

H. B. 3107

(By Delegate Lane)

[Introduced March 25, 2013; referred to the
Committee on the Judiciary then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §3-1-34 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-10 of said code; to amend said code by adding thereto a new section, designated §5-1A-6; and to amend and reenact §17B-2-1 of said code, all relating to voting procedures; requiring a voter to present an identifying document issued either by the State of West Virginia or the United States Government that contains the name, address and a photograph of the person desiring to vote which the poll clerk must inspect and confirm that the name on the document conforms to the name in the individual's voter registration record and that the image displayed is truly an image of the person presenting the document; permitting the casting of a provisional ballot by a person without adequate proof of identification if the voter executes an affidavit; permitting the provisional ballot to be counted if certain

1 conditions are met; providing that certain funds be made
2 available; requiring identification photos to be taken by
3 certain spending units; accessing databases; exempting voters
4 who vote in person at a precinct polling place that is located
5 at a state licensed care facility where the voters are
6 residents; county clerks being the custodian of vote-recording
7 devices, tabulating equipment and electronic poll books;
8 duties; requirements and specifications for electronic poll
9 books; permitting the Division of Motor Vehicles to issue, at
10 no charge, identification cards to persons who will be at
11 least eighteen years of age at the next general, municipal or
12 special election and intends to use the identification card as
13 a form of identification for voting; and providing criminal
14 penalties.

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

16 That §3-1-34 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted; that §3-4A-10 of said code be amended and
18 reenacted; that said code be amended by adding thereto a new
19 section, designated §5-1A-6; and that §17B-2-1 of said code be
20 amended and reenacted, all to read as follows:

21 **CHAPTER 3. ELECTIONS.**

22 **ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.**

23 **§3-1-34. Voting procedures generally; identification assistance to**

1 **voters; voting records; penalties.**

2 (a) Any person desiring to vote in an election shall, upon
3 entering the election room, clearly state his or her name and
4 residence to one of the poll clerks who shall thereupon announce
5 the same in a clear and distinct tone of voice. The person
6 desiring to vote shall present to one of the poll clerks an
7 identifying document issued either by the State of West Virginia or
8 by the United States government which contains the name, address
9 and a photograph of the person desiring to vote, which the poll
10 clerk shall inspect and confirm that the name thereon conforms to
11 the name in the individual's voter registration record and that the
12 image displayed is truly an image of the person presenting the
13 document: *Provided, That a Social Security Direct Express debit*
14 card is a valid form of identifying document for the purposes of
15 this section. If that person is found to be duly registered as a
16 voter at that precinct, he or she shall sign his or her name in the
17 designated location provided at the precinct. If that person is
18 physically or otherwise unable to sign his or her name, his or her
19 mark shall be affixed by one of the poll clerks in the presence of
20 the other and the name of the poll clerk affixing the voter's mark
21 shall be indicated immediately under the affixation. No ballot may
22 be given to the person until he or she signs his or her name on the
23 designated location or his or her signature is affixed thereon.

24 (1) If the person desiring to vote is unable to furnish an

1 identifying document which contains the name, address and a
2 photograph of the person desiring to vote, or if the poll clerk
3 determines that the proof of identification presented by the voter
4 does not qualify as proof of identification under the above listed
5 criteria, the person desiring to vote shall be allowed to vote, but
6 must cast a provisional ballot. An individual who appears at a
7 polling place without identification in the form described in
8 subsection (a) of this section, and who is otherwise qualified to
9 vote at that polling place, may cast a provisional ballot after
10 executing an affidavit affirming his or her identity.

11 (2) The provisional ballot is entitled to be counted when the
12 election authority verifies the identity of the individual by
13 comparing that individual's signature to the current signature on
14 file with the election authority and determines that the individual
15 was otherwise eligible to cast a ballot at the polling place where
16 the ballot was cast.

17 (3) The affidavit to be used for voting shall be substantially
18 in the following form:

19 "State of West Virginia
20 County of
21 I do solemnly swear (or affirm) that my name is
22; that I reside at
23; and that I am the person listed in
24 the precinct register under this name and at this address.

1 I understand that knowingly providing false information is a
2 violation of law and subjects me to possible criminal prosecution.

