

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 482**

5 (SENATOR PALUMBO, original sponsor)

6 _____
7 [Passed April 13, 2013; in effect ninety days from passage.]
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11
12 AN ACT to amend and reenact §3-2-30 of the Code of West Virginia,
13 1931, as amended; and to amend said code by adding thereto a
14 new section, designated §59-1-2b, all relating to the
15 preparation and sale of voter registration lists; exempting
16 certain voter data from being provided; clarifying that
17 records are to be kept in electronic form; permitting certain
18 voter lists be obtained for noncommercial purposes from the
19 clerk of the county commission or the Secretary of State;
20 providing certain exemptions allowing the Secretary of State
21 to provide voter information to others; setting forth the fees
22 to be charged for the sale of voter registration lists;
23 setting forth the types of lists and services that are
24 available; requiring the net proceeds from the voter
25 registration list sales be deposited in the State Election
26 Fund; and clarifying that the Secretary of State may share
27 voter information with those authorized to receive the
28 information.

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

2 That §3-2-30 of the Code of West Virginia, 1931, as amended,
3 be amended and reenacted; and that said code be amended by adding
4 thereto a new section, designated §59-1-2b, all to read as follows:

5 **CHAPTER 3. ELECTIONS.**

6 **ARTICLE 2. REGISTRATION OF VOTERS.**

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

11 (a) Any person may examine the active, inactive, rejected and
12 canceled voter registration records during office hours of the
13 clerk of the county commission in accordance with chapter
14 twenty-nine-b of this code. Active, inactive, rejected and
15 canceled voter files are to be maintained in electronic data
16 format. Any person may examine voter record information in printed
17 form or in a read-only data format on a computer terminal set aside
18 for public use, if available. The data files available for
19 examination and copying shall include all registration and voting
20 information maintained in the file, but may not include the
21 registrant's telephone number, email address, Social Security
22 number or driver's license number or nonoperator's identification
23 number issued by the Division of Motor Vehicles.

24 (b) The clerk of the county commission shall, upon request,
25 provide printed copies of the lists of voters for each precinct.
26 No list prepared under this section may include the registrant's
27 telephone number, email address, Social Security number or driver's
28 license number or nonoperator's identification number issued by the

1 Division of Motor Vehicles. The clerk shall establish a written
2 policy, posted within public view, listing the options for
3 selection and sorting criteria and available data elements. The
4 data elements shall include, at least:

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

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

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

11 (c) Lists of registered voters may be obtained for
12 noncommercial purposes in data format on disk or as a printed list
13 provided by the clerk of the county commission at a cost of one
14 cent per name. No data file prepared under this subsection may
15 include the registrant's telephone number, email address, Social
16 Security number or driver's license number or nonoperator's
17 identification number issued by the Division of Motor Vehicles.

18 (d) The fees received by the clerk of the county commission
19 shall be kept in a separate fund under the supervision of the clerk
20 and may be used for the purpose of defraying the cost of the
21 preparation of the voter lists. After deducting the costs of
22 preparing voter lists, the clerk shall deposit the net proceeds
23 from the sale of the voter lists in the State Election Fund as set
24 forth in subsection (b), section forty-eight, article one of this
25 chapter.

26 (e) The Secretary of State shall make voter lists available
27 for sale subject to the limitations as provided in subsection (a)
28 of this section. The fees for the voter lists shall be as

1 prescribed in section two-b, article one, chapter fifty-nine of
2 this code. The revenue associated with purchase of a partial list
3 or associated with a complete statewide list shall be deposited in
4 the State Election Fund as set forth in subsection (b), section
5 forty-eight, article one of this chapter.

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

11 (g) This section may not be interpreted to prevent the
12 Secretary of State from sharing data files containing voter
13 information with authorized service providers or sharing data
14 across state lines with any state or local election official for
15 the purpose of voter registration and election administration in
16 accordance with this chapter or applicable federal law.

17 **CHAPTER 59. FEES, ALLOWANCES AND COSTS; NEWSPAPERS; LEGAL**
18 **ADVERTISEMENTS.**

19 **ARTICLE 1. FEES AND ALLOWANCES.**

20 **§59-1-2b. Purchase of voter registration lists and election data;**
21 **fees.**

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

- 27 (1) Election Cycle Subscription Service. \$6,000
- 28 (2) Statewide Voter Registration List \$500

- 1 (3) Master Voter History List Export \$500
- 2 (4) Statewide Early Voters List \$200
- 3 (5) Statewide Absentee Requests List \$200
- 4 (6) Statewide Absentee Received List \$200
- 5 (7) Partial Voter Registration List . . . Current hourly rate
- 6 (8) Voter History List Current hourly rate
- 7 (9) Complex Research Query Current hourly rate

8 (b) For the purposes of this section, "Election Cycle
 9 Subscription Service" includes:

10 (1) Statewide Registered Voter List updated monthly throughout
 11 the year and updated daily starting thirty days prior to election
 12 day through election day;

13 (2) Master Voter History List Export following certification
 14 of the primary, general and odd-year elections;

15 (3) Statewide All Mail-in Absentee Request List and Statewide
 16 Public Received Mail-in Absentee List for the primary, general and
 17 odd-year elections, updated daily starting thirty days prior to
 18 election day through ten days following election day; and

19 (4) Statewide Early Voters List for the primary, general and
 20 odd-year elections, updated daily starting on the first day of
 21 early voting through election day.

22 (c) At the time that a request is made under subdivision (7),
 23 (8) or (9) of subsection (a) of this section, the current hourly
 24 rate, as determined by the Secretary of State, shall be
 25 communicated to the prospective purchaser along with an estimate of
 26 the number of hours needed to fulfill the request before any list
 27 is compiled.

28 (d) Net proceeds from the sale of data originating in the

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