

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Pafford offered the following:

2  
3 **Substitute Amendment for Amendment (186541) (with title**  
4 **amendment)**

5 Remove lines 508-615 and insert:

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

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

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

37 (4) (a) ~~(3)~~ A third-party voter registration organization  
38 that collects voter registration applications serves as a  
39 fiduciary to the applicant, ensuring that any voter registration  
40 application entrusted to the ~~third-party voter registration~~  
41 organization, irrespective of party affiliation, race,  
42 ethnicity, or gender, shall be promptly delivered to the  
43 division or the supervisor of elections within 10 calendar days

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44 after the applicant completes it or the next business day if the  
45 appropriate office is closed for 10 calendar days. If a voter  
46 registration application collected by any third-party voter  
47 registration organization is not promptly delivered to the  
48 division or supervisor of elections, the third-party voter  
49 registration organization is ~~shall be~~ liable for the following  
50 fines:

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

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

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

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

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

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

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

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

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

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

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

122       ~~(10)-(8)~~ The division may adopt rules to administer this  
123       section.  
124  
125

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127                   **T I T L E   A M E N D M E N T**

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128        Remove line 31 and insert:  
129        any other appropriate order; requiring submission of all voter  
130        registration applications received by a third-party voter  
131        registration organization; providing circumstances under which a  
132        third-party voter registration organization shall be deemed to  
133        be in compliance with the law when submitting voter registration  
134        applications; requiring that the division