3

4 Signature of voter

5 Subscribed and affirmed before me this day of
6, 20....

7

8 Signature of Election Official".

9 (4) A voter who votes in person at a precinct polling place
10 that is located at a state licensed care facility where the voter
11 is a resident is not required to provide proof of identification as
12 a condition before voting in an election.

13 (b) The clerk of the county commission is authorized, upon
14 verification that the precinct at which a handicapped person is
15 registered to vote is not handicap accessible, to transfer that
16 person's registration to the nearest polling place in the county
17 which is handicap accessible. A request by a handicapped person
18 for a transfer of registration must be received by the county clerk
19 no later than thirty days prior to the date of the election. Any
20 handicapped person who has not made a request for a transfer of
21 registration at least thirty days prior to the date of the election
22 may vote a provisional ballot at a handicap accessible polling
23 place in the county of his or her registration. If during the
24 canvass the county commission determines that the person had been

1 registered in a precinct that is not handicap accessible, the voted
2 ballot, if otherwise valid, shall be counted. The handicapped
3 person may vote in the precinct to which the registration was
4 transferred only as long as the disability exists or the precinct
5 from which the handicapped person was transferred remains
6 inaccessible to the handicapped. To ensure confidentiality of the
7 transferred ballot, the county clerk processing the ballot shall
8 provide the voter with an unmarked envelope and an outer envelope
9 designated "provisional ballot/handicapped voter". After
10 validation of the ballot at the canvass, the outer envelope shall
11 be destroyed and the handicapped voter's ballot shall be placed
12 with other approved provisional ballots prior to removal of the
13 ballot from the unmarked envelope.

14 (c) When the voter's signature is properly marked, the two
15 poll clerks shall sign their names in the places indicated on the
16 back of the official ballot and deliver the ballot to the voter to
17 be voted by him or her without leaving the election room. If he or
18 she returns the ballot spoiled to the clerks, they shall
19 immediately mark the ballot "spoiled" and it shall be preserved and
20 placed in a spoiled ballot envelope together with other spoiled
21 ballots to be delivered to the board of canvassers and deliver to
22 the voter another official ballot, signed by the clerks on the
23 reverse side. The voter shall thereupon retire alone to the booth
24 or compartment prepared within the election room for voting

1 purposes and there prepare his or her ballot. In voting for
2 candidates in general and special elections, the voter shall comply
3 with the rules and procedures prescribed in section five, article
4 six of this chapter.

5 (d) It is the duty of a poll clerk, in the presence of the
6 other poll clerk, to indicate by a check mark, or by other means,
7 inserted in the appropriate place on the registration record of
8 each voter the fact that the voter voted in the election. In
9 primary elections the clerk shall also insert thereon a
10 distinguishing initial or initials of the political party for whose
11 candidates the voter voted. If a person is challenged at the
12 polls, the challenge shall be indicated by the poll clerks on the
13 registration record, together with the name of the challenger. The
14 subsequent removal of the challenge shall be recorded on the
15 registration record by the clerk of the county commission.

16 (e) (1) No voter may receive any assistance in voting unless,
17 by reason of blindness, disability, advanced age or inability to
18 read and write, that voter is unable to vote without assistance.
19 Any voter qualified to receive assistance in voting under ~~the~~
20 ~~provisions of~~ this section may:

21 (A) Declare his or her choice of candidates to an election
22 commissioner of each political party who, in the presence of the
23 voter and in the presence of each other, shall prepare the ballot
24 for voting in the manner hereinbefore provided and, on request,

1 shall read to the voter the names of the candidates selected on the
2 ballot;

3 (B) Require the election commissioners to indicate to him or
4 her the relative position of the names of the candidates on the
5 ballot, whereupon the voter shall retire to one of the booths or
6 compartments to prepare his or her ballot in the manner
7 hereinbefore provided;

8 (C) Be assisted by any person of the voter's choice, other
9 than the voter's present or former employer or agent of that
10 employer, the officer or agent of a labor union of which the voter
11 is a past or present member or a candidate on the ballot or an
12 official write-in candidate; or

13 (D) If he or she is handicapped, vote from an automobile
14 outside the polling place or precinct by the absentee balloting
15 method provided in subsection (e), section five, article three of
16 this chapter in the presence of an election commissioner of each
17 political party if all of the following conditions are met:

18 (i) The polling place is not handicap accessible; and

19 (ii) No voters are voting or waiting to vote inside the
20 polling place.

