

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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OFFICE OF THE SECRETARY OF STATE
DEPT. OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Secretary of State TITLE NUMBER: 153

CITE AUTHORITY §3-2-21

AMENDMENT TO AN EXISTING RULE: YES___ NO___X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 9

TITLE OF RULE BEING PROPOSED: Elimination of Precinct Registration
Books

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Ken Hechler

SUMMARY

TITLE 153, SERIES 9

This legislative rule provides for implementation of state law relating to the maintenance of state voter registration records as specified in West Virginia Code §3-2-21.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Elimination of Precinct Registration Books

Type of Rule: X Legislative Interpretive Procedural

Agency Secretary of State

Address 1900 Kanawha Blvd., E.

Charleston, WV 25305-0770

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	DECREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ n/a	\$ n/a	\$ n/a	\$ n/a	\$ n/a
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

None of the above is applicable to this rule.

3. Objectives of these rules:

To provide for implementation of state law relating to the maintenance of state voter registration records as specified in West Virginia Code §3-2-21.

Rule Title: Elimination of Precinct Registration Books

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

none

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

none

C. Economic Impact on Citizens/Public at Large.

none

Date: July 6, 1999

Signature of Agency Head or Authorized Representative

Jan Casto

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: August 6, 1999

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Secretary of State

1900 Kanawha Blvd. E., Charleston, WV 25305-0770

(304) 558-6000

LEGISLATIVE RULE TITLE: Elimination of Precinct Registration Books

1. Authorizing statute(s) citation §3-2-21

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

July 6, 1999

b. What other notice, including advertising, did you give of the hearing?

Mailed rule to County Clerks for comments

c. Date of Public Hearing(s) *or* Public Comment Period ended:

August 5, 1999

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X

No comments received _____

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

N/A

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Jan Casto, Deputy Secretary of State

1900 Kanawha Blvd., E., Charleston, WV 25305-0770

(304) 558-6000

jcasto@secretary.state.wv.us

- g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

N/A

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

**TITLE 153
LEGISLATIVE RULE
SECRETARY OF STATE**

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LIBRARY

**SERIES 9
ELIMINATION OF PRECINCT REGISTRATION BOOKS**

§153-9-1. General.

1.1. Scope. – This rule provides for implementation of state law relating to the maintenance of state voter registration records.

1.2. Authority. – W.Va. Code §3-2-21.

1.3. Filing Date. –

1.4. Effective Date. –

§153-9-2. Definitions.

This section defines terms used in this rule.

2.1. "State Uniform Data System" means a uniform software program and system of digitized electronic storage of voter registration records.

2.2. "Precinct Registration Books" means the hard-cover books which contain the official voter registration records of the voters in a specific precinct.

2.3. "Precinct Voter Records" means the computer generated official record of voter registration information of the voters in a specific precinct.

2.4. "Voter Registration Records" means the official records of voter information.

§153-9-3. Elimination of separate precinct registration books.

This section establishes a means for eliminating precinct registration books.

3.1. The elimination of precinct registrations books may be accomplished only after a county has officially adopted the State Uniform Data System.

3.2. The State Uniform Data System must contain the following information for each voter:

3.2.1. first, middle and last name; and,

3.2.2. residence address including city, county, number and street or RFD and zip code number; and,

3.2.3. mailing address, if any; and,

3.2.4. date of birth; and,

3.2.5. gender; and,

3.2.6. last four numbers of social security number; and,

3.2.7. party affiliation; and,

3.2.8. registration number; and,

3.2.9. precinct number; and,

3.2.10. date of registration; and,

3.2.11. record of name, address and party changes; and,

3.2.12. voting record.

3.3. When the State Uniform Voter Data System is adopted and is in successful use, the county clerk may apply to the secretary of state in writing to eliminate the use of precinct registration books. The written request shall include:

3.3.1. the vendor and the name of the State Uniform Voter Data software used by the county; and,

3.3.2. a certified copy of an actual voter data record which includes the information detailed in 3.2.

3.4. State Uniform Voter Data System voter records may be used as precinct registration records after their approval by the secretary of state.



Office Of Nicholas County Clerk

700 MAIN STREET — SUITE 2
SUMMERSVILLE, WEST VIRGINIA 26651

TELEPHONE 304-872-7820

JOHN GREER, COUNTY CLERK



July 26, 1999

Ken Hechler
Secretary of State
Bldg 1 Suite 157-k
1900 Kanawha Blvd., E
Charleston WV 25305-0770

Dear Mr. Hechler:

In regards to the comment period for the elimination of precinct registration books, I am very much in favor of this decision. As I see it, if the information is in the computer, there is no need in keeping these books.

I thank you for allowing me to give my comments.

