending application files" means the temporary files
10 containing all information submitted on a voter registration
11 application, pending the expiration of the verification period.

12 (6) "Rejected application files" means the files containing
13 all information submitted on a voter registration application which
14 was rejected for reasons as described in this article.

15 (b) Active voter registration files and inactive voter
16 registration files may be maintained in the same physical location
17 or database, providing the records are coded, marked or arranged in
18 such a way as to make the status of the registration immediately
19 obvious. Canceled voter registration files, pending application
20 files, and rejected application files shall each be maintained in
21 separate physical locations or databases.

22 (c) The effective date of any action affecting any voter's
23 registration status shall be entered on the voter record in the
24 appropriate file, including the effective date of registration,

1 change of name, address or party affiliation or correction of the
2 record, effective date of transfer to inactive status, return to
3 active status or cancellation. When any registration is designated
4 inactive or is canceled, the reason for the designation or
5 cancellation and any reference notation necessary to locate the
6 original documentation related to the change shall be entered on
7 the voter record.

8 (d) Within one hundred twenty days after each primary,
9 general, municipal or special election, the clerk of the county
10 commission shall, as evidenced by the presence or absence of
11 signatures on the pollbooks for such election, correct any errors
12 or omissions on the voter registration records resulting from the
13 poll clerks erroneously checking or failing to check the
14 registration records as required by the provisions of section
15 thirty-four, article one of this chapter, or shall enter the voting
16 records into the state uniform data system if the precinct books
17 have been replaced with printed registration books as provided in
18 section twenty-one of this article.

19 **§3-2-30. Public inspection of voter registration records in the**
20 **office of the clerk of the county commission;**
21 **providing voter lists for noncommercial use;**
22 **prohibition against resale of voter lists for**
23 **commercial use or profit.**

24 (a) Any person may examine the active, inactive, rejected and

1 canceled voter registration records during office hours of the
2 clerk of the county commission in accordance with the provisions of
3 chapter twenty-nine-b of this code as follows:

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

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

23 (b) Printed lists of registered voters may be purchased for
24 noncommercial use from the clerk of the county commission at a cost

1 of one cent per name.

2 (c) In counties maintaining active and inactive files in
3 digitized data format, the clerk of the county commission shall,
4 upon request, prepare printed copies of the lists of voters for
5 each precinct. No list prepared under this section may include the
6 registrant's telephone number, social security number or driver's
7 license number or nonoperator's identification number issued by the
8 Division of Motor Vehicles. The clerk shall establish a written
9 policy, posted within public view, listing the options for
10 selection and sorting criteria and available data elements. The
11 data elements shall include, at least:

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

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

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

18 (d) In counties which maintain voter files in a digitized data
19 format, lists of registered voters may be obtained for
20 noncommercial purposes in data format on disk provided and prepared
21 by the clerk of the county commission at a cost of one cent per
22 name plus \$10 for each disk required. No data file prepared under
23 this subsection may include the registrant's telephone number,
24 social security number or driver's license number or nonoperator's

1 identification number issued by the Division of Motor Vehicles.

2 (e) The fees received by the clerk of the county commission
3 shall be kept in a separate fund under the supervision of the clerk
4 for the purpose of defraying the cost of the preparation of the
5 voter lists. Any unexpended balance in the fund shall be
6 transferred to the general fund of the county commission.

7 (f) The Secretary of State may make voter lists available for
8 sale subject to the limitations as provided in this section for
9 counties. The cost for a partial list shall be one and one-half
10 cents per name plus \$10 for each disk required; the cost for a
11 complete statewide list shall be one-half cent per name and a flat
12 fee of \$1,000. One cent per name for each voter from a particular
13 county on each partial list and one-half cent per name for each
14 voter from a particular county on each statewide list sold shall be
15 reimbursed to the appropriate county. The disk fee and one-half
16 cent per name associated with a partial list and the flat fee of
17 \$1,000 associated with a complete statewide list shall be deposited
18 to a special revenue account for purpose of defraying the cost of
19 preparing the lists.

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

1 subsection (c) of this section.

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

7 (i) This section shall not be interpreted to prevent the
8 Secretary of State from sharing data files containing voter
9 information with authorized service providers for the purpose of
10 voter registration and election administration in accordance with
11 this chapter or applicable federal law.

NOTE: The purpose of this bill is to permit electronically transmitted voter signatures and an electronic voter registration system. The bill permits certain persons to register up to and including the day of an election and extends the time for certain persons to register in person. The bill requires the Secretary of State to adopt certain procedures. The bill also establishes criminal penalties for any person who exerts improper influence over or intimidate another person regarding his or her right to register. The bill further establishes criminal penalties for any person who copies certain information in the signed voter registration application of another person.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§3-2-6a is new; therefore, strike-throughs and underscoring have been omitted.