

**H. B. 3036**

(By Delegates Lawrence, Ferro and Miley)  
(By Request of the Secretary of State)  
[Introduced February 7, 2011; referred to the  
Committee on the Judiciary then Finance.]

A BILL to repeal §3-2-24 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-2-5, §3-2-6, §3-2-7, §3-2-10, §3-2-18 and §3-2-30 of said code; and to amend said code by adding thereto a new section, designated §3-2-6a, all relating generally to voter registration; permitting electronically transmitted signatures; permitting an electronic voter registration system; permitting certain persons to register up to and including the day of an election; extending the time for certain persons to register in person; requiring the Secretary of State to adopt certain procedures; establishing criminal penalties for any person who exerts improper influence over or intimidate another person regarding his or her right to register; and establishes criminal penalties for any person who copies certain information in the signed voter registration application of another person.

*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That §3-2-24 of the Code of West Virginia, 1931, as amended, be repealed; that §3-2-5, §3-2-6, §3-2-7, §3-2-10, §3-2-18 and §3-

1 2-30 of said code be amended and reenacted; and that said code be  
2 amended by adding thereto a new section, designated §3-2-6a, all to  
3 read as follows:

4 **ARTICLE 2. REGISTRATION OF VOTERS.**

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

8 (a) (1) All state forms for application for voter registration  
9 shall be prescribed by the Secretary of State and shall conform  
10 with the requirements of 42 U.S.C. §1973gg, *et seq.*, the National  
11 Voter Registration Act of 1993 and the requirements of the  
12 provisions of this article. Separate application forms may be  
13 prescribed for voter registration conducted by the clerk of the  
14 county commission, registration by mail, registration in  
15 conjunction with an application for motor vehicle driver's license  
16 and registration at designated agencies. These forms may consist  
17 of one or more parts, may be combined with other forms for use in  
18 registration by designated agencies or in conjunction with driver  
19 licensing and may be revised and reissued as required by the  
20 Secretary of State to provide for the efficient administration of  
21 voter registration.

22 (2) Notwithstanding any provisions of subdivision (1) of this  
23 subsection to the contrary, the federal postcard application for  
24 voter registration issued pursuant to 42 U.S.C. §1973, *et seq.*, the  
25 Uniformed and Overseas Citizens Absentee Voting Act of 1986, and  
26 the mail voter registration application form prescribed by the  
27 Federal Election Commission pursuant to 42 U.S.C. §1973gg, *et seq.*,

1 the National Voter Registration Act of 1993, shall be accepted as  
2 a valid form of application for registration pursuant to the  
3 provisions of this article.

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

5 (1) A statement specifying the eligibility requirements for  
6 registration and an attestation that the applicant meets each  
7 eligibility requirement;

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

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

15 (4) The applicant's driver's license number or an  
16 identification number issued by the Division of Motor Vehicles. If  
17 the applicant does not have a driver's license or an identification  
18 card issued by the Division of Motor Vehicles, then the last four  
19 digits of the applicant's social security number; and

20 (5) Any other instructions or information essential to  
21 complete the application process.

22 (c) Each application form shall require that the following be  
23 provided by the applicant, under oath, and any application which  
24 does not contain each of the following shall be considered  
25 incomplete:

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

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

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

4 (A) In the case of a person eligible to register under the  
5 provisions of 42 U.S.C. §1973ff, *et seq.*, the Uniformed and  
6 Overseas Citizens Absentee Voting Act, the address at which he or  
7 she last resided before leaving the United States or entering the  
8 uniformed services, or if a dependent child of such a person, the  
9 address at which his or her parent last resided; and

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

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

24 (d) The applicant shall be requested to provide the following  
25 information, but no application shall be rejected for lack of this  
26 information:

27 (1) An indication whether the application is for a new

1 registration, change of address, change of name or change of party  
2 affiliation;

3 (2) The applicant's choice of political party affiliation, if  
4 any, or an indication of no affiliation: *Provided*, That any  
5 applicant who does not enter any choice of political party  
6 affiliation shall be listed as having no party affiliation on the  
7 voting record;

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

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

12 (5) The applicant's telephone number;

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

16 (7) The applicant's gender.