21 (2) The voted ballot shall then be returned to the precinct
22 officials and secured in a sealed envelope to be returned to the
23 clerk of the county commission with all other election materials.
24 The ballot shall then be tabulated using the appropriate method

1 provided in section eight of this chapter as it relates to the
2 specific voting system in use.

3 (3) Any voter who requests assistance in voting but who is
4 believed not to be qualified for assistance under ~~the provisions of~~
5 this section shall nevertheless be permitted to vote a provisional
6 ballot with the assistance of any person herein authorized to
7 render assistance.

8 (4) Any one or more of the election commissioners or poll
9 clerks in the precinct may challenge the ballot on the ground that
10 the voter thereof received assistance in voting it when in his, her
11 or their opinion the person who received assistance in voting is
12 not so illiterate, blind, disabled or of such advanced age as to
13 have been unable to vote without assistance. The election
14 commissioner or poll clerk or commissioners or poll clerks making
15 the challenge shall enter the challenge and reason therefor on the
16 form and in the manner prescribed or authorized by article three of
17 this chapter.

18 (5) An election commissioner or other person who assists a
19 voter in voting:

20 (A) May not in any manner request or seek to persuade or
21 induce the voter to vote any particular ticket or for any
22 particular candidate or for or against any public question and must
23 not keep or make any memorandum or entry of anything occurring
24 within the voting booth or compartment and must not, directly or

1 indirectly, reveal to any person the name of any candidate voted
2 for by the voter or which ticket he or she had voted or how he or
3 she had voted on any public question or anything occurring within
4 the voting booth or compartment or voting machine booth except when
5 required pursuant to law to give testimony as to the matter in a
6 judicial proceeding; and

7 (B) Shall sign a written oath or affirmation before assisting
8 the voter on a form prescribed by the Secretary of State stating
9 that he or she will not override the actual preference of the voter
10 being assisted, attempt to influence the voter's choice or mislead
11 the voter into voting for someone other than the candidate of
12 voter's choice. The person assisting the voter shall also swear or
13 affirm that he or she believes that the voter is voting free of
14 intimidation or manipulation: *Provided*, That no person providing
15 assistance to a voter is required to sign an oath or affirmation
16 where the reason for requesting assistance is the voter's inability
17 to vote without assistance because of blindness as defined in
18 section three, article fifteen, chapter five of this code and the
19 inability to vote without assistance because of blindness is
20 certified in writing by a physician of the voter's choice and is on
21 file in the office of the clerk of the county commission.

22 (6) In accordance with instructions issued by the Secretary of
23 State, the clerk of the county commission shall provide a form
24 entitled "list of assisted voters", the form of which list shall

1 likewise be prescribed by the Secretary of State. The
2 commissioners shall enter the name of each voter receiving
3 assistance in voting the ballot, together with the poll slip number
4 of that voter and the signature of the person or the commissioner
5 from each party who assisted the voter. If no voter has been
6 assisted in voting, the commissioners shall likewise make and
7 subscribe to an oath of that fact on the list.

8 (f) After preparing the ballot, the voter shall fold the
9 ballot so that the face is not exposed and so that the names of the
10 poll clerks thereon are seen. The voter shall announce his or her
11 name and present his or her ballot to one of the commissioners who
12 shall hand the same to another commissioner, of a different
13 political party, who shall deposit it in the ballot box if the
14 ballot is the official one and properly signed. The commissioner
15 of election may inspect every ballot before it is deposited in the
16 ballot box to ascertain whether it is single, but without unfolding
17 or unrolling it so as to disclose its content. When the voter has
18 voted, he or she shall retire immediately from the election room
19 and beyond the sixty-foot limit thereof and may not return except
20 by permission of the commissioners.

