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Senate Bill No. 505

(By Senators Palumbo and Plymale)

[Introduced February 14, 2011; referred to the Committee on the
Judiciary; and then to the Committee on Finance.]

**FISCAL
NOTE**

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 intimidates another person regarding his or her right to register; and establishing criminal penalties for any person who copies certain information in the signed voter

1 registration application of another person.

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

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4 be repealed; that §3-2-5, §3-2-6, §3-2-7, §3-2-10, §3-2-18 and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

8 **ARTICLE 2. REGISTRATION OF VOTERS.**

9 **§3-2-5. Forms for application for registration; information**
10 **required and requested; types of application forms;**
11 **notices.**

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

1 Secretary of State to provide for the efficient administration of
2 voter registration.

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

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

13 (1) A statement specifying the eligibility requirements for
14 registration and an attestation that the applicant meets each
15 eligibility requirement;

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

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

23 (4) The applicant's driver's license number or an

1 identification number issued by the Division of Motor Vehicles. If
2 the applicant does not have a driver's license or an identification
3 card issued by the Division of Motor Vehicles, then the last four
4 digits of the applicant's social security number; and

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

7 (c) Each application form shall require that the following be
8 provided by the applicant, under oath, and any application which
9 does not contain each of the following shall be considered
10 incomplete:

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

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

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

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

22 (B) In the case of a homeless person having no fixed residence
23 address who nevertheless resides and remains regularly within the

1 county, the address of a shelter, assistance center or family
2 member with whom he or she has regular contact or other specific
3 location approved by the clerk of the county commission for the
4 purposes of establishing a voting residence; and

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

13 (d) The applicant shall be requested to provide the following
14 information, but no application shall be rejected for lack of this
15 information:

16 (1) An indication whether the application is for a new
17 registration, change of address, change of name or change of party
18 affiliation;

19 (2) The applicant's choice of political party affiliation, if
20 any, or an indication of no affiliation: *Provided, That any*
21 applicant who does not enter any choice of political party
22 affiliation shall be listed as having no party affiliation on the
23 voting record;

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

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

5 (5) The applicant's telephone number;

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

9 (7) The applicant's gender.

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

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

19 (g) No later than July 1, of each odd-numbered year, the
20 Secretary of State shall submit the specifications of the voter
21 registration application by mail for statewide bidding for a
22 contract period beginning September 1, of each odd-numbered year
23 and continuing for two calendar years. The successful bidder shall

1 produce and supply the required mail voter registration forms at
2 the contract price to all purchasers of the form for the period of
3 the contract.

4 **§3-2-6. Time of registration application before an election.**

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

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

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

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

22 (A) If mailed, the application shall be addressed to the
23 appropriate clerk of the county commission and is postmarked by the

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

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

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

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

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

20 **§3-2-6a. Extended time for certain persons to register in person.**

21 (a) Notwithstanding the provisions of section six, article two
22 of this chapter, the following persons shall be entitled to
23 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; and

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.

1 **§3-2-7. Hours and days of registration in the office of the clerk**
2 **of the county commission; in-person application for**
3 **voter registration; identification required.**

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

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

21 (c) The clerk shall attempt to establish whether the residence
22 address given is within the boundaries of an incorporated
23 municipality and, if so, make the proper entry required for

1 municipal residents to be properly identified for municipal voter
2 registration purposes.

3 (d) Upon receipt of the completed registration application,
4 the clerk shall either:

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

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

13 **§3-2-10. Application for registration by mail.**

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

18 (b) To the extent possible, with funds allocated annually for
19 such purpose, the Secretary of State shall make state mail
20 registration forms available for distribution through governmental
21 and private entities and organized voter registration programs.
22 The Secretary of State shall make a record of all requests by
23 entities or organizations for two hundred or more forms with a

1 description of the dates and locations in which the proposed
2 registration drive is to be conducted. The Secretary of State
3 shall also require the entity or organization requesting the forms
4 to provide contact information on a form prescribed by the
5 Secretary of State. The Secretary of State may limit the
6 distribution to a reasonable amount per group.

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

18 (d) The applicant shall provide all required information and,
19 only after completing the information, sign the prescribed
20 applicant's oath under penalty of perjury as provided in section
21 thirty-six of this article. No person may alter or add any entry
22 or make any mark which would alter any material information on the
23 voter registration application after the applicant has signed the

1 oath: *Provided*, That the clerk of the county commission may
2 correct any entry upon the request of the applicant provided the
3 request is properly documented and the correction is dated and
4 initialed by the clerk.

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

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

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

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

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

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

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

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

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

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

20 (2) (A) Who registers to vote by mail under 42 U.S.C.
21 §1973gg-4, *et seq.*, and submits with his or her registration either
22 a driver's license number or at least the last four digits of the
23 individual's social security number; and (B) with respect to whom

1 the Secretary of State or clerk of the county commission matches
2 the information submitted under paragraph (A) of this subdivision
3 with an existing state identification record bearing the same
4 number, name and date of birth as provided in the registration; or

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

19 (j) Any person who submits a state mail voter registration
20 application to the clerk of the county commission in the county in
21 which he or she is currently registered for the purpose of entering
22 a change of address within the county, making a change of party
23 affiliation or recording a change of legal name shall not be

1 required to make his or her first vote in person or to present
2 identification or proof of age.