17 (e) The Secretary of State shall prescribe the printing  
18 specifications of each type of voter registration application and  
19 the voter registration application portion of any form which is  
20 part of a combined agency form.

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

26 (g) No later than July 1, of each odd-numbered year, the  
27 Secretary of State shall submit the specifications of the voter

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

7 **§3-2-6. Time of registration application before an election.**

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

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

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

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

25 (A) If mailed, the application shall be addressed to the  
26 appropriate clerk of the county commission and is postmarked by the  
27 postal service no later than the date of the close of registration:

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

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

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

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

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

19 **§3-2-6a. Extended time for certain persons to register in person.**

20 (a) Notwithstanding the provisions of section six, article two  
21 of this chapter, the following persons shall be entitled to  
22 register in person at the office of the clerk of the county  
23 commission up to and including the day of the election:

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

26 (2) Any member of the merchant marine of the United States;

27 (3) Any person who resides temporarily outside of the United

1 States; and

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

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

10 (b) Any person who was on active duty as a member of a  
11 uniformed service of the United States, as defined in 42 U.S.C.  
12 §1973ff-6(7), and discharged from that service during the sixty  
13 days immediately preceding the election, and the member's spouse or  
14 dependent, shall be entitled to register, if otherwise qualified,  
15 in person up to and including the day of the election.

16 (c) The Secretary of State shall adopt procedures for the  
17 addition of persons registered under this section to the lists of  
18 registered voters.

19 **§3-2-7. Hours and days of registration in the office of the clerk**  
20 **of the county commission; in-person application for**  
21 **voter registration; identification required.**

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

25 (b) Any eligible voter who desires to apply for voter  
26 registration in person at the office of the clerk of the county  
27 commission shall complete a voter registration application on the

1 prescribed form and shall sign the oath required on that  
2 application in the presence of the clerk of the county commission  
3 or his or her deputy: Provided, That a voter may apply for voter  
4 registration using an approved electronic voter registration system  
5 available at the office of the clerk in participating localities.  
6 The system may electronically transfer the voter's signature stored  
7 in the database of another state agency in accordance with  
8 procedures adopted by the Secretary of State. The applicant shall  
9 present valid identification and proof of age, except that the  
10 clerk may waive the proof of age requirement if the applicant is  
11 clearly over the age of eighteen.

12 (c) The clerk shall attempt to establish whether the residence  
13 address given is within the boundaries of an incorporated  
14 municipality and, if so, make the proper entry required for  
15 municipal residents to be properly identified for municipal voter  
16 registration purposes.

17 (d) Upon receipt of the completed registration application,  
18 the clerk shall either:

19 (1) Provide a notice of procedure for verification and notice  
20 of disposition of the application and immediately begin the  
21 verification process prescribed by the provisions of section  
22 sixteen of this article; or

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

27 **§3-2-10. Application for registration by mail.**

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

5 (b) To the extent possible, with funds allocated annually for  
6 such purpose, the Secretary of State shall make state mail  
7 registration forms available for distribution through governmental  
8 and private entities and organized voter registration programs.  
9 The Secretary of State shall make a record of all requests by  
10 entities or organizations for two hundred or more forms with a  
11 description of the dates and locations in which the proposed  
12 registration drive is to be conducted. The Secretary of State  
13 shall also require the entity or organization requesting the forms  
14 to provide contact information on a form prescribed by the  
15 Secretary of State. The Secretary of State may limit the  
16 distribution to a reasonable amount per group.

17 (c) The clerk of the county commission shall provide up to  
18 four mail registration forms to any resident of the county upon  
19 request. To the extent possible with funds allocated annually for  
20 the purpose, the clerk of the county commission shall make state  
21 mail registration forms available for distribution through  
22 organized voter registration programs within the county. The clerk  
23 of the county commission shall make a record of all requests by  
24 entities or organizations for ten or more forms with a description  
25 of the dates and locations in which the proposed registration drive  
26 is to be conducted. The clerk may limit the distribution to a  
27 reasonable amount per group.