21 (g) Following the election, the oaths or affirmations required
22 by this section from those assisting voters, together with the
23 "list of assisted voters", shall be returned by the election
24 commissioners to the clerk of the county commission along with the

1 election supplies, records and returns. The clerk of the county
2 commission shall make the oaths, affirmations and list available
3 for public inspection and shall preserve them for a period of
4 twenty-two months or until disposition is authorized or directed by
5 the Secretary of State or court of record: *Provided*, That the
6 clerk may use these records to update the voter registration
7 records in accordance with subsection (d), section eighteen,
8 article two of this chapter.

9 (h) Any person making an oath or affirmation required under
10 ~~the provisions of~~ this section who knowingly swears falsely or any
11 person who counsels, advises, aids or abets another in the
12 commission of false swearing under this section is guilty of a
13 misdemeanor and, upon conviction thereof, shall be fined not more
14 than \$1,000 or confined in jail for a period of not more than one
15 year, or both fined and confined.

16 (i) Any election commissioner or poll clerk who authorizes or
17 provides unchallenged assistance to a voter when the voter is known
18 to the election commissioner or poll clerk not to require
19 assistance in voting is guilty of a felony and, upon conviction
20 thereof, shall be fined not more than \$5,000 or imprisoned in a
21 state correctional facility for a period of not less than one year
22 nor more than five years, or both fined and imprisoned.

23 **ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.**

24 **§3-4A-10. County clerk to be custodian of vote-recording devices,**

1 **tabulating equipment and electronic poll books;**
2 **duties; requirements and specifications for**
3 **electronic poll books.**

4 (a) When an electronic voting system is acquired by any county
5 commission, the vote-recording devices, where applicable, and the
6 tabulating equipment shall be immediately placed in the custody of
7 the county clerk and shall remain in his or her custody at all
8 times except when in use at an election or when in custody of a
9 court or court officers during contest proceedings. The clerk
10 shall see that the vote-recording devices and the tabulating
11 equipment are properly protected and preserved from damage or
12 unnecessary deterioration and shall not permit any unauthorized
13 person to tamper with them. The clerk shall also keep the
14 vote-recording devices and tabulating equipment in repair and
15 prepare the same for voting.

16 (b) ~~When a~~ Each county commission ~~elects to~~ shall, at least
17 ninety days prior to the primary elections in May 2014, acquire and
18 use electronic poll books in lieu of, or in addition to, printed
19 poll books and the clerk of the county commission shall immediately
20 take custody of the electronic poll books, which shall remain in
21 his or her custody at all times except when in use at an election
22 or when in the custody of a court or court officers during contest
23 proceedings. The clerk shall ensure that the electronic poll books
24 are properly protected and preserved from damage or unnecessary

1 deteriorations and the clerk shall not permit any unauthorized
2 person to tamper with the electronic poll books. The clerk shall
3 also keep the electronic poll books in good repair and the clerk
4 shall prepare the electronic poll books for election day.

5 (c) The clerk of the county commission shall ensure that the
6 electronic poll books acquired shall be capable of accessing the
7 databases of the Department of Motor Vehicles and other state
8 databases, including photographs of persons contained within these
9 databases. Each electronic poll book acquired must allow an
10 election official at a polling place, at the time an individual
11 seeks to vote, to obtain information on the individual's
12 eligibility to vote; including, but not limited to, whether the
13 individual is registered to vote in an election for federal office,
14 the polling place to which the individual is assigned, and whether
15 the individual has already voted in the election. Acquisition of
16 these systems is to be provided for by using the Help America Vote
17 Act (HAVA) funds available for disbursement by the Office of the
18 Secretary of State. If such funds are exhausted and should prove
19 insufficient, then the funds contained in the Supreme Court Public
20 Campaign Financing Pilot Program as defined generally in article
21 twelve of chapter three of this code shall be available for the
22 purpose.

23 **CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR,**
24 **SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;**

1 MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

2 ARTICLE 1A. ITEMIZATION OF PROPOSED APPROPRIATIONS IN BUDGET BILL

3 SUBMITTED BY GOVERNOR TO LEGISLATURE.

4 §5-1A-6. Identification photos to be taken by spending units;

5 databases.

