

1 **H. B. 2863**

2  
3 (By Delegates Miley, Manchin, Ferro,  
4 Moore and Manypenny)

5 (By Request of the Secretary of State)

6 [Introduced March 7, 2013; referred to the  
7 Committee on the Judiciary then Finance.]

**FISCAL  
NOTE**

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9  
10 A BILL to amend and reenact §3-2-30 of the Code of West Virginia,  
11 1931, as amended; and to amend said code by adding thereto a  
12 new section, designated §59-1-2b, all relating to the  
13 preparation and sale of voter registration lists; exempting  
14 certain voter data from being provided; permitting voter lists  
15 be obtained for noncommercial purposes at a cost of the actual  
16 costs of producing the list; setting forth the fees to be  
17 charged for the sale of voter registration lists; setting  
18 forth the types of lists and services that are available;  
19 requiring the net proceeds from the voter registration list  
20 sales be deposited in the State Election Fund; and clarifying  
21 that the Secretary of State may share voter information with  
22 those authorized to receive the information.

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

24 That §3-2-30 of the Code of West Virginia, 1931, as amended,

1 be amended and reenacted; and that said code be amended by adding  
2 thereto a new section, designated §59-1-2b, all to read as follows:

3 **CHAPTER 3. ELECTIONS.**

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

5 **§3-2-30. Public inspection of voter registration records in the**  
6 **office of the clerk of the county commission; providing**  
7 **voter lists for noncommercial use; prohibition against**  
8 **resale of voter lists for commercial use or profit.**

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

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

23 ~~(2) When the active,~~ Active, inactive, rejected and canceled

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

10 ~~(b) Printed lists of registered voters may be purchased for~~  
11 ~~noncommercial use from the clerk of the county commission at a cost~~  
12 ~~of 1¢ per name.~~

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

24 (1) The name, residence address, political party affiliation

1 and status of the registrant;

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

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

6 ~~(d) In counties which maintain voter files in a digitized data~~  
7 ~~format, lists~~ (c) Lists of registered voters may be obtained for  
8 noncommercial purposes in data format on disk or as a printed list  
9 provided ~~and prepared~~ by the clerk of the county commission at a  
10 cost of ~~1¢ per name plus \$10 for each disk required.~~ not to exceed  
11 the actual cost of producing the list which includes the actual  
12 cost of any medium on which the lists are produced or distributed  
13 including, but not limited to, paper, adhesive labels, discs or  
14 other electronic media storage devices. No data file prepared  
15 under this subsection may include the registrant's telephone  
16 number, email address, social security number or driver's license  
17 number or nonoperator's identification number issued by the  
18 Division of Motor Vehicles.

19 ~~(e)~~ (d) The fees received by the clerk of the county  
20 commission shall be kept in a separate fund under the supervision  
21 of the clerk for the purpose of defraying the cost of the  
22 preparation of the voter lists. ~~Any unexpended balance in the fund~~  
23 ~~shall be transferred to the General Fund of the county commission.~~

24 ~~(f)~~ (e) The Secretary of State may make voter lists available

1 for sale subject to the limitations as provided in this section for  
2 counties. ~~The cost for a partial list shall be one and one-half~~  
3 ~~cents per name plus \$10 for each disk required; the cost for a~~  
4 ~~complete statewide list shall be one-half cent per name and a flat~~  
5 ~~fee of \$1,000. One cent per name for each voter from a particular~~  
6 ~~county on each partial list and one-half cent per name for each~~  
7 ~~voter from a particular county on each statewide list sold shall be~~  
8 ~~reimbursed to the appropriate county. costs shall be as prescribed~~  
9 ~~in section two-b, article one, chapter fifty-nine of this code. The~~  
10 ~~disk fee and one-half cent per name fees associated with purchase~~  
11 ~~of a partial list ~~and the flat fee of \$1,000~~ or associated with a~~  
12 ~~complete statewide list shall be deposited to a special revenue~~  
13 ~~account for purpose of defraying the cost of preparing the lists in~~  
14 ~~the State Election Fund as set forth in subsection (b), section~~  
15 ~~forty-eight, article one of this chapter.~~

16 ~~(g) An update to a previously purchased list may be provided~~  
17 ~~by the Secretary of State or the clerk of the county commission at~~  
18 ~~a prorated cost based on the amount of additional information~~  
19 ~~provided. The additional rates charged by the clerk of the county~~  
20 ~~commission shall be specified in the policy established pursuant to~~  
21 ~~subsection (c) of this section.~~

22 ~~(h) (f) No voter registration lists or data files containing~~  
23 ~~voter names, addresses or other information derived from voter data~~  
24 ~~files obtained pursuant to the provisions of this article may be~~

1 used for commercial or charitable solicitations or advertising,  
2 sold or reproduced for resale.

3 (g) This section may not be interpreted to prevent the  
4 Secretary of State from sharing data files containing voter  
5 information with authorized service providers or sharing data  
6 across state lines with any state or local election official for  
7 the purpose of voter registration and election administration in  
8 accordance with this chapter or applicable federal law.

9 **CHAPTER 59. FEES, ALLOWANCES AND COSTS;**

10 **NEWSPAPERS; LEGAL ADVERTISEMENTS.**

11 **ARTICLE 1. FEES AND ALLOWANCES.**

12 **§59-1-2b. Purchase of voter registration lists and election data;**  
13 **fees.**

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

19 (1) Election Cycle Subscription Service .....\$6,000

20 (A) Election Cycle Subscription Service provides:

21 (i) Statewide Registered Voter List updated monthly;

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

1 (iii) Statewide All Mail-in Request List for the primary,  
2 general and odd-year elections;

3 (iv) First file sixty days prior to election day. Updated  
4 files daily starting thirty days prior to election day through  
5 election day;

6 (v) Statewide Public Received Mail-in List for the primary,  
7 general and odd-year elections;

8 (vi) Updated files daily starting thirty days prior to  
9 election day through ten days following election day;

10 (vii) Statewide Early Voters List for the primary, general and  
11 odd-year elections; and

12 (viii) Updated files daily starting on the first day of early  
13 voting through election day.

14 (2) Statewide Voter Registration List .....\$500

15 (3) Master Voter History List Export .....\$500

16 (4) Statewide Early Voters List .....\$200

17 (5) Statewide Absentee Requests List .....\$200

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

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

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

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

22 (10) The "current hourly rate" is to be determined by the

23 Secretary of State and shall be communicated to the purchaser

24 before any list is provided.

1       (b) Net proceeds from the sale of data originating in the  
2 statewide voter registration system, along with any interest on  
3 such funds, shall be deposited into the State Election Fund as set  
4 forth in subsection (b), section forty-eight, article one, chapter  
5 three of this code.

NOTE: The purpose of this bill concerns the preparation and sale of voter registration lists. The bill exempts certain voter data from being provided. The bill permits voter lists be obtained for noncommercial purposes at a cost of the actual costs of producing the list. The bill sets forth the fees to be charged for the sale of voter registration lists. The bill sets forth the types of lists and services that are available. The bill requires the net proceeds from the sales of voter registration lists be deposited in the State Election Fund. The bill clarifies that the Secretary of State may share voter information with those authorized to receive the information.

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

§59-1-2b is new; therefore, it has been completely underscored.