1 (d) The applicant shall provide all required information and,  
2 only after completing the information, sign the prescribed  
3 applicant's oath under penalty of perjury as provided in section  
4 thirty-six of this article. No person may alter or add any entry  
5 or make any mark which would alter any material information on the  
6 voter registration application after the applicant has signed the  
7 oath: *Provided*, That the clerk of the county commission may  
8 correct any entry upon the request of the applicant provided the  
9 request is properly documented and the correction is dated and  
10 initialed by the clerk.

11 (e) Completed applications shall be mailed or delivered to the  
12 clerk of the county commission of the county in which the voter  
13 resides. If a clerk receives a completed mail application form  
14 from a voter whose residence address is located in another county,  
15 the clerk shall forward that application within three days to the  
16 clerk of the county commission of the county of the applicant's  
17 residence.

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

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

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

26 (g) Any person who registers by mail pursuant to this section  
27 and who has not previously voted in an election in the state shall

1 be required to present the following forms of identification to the  
2 Secretary of State or clerk of the county commission:

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

7 (2) In the case of an individual who votes by mail, a copy of  
8 a current and valid photo identification or a copy of a current  
9 utility bill, bank statement, government check, paycheck or other  
10 government document that shows the name and address of the voter,  
11 submitted with the ballot.

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

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

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

22 (2) (A) Who registers to vote by mail under 42 U.S.C. §1973gg-  
23 4, *et seq.*, and submits with his or her registration either a  
24 driver's license number or at least the last four digits of the  
25 individual's social security number; and (B) with respect to whom  
26 the Secretary of State or clerk of the county commission matches  
27 the information submitted under paragraph (A) of this subdivision

1 with an existing state identification record bearing the same  
2 number, name and date of birth as provided in the registration; or

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

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

24 (k) On and after July 1, 2006, any person who agrees to mail  
25 or to deliver a signed voter registration application to the  
26 Secretary of State or the clerk of the county commission and who  
27 intentionally interferes with the applicant's effort to register

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

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

17 (m) Any person who mails or delivers a signed voter  
18registration application to the Secretary of State or to the clerk  
19of the county commission and exerts improper influence on the choice  
20of party affiliation of an applicant or otherwise attempts to  
21improperly interfere with or intimidate an applicant relating to  
22that applicant's decision to register or not to register is guilty  
23of a misdemeanor and, upon conviction, shall be fined not more than  
24\$1,000, or confined in jail for not more than one year, or both  
25fined and confined.

26 (n) Any person who mails or delivers a signed voter  
27 registration application to the Secretary of State or to the clerk

1 of the county commission and copies or causes to be copied,  
2 manually or electronically, any information contained within the  
3 registration document other than the name of the applicant and the  
4 date of the applicants's signature is guilty of a misdemeanor and,  
5 upon conviction, shall be fined not more than \$1,000, or confined  
6 in jail for not more than one year, or both fined and confined.

7 **§3-2-18. Registration records; active, inactive, canceled, pending**  
8 **and rejected registration files; procedure; voting**  
9 **records.**

10 (a) For the purposes of this article:

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

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

19 (B) Any original entry made on any voter's registration record  
20 at the polling place, or made or received by the clerk of the  
21 county commission relating to any voter's registration, such as  
22 records of voting, presentation of identification and proof of age,  
23 challenge of registration, notice of death or obituary notice,  
24 notice of disqualifying conviction or ruling of mental incompetence  
25 or other original document which may affect the status of any  
26 person's voter registration.

27 (2) "Active voter registration files" means the files of

1 registration records, whether maintained on paper forms or in  
2 digitized data format, containing the names, addresses, birth dates  
3 and other required information for all persons within a county who  
4 are registered to vote and whose registration has not been  
5 designated as "inactive" or "canceled" pursuant to the provisions  
6 of this article.

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

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

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

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

7       (b) Active voter registration files and inactive voter  
8 registration files may be maintained in the same physical location  
9 or database, providing the records are coded, marked or arranged in  
10 such a way as to make the status of the registration immediately  
11 obvious. Canceled voter registration files, pending application  
12 files, and rejected application files shall each be maintained in  
13 separate physical locations or databases.