6 (a) Each spending unit which disburses any state funds to the
7 public as part a program of means-tested public benefits consisting
8 of state assistance shall take a photograph of any person receiving
9 those benefits and shall store the same in an electronic database.

10 (b) Each spending unit covered by this section shall maintain
11 a database of such photographs and shall ensure that the database
12 is accessible by an electronic pollbook as defined in section two
13 of article four-a of chapter three of this Code.

14 CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.

15 ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

16 §17B-2-1. Drivers must be licensed; types of licenses; licensees

17 need not obtain local government license;

18 motorcycle driver license; identification cards.

19 (a) (1) No person, except those hereinafter expressly
20 exempted, may drive any motor vehicle upon a street or highway in
21 this state or upon any subdivision street used by the public
22 generally unless the person has a valid driver's license issued
23 pursuant to this code for the type or class of vehicle being

1 driven.

2 (2) Any person licensed to operate a motor vehicle pursuant to
3 this code may exercise the privilege thereby granted in the manner
4 provided in this code and, except as otherwise provided by law, is
5 not required to obtain any other license to exercise the privilege
6 by any county, municipality or local board or body having authority
7 to adopt local police regulations.

8 (b) The division, upon issuing a driver's license, shall
9 indicate on the license the type or general class or classes of
10 vehicles the licensee may operate in accordance with this code,
11 federal law or rule. Licenses shall be issued in different colors
12 for those drivers under age eighteen, those drivers age eighteen to
13 twenty-one and adult drivers. The commissioner is authorized to
14 select and assign colors to the licenses of the various age groups.

15 (c) The following drivers licenses classifications are hereby
16 established:

17 (1) A Class A, B or C license shall be issued to those persons
18 eighteen years of age or older with two years of driving experience
19 who have qualified for the commercial driver's license established
20 by chapter seventeen-e of this code and the federal Motor Carrier
21 Safety and Improvement Act of 1999 and subsequent rules, and have
22 paid the required fee.

23 (2) A Class D license shall be issued to those persons
24 eighteen years and older with one year of driving experience who

1 operate motor vehicles other than those types of vehicles which
2 require the operator to be licensed under ~~the provisions of~~ chapter
3 seventeen-e of this code and federal law and rule and whose primary
4 function or employment is the transportation of persons or property
5 for compensation or wages and have paid the required fee. For the
6 purpose of regulating the operation of motor vehicles, wherever the
7 term "chauffeur's license" is used in this code, it shall be
8 construed to mean the Class A, B, C or D license described in this
9 section or chapter seventeen-e of this code or federal law or rule:
10 *Provided,* That anyone not required to be licensed under ~~the~~
11 ~~provisions of~~ chapter seventeen-e of this code and federal law or
12 rule and who operates a motor vehicle registered or required to be
13 registered as a Class A motor vehicle, as that term is defined in
14 section one, article ten, chapter seventeen-a of this code, with a
15 gross vehicle weight rating of less than eight thousand one pounds,
16 is not required to obtain a Class D license.

17 (3) A Class E license shall be issued to those persons who
18 have qualified for a driver's license under ~~the provisions of~~ this
19 chapter and who are not required to obtain a Class A, B, C or D
20 license and who have paid the required fee. The Class E license
21 may be endorsed under ~~the provisions of~~ section seven-b of this
22 article for motorcycle operation. The Class E or (G) license for
23 any person under the age of eighteen may also be endorsed with the
24 appropriate graduated driver license level in accordance with ~~the~~

1 ~~provisions of~~ section three-a of this article.

2 (4) A Class F license shall be issued to those persons who
3 successfully complete the motorcycle examination procedure provided
4 by this chapter and have paid the required fee, but who do not
5 possess a Class A, B, C, D or E driver's license.

6 (5) A Class G driver's license or instruction permit shall be
7 issued to a person using bioptic telescopic lenses who has
8 successfully completed an approved driver training program and
9 complied with all other requirements of article two-b of this
10 chapter.