Sincerely,

John Greer,
County Clerk

JG/mw

OFFICE OF THE
CLERK OF THE
STATE OF WEST VIRGINIA

56 JUL 29 6 17 PM '99

44-1111

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

JAN CASTO
Deputy Secretary of State

Telephone: (304) 558-6000
Corporations: (304) 558-8000
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E-Mail WVSOS@Secretary.State.WV.US



STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

WILLIAM H. HARRINGTON
Chief of Staff

CATHERINE FREROTTE
Executive Assistant

JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

(Plus all the volunteer
help we can get)

August 3, 1999

The Hon. John Greer
Nicholas County Clerk
700 Main Street - Suite 2
Summersville, WV 26651

Dear John:

I appreciate your comments regarding the proposed legislative rule on eliminating precinct books. The secretary of state's office is continuously trying to find ways to "clean-up" elections. It is our belief that this rule is a step toward making election day a much less complicated process.

Again, thank you for your comments.

Sincerely,

A handwritten signature in cursive script that reads "Jan Casto".

Jan Casto
Deputy Secretary of State



Donald L. Hicks
County Clerk
(304) 436-8517

OFFICE OF THE CLERK

McDowell County Commission

90 Wyoming St. - Suite 109
WELCH, WEST VIRGINIA 24801-2487

Phone: (304) 436-8545
FAX: (304) 436-8576

Jennifer Hopkins
Chief Deputy
(304) 436-8544

July 27th 1999

Secretary of State
State Capitol
1900 Kanawha Boulevard East
Charleston, WV 25305-0770

Dear Ms. Casto:

The Idea of eliminating the voter precinct books is a positive step for progress, in my opinion. I am going to list a few reasons why:

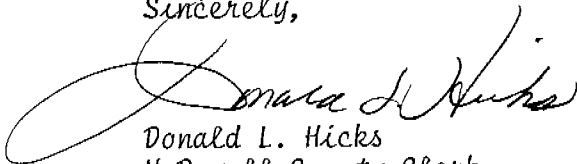
Maintenance of Books, the wear and tear, never having to replace the books.

Double work of registering voters-having to keep-up on computer and in books.

To much bulk for poll worker's to carry..

We could go on and on, but to keep it short and to the point, this office would greatly appreciate the eliminating of precinct books.

Sincerely,



Donald L. Hicks
McDowell County Clerk

vdw

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

JAN CASTO
Deputy Secretary of State

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SECRETARY OF STATE
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Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

(Plus all the volunteer
help we can get)

August 3, 1999

The Hon. Donald Hicks
McDowell County Clerk
90 Wyoming Street - Suite 109
Welch, WV 24801-2487

Dear Donald:

I appreciate your comments regarding the proposed legislative rule on eliminating precinct books. The secretary of state's office is continuously trying to find ways to "clean-up" elections. It is our belief that this rule is a step toward making election day a much less complicated process.

Again, thank you for your comments.

Sincerely,

A handwritten signature in black ink that reads "Jan Casto". The signature is written in a cursive, flowing style.

Jan Casto
Deputy Secretary of State

MONONGALIA COUNTY CLERK

COURT HOUSE, 243 HIGH STREET, ROOM 123
MORGANTOWN, WEST VIRGINIA 26505-5491
Telephone: 304/291-7230 Fax: 304/291-7233

MICHAEL A. OLIVERIO
Clerk



To: Ken Hechler, Secretary of State
From: Michael A. Oliverio, Monongalia County Clerk
Re: Elimination of Precinct Registration Books

I am in full support of the elimination of the Precinct Books for the following reasons:

1. The books are old causing them to fall apart and we cannot purchase new ones.
2. Most of the books that we have are very heavy making it very hard for someone to lift, especially an elderly poll worker.
3. As our paper records keep growing, space is a big issue for us. We currently have 155 books and plan to expand very soon with additional precincts.
4. It seems that every election we have to correct the "voting marks" made in the wrong election box on the cards in the Precinct Books.
5. The Poll Workers feel obligated to change information on the Voter Record, therefore we have to review and correct.
6. Process time on each voter will be improved tremendously. With the Precinct Books gone, we will no longer have to pull the registration card to correct/update therefore reducing process time on each voter.
7. Poll Worker supply pick-up will be greatly reduced. At election time, when the Poll Worker picks up his/her supplies, there will be no Precinct Books to carry/tote reducing their load greatly.
8. After each election, in order to check the Precinct Books for correct voting marks, we must alphabetize over 30,000 poll slips.

Thank You,

A handwritten signature in cursive script, appearing to read "Michael A. Oliverio".

Michael A. Oliverio
Monongalia County Clerk

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

JAN CASTO
Deputy Secretary of State

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August 3, 1999

The Hon. Michael A. Oliverio
Monongalia County Clerk
243 High Street, Room 123
Morgantown, WV 26505-5491

Dear Michael:

I appreciate your comments regarding the proposed legislative rule on eliminating precinct books. The secretary of state's office is continuously trying to find ways to "clean-up" elections. It is our belief that this rule is a step toward making election day a much less complicated process.

Again, thank you for your comments.

Sincerely,

A handwritten signature in cursive script that reads "Jan Casto".