14       (c) The effective date of any action affecting any voter's  
15 registration status shall be entered on the voter record in the  
16 appropriate file, including the effective date of registration,  
17 change of name, address or party affiliation or correction of the  
18 record, effective date of transfer to inactive status, return to  
19 active status or cancellation. When any registration is designated  
20 inactive or is canceled, the reason for the designation or  
21 cancellation and any reference notation necessary to locate the  
22 original documentation related to the change shall be entered on  
23 the voter record.

24       (d) Within one hundred twenty days after each primary,  
25 general, municipal or special election, the clerk of the county  
26 commission shall, as evidenced by the presence or absence of  
27 signatures on the pollbooks for such election, correct any errors

1 or omissions on the voter registration records resulting from the  
2 poll clerks erroneously checking or failing to check the  
3 registration records as required by the provisions of section  
4 thirty-four, article one of this chapter, or shall enter the voting  
5 records into the state uniform data system if the precinct books  
6 have been replaced with printed registration books as provided in  
7 section twenty-one of this article.

8 **§3-2-30. Public inspection of voter registration records in the**  
9 **office of the clerk of the county commission; providing**  
10 **voter lists for noncommercial use; prohibition against**  
11 **resale of voter lists for commercial use or profit.**

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

16 (1) When the active and inactive files are maintained on  
17 precinct registration books, any person may examine the files under  
18 the supervision of the clerk and obtain copies of records except  
19 when a precinct book is in temporary use for updating and preparing  
20 lists or during the time the books are sealed for use in an  
21 election. Other original voter registration records, including  
22 canceled voter records, pending applications, rejected  
23 applications, records of change requests, reinstatements and other  
24 documents, shall be available for inspection upon specific request;  
25 and

26 (2) When the active, inactive, rejected and canceled voter  
27 files are maintained in data format, any person may examine voter

1 record information in printed form or in a read-only data format on  
2 a computer terminal set aside for public use, if available. The  
3 data files available for examination and copying shall include all  
4 registration and voting information maintained in the file, but may  
5 not include the registrant's telephone number, social security  
6 number or driver's license number or nonoperator's identification  
7 number issued by the Division of Motor Vehicles.

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

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

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

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

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

27 (d) In counties which maintain voter files in a digitized data

1 format, lists of registered voters may be obtained for  
2 noncommercial purposes in data format on disk provided and prepared  
3 by the clerk of the county commission at a cost of one cent per  
4 name plus \$10 for each disk required. No data file prepared under  
5 this subsection may include the registrant's telephone number,  
6 social security number or driver's license number or nonoperator's  
7 identification number issued by the Division of Motor Vehicles.

8 (e) The fees received by the clerk of the county commission  
9 shall be kept in a separate fund under the supervision of the clerk  
10 for the purpose of defraying the cost of the preparation of the  
11 voter lists. Any unexpended balance in the fund shall be  
12 transferred to the general fund of the county commission.

13 (f) The Secretary of State may make voter lists available for  
14 sale subject to the limitations as provided in this section for  
15 counties. The cost for a partial list shall be one and one-half  
16 cents per name plus \$10 for each disk required; the cost for a  
17 complete statewide list shall be one-half cent per name and a flat  
18 fee of \$1,000. One cent per name for each voter from a particular  
19 county on each partial list and one-half cent per name for each  
20 voter from a particular county on each statewide list sold shall be  
21 reimbursed to the appropriate county. The disk fee and one-half  
22 cent per name associated with a partial list and the flat fee of  
23 \$1,000 associated with a complete statewide list shall be deposited  
24 to a special revenue account for purpose of defraying the cost of  
25 preparing the lists.

26 (g) An update to a previously purchased list may be provided  
27 by the Secretary of State or the clerk of the county commission at

1 a prorated cost based on the amount of additional information  
2 provided. The additional rates charged by the clerk of the county  
3 commission shall be specified in the policy established pursuant to  
4 subsection (c) of this section.

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

10 (i) This section shall not be interpreted to prevent the  
11 Secretary of State from sharing data files containing voter  
12 information with authorized service providers for the purpose of  
13 voter registration and election administration in accordance with  
14 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, it has been completely underscored.