3 (k) On and after July 1, 2006, any person who agrees to mail
4 or to deliver a signed voter registration application to the
5 Secretary of State or the clerk of the county commission and who
6 intentionally interferes with the applicant's effort to register
7 either by destroying the application or by failing to mail or to
8 deliver the application in a timely manner is guilty of a
9 misdemeanor and, upon conviction thereof, shall be fined not more
10 than \$1,000, or confined in a jail for not more than one year, or
11 both. For purposes of this subsection, the mailing or delivery of
12 an application is timely if it is mailed or delivered within
13 fifteen days after the applicant signs the application or in
14 accordance with the provisions of article two, chapter three of
15 this code for processing before the closing of the registration
16 records for the pending election, whichever comes first.

17 (l) On or after July 1, 2006, any person who intentionally
18 solicits multiple registrations from any one person or who
19 intentionally falsifies a registration application is guilty of a
20 misdemeanor and, upon conviction thereof, shall be fined not more
21 than \$1,000, or confined in jail for not more than one year, or
22 both.

23 (m) Any person who mails or delivers a signed voter

1 registration application to the Secretary of State or to the clerk
2 of the county commission and exerts improper influence on the
3 choice of party affiliation of an applicant or otherwise attempts
4 to improperly interfere with or intimidate an applicant relating to
5 that applicant's decision to register or not to register is guilty
6 of a misdemeanor and, upon conviction, shall be fined not more than
7 \$1,000, or confined in jail for not more than one year, or both
8 fined and confined.

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

17 **§3-2-18. Registration records; active, inactive, canceled, pending**
18 **and rejected registration files; procedure; voting**
19 **records.**

20 (a) For the purposes of this article:

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

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

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

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

21 (3) "Inactive voter registration files" means the files of
22 registration records, whether maintained on paper forms or in
23 digitized data format, containing the names, addresses, birth dates

1 and other required information for all persons designated
2 "inactive" pursuant to the provisions of section twenty-seven of
3 this article following the return of the prescribed notices as
4 undeliverable at the address entered on the voter registration.
5 For the purposes of this chapter or of any other provisions of this
6 code relating to elections conducted under the provisions of this
7 chapter, whenever a requirement is based on the number of
8 registered voters, including, but not limited to, the number of
9 ballots to be printed, the limitations on the size of a precinct,
10 or the number of petition signatures required for election
11 purposes, only those registrations included on the active voter
12 registration files shall be counted and voter registrations
13 included on the inactive voter registration files, as defined in
14 this subdivision, shall not be counted.

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

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

22 (6) "Rejected application files" means the files containing
23 all information submitted on a voter registration application which

1 was rejected for reasons as described in this article.

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

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

19 (d) Within one hundred twenty days after each primary,
20 general, municipal or special election, the clerk of the county
21 commission shall, as evidenced by the presence or absence of
22 signatures on the pollbooks for such election, correct any errors
23 or omissions on the voter registration records resulting from the

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

7 **§3-2-30. Public inspection of voter registration records in the**
8 **office of the clerk of the county commission;**
9 **providing voter lists for noncommercial use;**
10 **prohibition against resale of voter lists for**
11 **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

1 documents, shall be available for inspection upon specific request;
2 and

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

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

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

1 data elements shall include, at least:

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

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

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

8 (d) In counties which maintain voter files in a digitized data
9 format, lists of registered voters may be obtained for
10 noncommercial purposes in data format on disk provided and prepared
11 by the clerk of the county commission at a cost of one cent per
12 name plus \$10 for each disk required. No data file prepared under
13 this subsection may include the registrant's telephone number,
14 social security number or driver's license number or nonoperator's
15 identification number issued by the Division of Motor Vehicles.

16 (e) The fees received by the clerk of the county commission
17 shall be kept in a separate fund under the supervision of the clerk
18 for the purpose of defraying the cost of the preparation of the
19 voter lists. Any unexpended balance in the fund shall be
20 transferred to the general fund of the county commission.

21 (f) The Secretary of State may make voter lists available for
22 sale subject to the limitations as provided in this section for
23 counties. The cost for a partial list shall be one and one-half

1 cents per name plus \$10 for each disk required; the cost for a
2 complete statewide list shall be one-half cent per name and a flat
3 fee of \$1,000. One cent per name for each voter from a particular
4 county on each partial list and one-half cent per name for each
5 voter from a particular county on each statewide list sold shall be
6 reimbursed to the appropriate county. The disk fee and one-half
7 cent per name associated with a partial list and the flat fee of
8 \$1,000 associated with a complete statewide list shall be deposited
9 to a special revenue account for purpose of defraying the cost of
10 preparing the lists.

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

17 (h) No voter registration lists or data files containing voter
18 names, addresses or other information derived from voter data files
19 obtained pursuant to the provisions of this article may be used for
20 commercial or charitable solicitations or advertising, sold or
21 reproduced for resale.

22 (i) This section shall not be interpreted to prevent the
23 Secretary of State from sharing data files containing voter

1 information with authorized service providers for the purpose of
2 voter registration and election administration in accordance with
3 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.