11 (d) All licenses issued under this section may contain
12 information designating the licensee as a diabetic, organ donor, as
13 deaf or hard-of-hearing, or as having any other handicap or
14 disability, or that the licensee is an honorably discharged veteran
15 of any branch of the Armed Forces of the United States according to
16 criteria established by the division, if the licensee requests this
17 information on the license. An honorably discharged veteran may be
18 issued a replacement license without charge if the request is made
19 before the expiration date of the current license and the only
20 purpose for receiving the replacement license is to get the
21 veterans designation placed on the license.

22 (e) No person, except those hereinafter expressly exempted,
23 may drive any motorcycle upon a street or highway in this state or
24 upon any subdivision street used by the public generally unless the

1 person has a valid motorcycle license, a valid license which has
2 been endorsed under section seven-b of this article for motorcycle
3 operation or a valid motorcycle instruction permit.

4 (f) (1) An identification card may be issued to any person
5 who:

6 (A) Is a resident of this state in accordance with ~~the~~
7 ~~provisions of~~ section one-a, article three, chapter seventeen-a of
8 this code;

9 (B) Has reached the age of two years. The division may also
10 issue an identification card to a person under the age of two years
11 for good cause shown;

12 (C) Has paid the required fee of two dollars and fifty cents
13 per year: *Provided*, That ~~the fee is not required~~ no fees or
14 charges, including renewal fees, are required if the applicant:

15 (i) Is sixty-five years or older; or

16 (ii) Is legally blind; or

17 (iii) Will be at least eighteen years of age at the next
18 general, municipal, or special election and intends to use this
19 identification card as a form of identification for voting; and

20 (D) Presents a birth certificate or other proof of age and
21 identity acceptable to the division with a completed application on
22 a form furnished by the division.

23 (2) The identification card shall contain the same information
24 as a driver's license except that the identification card shall be

1 clearly marked as an identification card. The division may issue
2 an identification card with less information to persons under the
3 age of sixteen. An identification card may be renewed annually on
4 application and payment of the fee required by this section.

5 (A) Every identification card issued to a person who has
6 attained his or her twenty-first birthday expires on the licensee's
7 birthday in those years in which the licensee's age is evenly
8 divisible by five. Except as provided in paragraph (B) of this
9 subdivision, no identification card may be issued for less than
10 three years or for more than seven years and expires on the
11 licensee's birthday in those years in which the licensee's age is
12 evenly divisible by five.

13 (B) Every identification card issued to a person who has not
14 attained his or her twenty-first birthday expires thirty days after
15 the licensee's twenty-first birthday.

16 (C) Every identification card issued to persons under the age
17 of sixteen shall be issued for a period of two years and shall
18 expire on the last day of the month in which the applicant's
19 birthday occurs.

20 (3) The division may issue an identification card to an
21 applicant whose privilege to operate a motor vehicle has been
22 refused, canceled, suspended or revoked under the provisions of
23 this code.

24 (g) Any person violating ~~the provisions of~~ this section is

1 guilty of a misdemeanor and, upon conviction, shall be fined not
2 more than five hundred dollars; and upon a second or subsequent
3 conviction, shall be fined not more than five hundred dollars or
4 confined in jail not more than six months, or both fined and
5 confined.

NOTE: The purpose of this bill is to require voters to present identifying documents, issued either by the State of West Virginia or the United States Government that contain the name, address and a photograph of the person desiring to vote, which the poll clerk must inspect and confirm that the name on the document conforms to the name in the individual's voter registration record and that the image displayed is truly an image of the person presenting the document. The bill exempts voters who vote in person at a precinct polling place that is located at a state licensed care facility where the voters are residents. The bill permits the casting of a provisional ballot by a person without adequate proof of identification if the voter executes an affidavit. The bill permits the provisional ballot to be counted if certain conditions are met, and provides certain funds shall be made available. The bill requires each county clerk to be custodian of vote-recording devices, tabulating equipment and electronic poll books; clarifies their duties; and sets requirements and specifications for electronic poll books. The bill requires identification photos to be taken by certain spending units; and compels them to maintain databases. The bill permits the Division of Motor Vehicles to issue, at no charge, identification cards to persons who will be at least eighteen years of age at the next general, municipal or special election and intends to use the identification card as a form of identification for voting. The bill also contains criminal penalties.

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

§5-1A-6 is new; therefore, strike throughs and underscoring have been omitted.