

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Randolph offered the following:

Amendment (with title amendment)

Remove lines 427-507 and insert:

(6) In any civil action brought by the Attorney General or the state attorney for enforcement, if the court finds that no violation occurred, the Attorney General or the state attorney shall be liable for attorney's fees and costs to the person or organization against whom the complaint was brought.

~~(1) Prior to engaging in any voter registration activities, a third-party voter registration organization shall name a registered agent in the state and submit to the division, in a form adopted by the division, the name of the registered agent and the name of those individuals responsible for the day-to-day operation of the third party voter registration organization, including, if applicable, the names of the~~

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17 ~~entity's board of directors, president, vice president, managing~~
18 ~~partner, or such other individuals engaged in similar duties or~~
19 ~~functions. On or before the 15th day after the end of each~~
20 ~~calendar quarter, each third-party voter registration~~
21 ~~organization shall submit to the division a report providing the~~
22 ~~date and location of any organized voter registration drives~~
23 ~~conducted by the organization in the prior calendar quarter.~~

24 ~~(2) The failure to submit the information required by~~
25 ~~subsection (1) does not subject the third-party voter~~
26 ~~registration organization to any civil or criminal penalties for~~
27 ~~such failure, and the failure to submit such information is not~~
28 ~~a basis for denying such third-party voter registration~~
29 ~~organization with copies of voter registration application~~
30 ~~forms.~~

31 ~~(3) A third-party voter registration organization that~~
32 ~~collects voter registration applications serves as a fiduciary~~
33 ~~to the applicant, ensuring that any voter registration~~
34 ~~application entrusted to the third-party voter registration~~
35 ~~organization, irrespective of party affiliation, race,~~
36 ~~ethnicity, or gender shall be promptly delivered to the division~~
37 ~~or the supervisor of elections. If a voter registration~~
38 ~~application collected by any third-party voter registration~~
39 ~~organization is not promptly delivered to the division or~~
40 ~~supervisor of elections, the third-party voter registration~~
41 ~~organization shall be liable for the following fines:~~

42 ~~(a) A fine in the amount of \$50 for each application~~
43 ~~received by the division or the supervisor of elections more~~
44 ~~than 10 days after the applicant delivered the completed voter~~
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45 ~~registration application to the third-party voter registration~~
46 ~~organization or any person, entity, or agent acting on its~~
47 ~~behalf. A fine in the amount of \$250 for each application~~
48 ~~received if the third-party registration organization or person,~~
49 ~~entity, or agency acting on its behalf acted willfully.~~

50 ~~(b) A fine in the amount of \$100 for each application~~
51 ~~collected by a third-party voter registration organization or~~
52 ~~any person, entity, or agent acting on its behalf, prior to book~~
53 ~~closing for any given election for federal or state office and~~
54 ~~received by the division or the supervisor of elections after~~
55 ~~the book closing deadline for such election. A fine in the~~
56 ~~amount of \$500 for each application received if the third-party~~
57 ~~registration organization or person, entity, or agency acting on~~
58 ~~its behalf acted willfully.~~

59 ~~(c) A fine in the amount of \$500 for each application~~
60 ~~collected by a third-party voter registration organization or~~
61 ~~any person, entity, or agent acting on its behalf, which is not~~
62 ~~submitted to the division or supervisor of elections. A fine in~~
63 ~~the amount of \$1,000 for any application not submitted if the~~
64 ~~third-party registration organization or person, entity, or~~
65 ~~agency acting on its behalf acted willfully.~~

66
67 ~~The aggregate fine pursuant to this subsection which may be~~
68 ~~assessed against a third-party voter registration organization,~~
69 ~~including affiliate organizations, for violations committed in a~~
70 ~~calendar year shall be \$1,000. The fines provided in this~~
71 ~~subsection shall be reduced by three-fourths in cases in which~~
72 ~~the third-party voter registration organization has complied~~

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73 ~~with subsection (1). The secretary shall waive the fines~~
74 ~~described in this subsection upon a showing that the failure to~~
75 ~~deliver the voter registration application promptly is based~~
76 ~~upon force majeure or impossibility of performance.~~

77 (7)-(4) (a) The division shall adopt rules to administer
78 this section. The division shall adopt by rule a form to elicit
79 specific information concerning the facts and circumstances from
80 a person who claims to have been registered to vote by a third-
81 party voter registration organization but who does not appear as
82 an active voter on the voter registration rolls.

83 (b) The division may investigate any violation of this
84 section. Civil fines shall be assessed by the division and
85 enforced through any appropriate legal proceedings.

86 ~~(5) The date on which an applicant signs a voter~~
87 ~~registration application is presumed to be the date on which the~~
88 ~~third-party voter registration organization received or~~
89 ~~collected the voter registration application.~~

90 (8)-(6) The civil fines provided in this section are in
91
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94 **T I T L E A M E N D M E N T**

95 Remove line 35 and insert:

96 injunction or other appropriate order; providing circumstances
97 under which the Attorney General or state attorney shall be
98 liable for certain fees and costs; requiring the