Jan Casto
Deputy Secretary of State

THE COMMISSION
ROGER D. CHAMP
GEORGE T. LEATHERMAN, III
J. MICHAEL TEETS



THE COUNTY COMMISSION OF HARDY COUNTY

A. J. WADE, CLERK

July 26, 1999

Ken Heckler
Secretary of State
Building 1 Suite 157-K
1900 Kanawha Boulevard East
Charleston, WV 25305-0770

Dear Mr. Heckler:

I would like to voice a concern about getting all the information that is required to eliminate the precinct registration books.

How are we supposed to get all the information for the computer, when we have people who have been registered on old forms that did not require all of the information? Prior clerks did not have complete addresses on the voter cards, therefore, we have no way to contact these voters.

Any suggestions will be appreciated. I am enclosing a copy of an old form for you to review.

Sincerely,

Janet S. Ferrell, County Clerk

Enclosure
djh

OFFICE OF THE CLERK
HARDY COUNTY
WEST VIRGINIA

JUL 27 12 59 PM '99

Mrs. Strawderman Erma Mae CITY **Foot City, W. Va.** PRECINCT **4**

(LAST NAME) (FIRST NAME) (MIDDLE NAME) (NO.) (STREET, R. F. D. OR OTHER DESCRIPTION)

PLACE AND DATE OF BIRTH **Foot City, W. Va. 3/28/1917** MARRIED ☒ SINGLE ☐ REASON FOR IN-ABILITY TO WRITE

COLOR OF EYES **Blue** COLOR OF HAIR **Reddish** COLOR OF SKIN **White** HEIGHT **5'** OTHER MEANS OF IDENTIFICATION

NATURALIZATION: PERSONAL ☐ DERIVATIVE ☐ (NAME OF PERSON THROUGH WHOM NATURALIZED)

DATE _____ COURT _____

CERTIFICATE NUMBER _____

PLACE _____

SUBSCRIBED AND SWORN TO (AFFIRMED) BEFORE ME THIS **1** DAY OF **March** 19 **48**

SIGNATURE OF REGISTRAR **Eula Finkbeiner**

SIGNATURE OF CLERK **Myrtle Deane**

SIGNATURE OF COUNTY CLERK _____

SIGNATURE OF OFFICER _____ (IF REGISTRATION BY CLERK)

TAKING AFFIDAVIT _____

MY COMMISSION EXPIRES _____ (IF REGISTRATION OF ABSENTEE)

SPECIAL MUNICIPAL ELECTION _____

GENERAL MUNICIPAL ELECTION _____

MUNICIPAL PRIMARY _____

SPECIAL STATE-COUNTY ELECTION _____

STATE-COUNTY PRIMARY _____

GENERAL STATE-COUNTY ELECTION _____

1 1 1 1 1 1 1 1 1 1 2 2
9 9 9 9 9 9 9 9 9 9 0 0
0 1 2 3 4 5 6 7 8 9 0 1

STATE OF WEST VIRGINIA, COUNTY OF **HARDY**

I, BEING DULY SWORN ON OATH (AFFIRMATION) DO SWEAR (AFFIRM) THAT THE STATEMENTS HEREIN CONTAINED ARE, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE; THAT I WILL HAVE RESIDED ON DAY OF NEXT ELECTION IN THE STATE ONE YEAR, IN THE COUNTY (AND MUNICIPALITY) SIXTY DAYS; AND THAT I AM LEGALLY QUALIFIED TO VOTE.

SIGNATURE (OR MARK) OF APPLICANT **Erma Strawderman**

RECORD OF PARTY AFFILIATION

DATE	PARTY	CLERK	DATE	PARTY	CLERK
	DEMOCRAT				

(INFORMATION BELOW TO BE TYPED IN AT COUNTY CLERK'S OFFICE)

LAST NAME	FIRST NAME	MIDDLE INITIAL	NO.	STREET, R. F. D. OR OTHER DESCRIPTION	PCT.
Strawderman	Erma	M.		Logt River	6

FILED
MAR 27 12 59 PM '99
HARDY COUNTY, W. VA.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

JAN CASTO
Deputy Secretary of State

Telephone: (304) 558-6000
Corporations: (304) 558-8000
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SECRETARY OF STATE

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(Plus all the volunteer
help we can get)

August 3, 1999

The Hon. Janet S. Ferrell
Hardy County Clerk
204 Washington Street - Room 111
Moorefield, WV 26836

Dear Janet:

I appreciate your comments and concern regarding the proposed legislative rule on eliminating precinct books. The secretary of state's office is continuously trying to find ways to "clean-up" elections. It is our belief that this rule is a step toward making election day a much less complicated process. The elimination of precinct books is an option the counties will have after records are computerized.

Regarding the issue of incomplete addresses on your current voter registration records, the upcoming NCOA (National Change of Address) process may help to identify some of those addresses. The records not identified by this process may require some extra investigative work by you and your staff in order to collect this information. I realize this will be a time consuming task but it will be well worth it to have your records complete and up-to-date. Please don't hesitate to call if you have any additional questions.

Again, thank you for your comments.

Sincerely,

A handwritten signature in cursive script that reads "Jan Casto".

Jan Casto
Deputy Secretary of State