

Senate Bill No. 482

(By Senator Palumbo)

1
2
3 _____
4 [Introduced March 7, 2013; referred to the Committee on the
5 Judiciary; and then to the Committee on Finance.]
6 _____
7
8
9

FISCAL NOTE

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

1 **CHAPTER 3. ELECTIONS.**

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

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

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

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

21 ~~(2) When the active,~~ Active, inactive, rejected and canceled
22 voter files are to be maintained in electronic data format. ~~any~~ Any
23 person may examine voter record information in printed form or in
24 a read-only data format on a computer terminal set aside for public
25 use, if available. The data files available for examination and
26 copying shall include all registration and voting information

1 maintained in the file, but may not include the registrant's
2 telephone number, email address, social security number or driver's
3 license number or nonoperator's identification number issued by the
4 Division of Motor Vehicles.

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

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

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

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

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

25 ~~(d) In counties which maintain voter files in a digitized data~~
26 ~~format, lists~~ (c) Lists of registered voters may be obtained for

1 noncommercial purposes in data format on disk or as a printed list
2 provided ~~and prepared~~ by the clerk of the county commission at a
3 cost of ~~1¢ per name plus \$10 for each disk required.~~ not to exceed
4 the actual cost of producing the list which includes the actual
5 cost of any medium on which the lists are produced or distributed
6 including, but not limited to, paper, adhesive labels, discs or
7 other electronic media storage devices. No data file prepared
8 under this subsection may include the registrant's telephone
9 number, email address, social security number or driver's license
10 number or nonoperator's identification number issued by the
11 Division of Motor Vehicles.

12 ~~(e)~~ (d) The fees received by the clerk of the county
13 commission shall be kept in a separate fund under the supervision
14 of the clerk for the purpose of defraying the cost of the
15 preparation of the voter lists. ~~Any unexpended balance in the fund~~
16 ~~shall be transferred to the General Fund of the county commission.~~

17 ~~(f)~~ (e) The Secretary of State may make voter lists available
18 for sale subject to the limitations as provided in this section for
19 counties. ~~The cost for a partial list shall be one and one-half~~
20 ~~cents per name plus \$10 for each disk required; the cost for a~~
21 ~~complete statewide list shall be one-half cent per name and a flat~~
22 ~~fee of \$1,000. One cent per name for each voter from a particular~~
23 ~~county on each partial list and one-half cent per name for each~~
24 ~~voter from a particular county on each statewide list sold shall be~~
25 ~~reimbursed to the appropriate county.~~ costs shall be as prescribed
26 in section two-b, article one, chapter fifty-nine of this code. The

1 ~~disk fee and one-half cent per name~~ fees associated with purchase
2 of a partial list ~~and the flat fee of \$1,000~~ or associated with a
3 complete statewide list shall be deposited ~~to a special revenue~~
4 ~~account for purpose of defraying the cost of preparing the lists~~ in
5 the State Election Fund as set forth in subsection (b), section
6 forty-eight, article one of this chapter.

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

13 ~~(h)~~ (f) No voter registration lists or data files containing
14 voter names, addresses or other information derived from voter data
15 files obtained pursuant to the provisions of this article may be
16 used for commercial or charitable solicitations or advertising,
17 sold or reproduced for resale.

18 (g) This section may not be interpreted to prevent the
19 Secretary of State from sharing data files containing voter
20 information with authorized service providers or sharing data
21 across state lines with any state or local election official for
22 the purpose of voter registration and election administration in
23 accordance with this chapter or applicable federal law.

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

25 **NEWSPAPERS; LEGAL ADVERTISEMENTS.**

26 **ARTICLE 1. FEES AND ALLOWANCES.**

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

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

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

9 (A) Election Cycle Subscription Service provides:

10 (i) Statewide Registered Voter List updated monthly;

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

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

15 (iv) First file sixty days prior to election day. Updated
16 files daily starting thirty days prior to election day through
17 election day;

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

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

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

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

26 (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 ListCurrent hourly rate
- 6 (8) Voter History ListCurrent hourly rate
- 7 (9) Complex Research QueryCurrent hourly rate
- 8 (10) The "current hourly rate" is to be determined by the
- 9 Secretary of State and shall be communicated to the purchaser
- 10 before any list is provided.

11 (b) Net proceeds from the sale of data originating in the
 12 statewide voter registration system, along with any interest on
 13 such funds, shall be deposited into the State Election Fund as set
 14 forth in subsection (b), section forty-eight, article one, chapter
 15 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, strike-throughs and underscoring have been omitted.