

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3074

By Delegates T. Howell, Butler, White, Brooks,
Holstein, Clay, Anders, Kump, Crouse, Bridges, and
Jeffries

[Introduced ; referred
to the Committee on]

1 A BILL to amend and reenact §3-2-30 of the Code of West Virginia, 1931, as amended, relating to
2 providing voter lists for noncommercial use; providing legislative findings; providing
3 definitions; requiring the inclusion of change audit data as part of the information provided
4 in the voter lists for the election cycle subscription service; and providing clarification on
5 implementation of this process.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. REGISTRATION OF VOTERS

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

1 (a) Any person may examine the active, inactive, rejected and canceled voter registration
2 records during office hours of the clerk of the county commission in accordance with chapter
3 twenty-nine-b of this code.

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

11 (b) The clerk of the county commission shall, upon request, provide printed copies of the
12 lists of voters for each precinct. No list prepared under this section may include the registrant's
13 telephone number, email address, Social Security number or driver's license number or
14 nonoperator's identification number issued by the Division of Motor Vehicles. The clerk shall
15 establish a written policy, posted within public view, listing the options for selection and sorting
16 criteria and available data elements. The data elements shall include, at least:

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

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

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

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

26 (d) The fees received by the clerk of the county commission shall be kept in a separate
27 fund under the supervision of the clerk and may be used for the purpose of defraying the cost of
28 the preparation of the voter lists. After deducting the costs of preparing voter lists, the clerk shall
29 deposit the net proceeds from the sale of the voter lists in the State Election Fund as set forth in
30 §3-1-48(b) of this code.

31 (e) The Secretary of State shall make voter lists available for sale subject to the limitations
32 as provided in subsection (a) of this section. The fees for the voter lists shall be as prescribed in
33 §59-1-2b of this code. The revenue associated with purchase of a partial list or associated with a
34 complete statewide list shall be deposited in the State Election Fund as set forth in §3-1-48(b) of
35 this code.

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

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

43 (h) The Legislature finds that:

44 (1) Public access to state records, including change audit data, is essential for
45 transparency and accountability;

46 (2) The Secretary of State makes voter registration data available to the public for a fee
47 depending on the list requested;

48 (3) The existing \$1,000 annual subscription service provides access to certain government
49 records but does not include change audit data;

50 (4) Subscribers should receive comprehensive access by including change audit data in
51 the subscription service; and

52 (5) The type of data for each column of the data should be as follows: ID_VOTER (this is
53 where the data is keyed to), change date, reason for change (add, delete, address change, name
54 change, active, inactive, etc.), reason for change and presented as a 'delta' from the previous
55 month.

56 (i) "Change audit data" means any recorded modifications, updates, or revisions to existing
57 public records, including but not limited to:

58 (1) Legislative and regulatory amendments;

59 (2) Administrative rule changes;

60 (3) Updates to agency decisions or policies; or

61 (4) Any other alterations affecting publicly accessible government documents.

62 (j) The Secretary of State shall include change audit data as part of the records accessible
63 under the \$1,000 subscription service for Voter Registration Data.

64 (k) The Secretary of State shall:

65 (1) Ensure that change audit data is made available to subscribers within 30 days of the
66 bill's enactment;

67 (2) Maintain a secure and accessible digital platform for subscribers to retrieve this
68 information; and

69 (3) Provide a clear indexing system to facilitate efficient access to change audit data.

NOTE: The purpose of this bill is to update the voter list information for noncommercial use by requiring the inclusion of change audit data as part of the information provided in the voter lists for the election cycle subscription service.

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