

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Pafford offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 508-615 and insert:

5 (3) A third-party voter registration organization shall  
6 turn in each voter registration application received from its  
7 authorized registration agents regardless of whether the third-  
8 party voter registration organization believes the voter  
9 registration application may be invalid or incomplete. If, when  
10 submitting a voter registration application, a third-party voter  
11 registration organization also submits information stating why  
12 the organization believes the application may be invalid or  
13 incomplete, the third-party voter registration organization  
14 shall be presumed to be in compliance with this section.

15 ~~(1) Prior to engaging in any voter registration~~  
16 ~~activities, a third-party voter registration organization shall~~  
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17 ~~name a registered agent in the state and submit to the division,~~  
18 ~~in a form adopted by the division, the name of the registered~~  
19 ~~agent and the name of those individuals responsible for the day-~~  
20 ~~to-day operation of the third party voter registration~~  
21 ~~organization, including, if applicable, the names of the~~  
22 ~~entity's board of directors, president, vice president, managing~~  
23 ~~partner, or such other individuals engaged in similar duties or~~  
24 ~~functions. On or before the 15th day after the end of each~~  
25 ~~calendar quarter, each third party voter registration~~  
26 ~~organization shall submit to the division a report providing the~~  
27 ~~date and location of any organized voter registration drives~~  
28 ~~conducted by the organization in the prior calendar quarter.~~

29 ~~(2) The failure to submit the information required by~~  
30 ~~subsection (1) does not subject the third party voter~~  
31 ~~registration organization to any civil or criminal penalties for~~  
32 ~~such failure, and the failure to submit such information is not~~  
33 ~~a basis for denying such third party voter registration~~  
34 ~~organization with copies of voter registration application~~  
35 ~~forms.~~

36 ~~(4) (a) (3)~~ A third-party voter registration organization  
37 that collects voter registration applications serves as a  
38 fiduciary to the applicant, ensuring that any voter registration  
39 application entrusted to the ~~third party voter registration~~  
40 organization, irrespective of party affiliation, race,  
41 ethnicity, or gender, shall be promptly delivered to the  
42 division or the supervisor of elections within 48 hours after  
43 the applicant completes it or the next business day if the  
44 appropriate office is closed for that 48-hour period. If a voter

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45 registration application collected by any third-party voter  
46 registration organization is not promptly delivered to the  
47 division or supervisor of elections, the third-party voter  
48 registration organization is ~~shall be~~ liable for the following  
49 fines:

50 1.(a) A fine in the amount of \$50 for each application  
51 received by the division or the supervisor of elections more  
52 than 48 hours ~~10 days~~ after the applicant delivered the  
53 completed voter registration application to the third-party  
54 voter registration organization or any person, entity, or agent  
55 acting on its behalf or the next business day, if the office is  
56 closed. A fine in the amount of \$250 for each application  
57 received if the third-party voter registration organization or  
58 person, entity, or agency acting on its behalf acted willfully.

59 2.(b) A fine in the amount of \$100 for each application  
60 collected by a third-party voter registration organization or  
61 any person, entity, or agent acting on its behalf, before ~~prior~~  
62 ~~to~~ book closing for any given election for federal or state  
63 office and received by the division or the supervisor of  
64 elections after the book-closing ~~book-closing~~ deadline for such  
65 election. A fine in the amount of \$500 for each application  
66 received if the third-party registration organization or person,  
67 entity, or agency acting on its behalf acted willfully.

68 3.(c) A fine in the amount of \$500 for each application  
69 collected by a third-party voter registration organization or  
70 any person, entity, or agent acting on its behalf, which is not  
71 submitted to the division or supervisor of elections. A fine in  
72 the amount of \$1,000 for any application not submitted if the  
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73 third-party voter registration organization or person, entity,  
74 or agency acting on its behalf acted willfully.

75  
76 The aggregate fine pursuant to this paragraph subsection which  
77 may be assessed against a third-party voter registration  
78 organization, including affiliate organizations, for violations  
79 committed in a calendar year is shall be \$1,000.

80 (b) A showing by the fines provided in this subsection  
81 shall be reduced by three fourths in cases in which the third-  
82 party voter registration organization that the failure to  
83 deliver the voter registration application within the required  
84 timeframe is based upon force majeure or impossibility of  
85 performance shall be an affirmative defense to a violation of  
86 this subsection has complied with subsection (1). The secretary  
87 may shall waive the fines described in this subsection upon a  
88 showing that the failure to deliver the voter registration  
89 application promptly is based upon force majeure or  
90 impossibility of performance.

91 (5) If the Secretary of State reasonably believes that a  
92 person has committed a violation of this section, the secretary  
93 may refer the matter to the Attorney General for enforcement.  
94 The Attorney General may institute a civil action for a  
95 violation of this section or to prevent a violation of this  
96 section. An action for relief may include a permanent or  
97 temporary injunction, a restraining order, or any other  
98 appropriate order.

99 (6)(4)(a) The division shall adopt by rule a form to  
100 elicit specific information concerning the facts and  
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101 circumstances from a person who claims to have been registered  
102 to vote by a third-party voter registration organization but who  
103 does not appear as an active voter on the voter registration  
104 rolls. The division shall also adopt rules to ensure the  
105 integrity of the registration process, including rules requiring  
106 third-party voter registration organizations to account for all  
107 state and federal registration forms used by their registration  
108 agents.

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

112 ~~(7)-(5)~~ The date on which an applicant signs a voter  
113 registration application is presumed to be the date on which the  
114 third-party voter registration organization received or  
115 collected the voter registration application.

116 ~~(8)-(6)~~ The civil fines provided in this section are in  
117 addition to any applicable criminal penalties.

118 ~~(9)-(7)~~ Fines collected pursuant to this section shall be  
119 annually appropriated by the Legislature to the department for  
120 enforcement of this section and for voter education.

121 ~~(10)-(8)~~ The division may adopt rules to administer this  
122 section.

123  
124  
125 -----  
126 **T I T L E A M E N D M E N T**

127 Remove line 31 and insert:

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128 any other appropriate order; requiring submission of all voter  
129 registration applications received by a third-party voter  
130 registration organization; providing circumstances under which a  
131 third-party voter registration organization shall be deemed to  
132 be in compliance with the law when submitting voter registration  
133 applications; requiring that the division