

## Form #6

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

THE FOLLOWING DATE: June 9, 1993

Mary P. Rathoff, Rep.

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May 28, 1993

Mary Ratliff, Deputy  
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**HB 100** authorizing, **Title 153, Series 25, Combined Voter Registration & Driver License Program**, passed the Legislature on **May 26, 1993**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs HB 100, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office. Authorization for your legislative rule is cited in **HB 100** section **64-9-24(g)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

**\*\*\*IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, PLEASE SUBMIT A CLEAN COPY, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL MAKE IT QUICKER FOR US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You  
Administrative Law Division

**TITLE 153  
SECRETARY OF STATE  
LEGISLATIVE RULE**

**SERIES 25**

**COMBINED VOTER REGISTRATION AND DRIVER LICENSING PROGRAM**

**§153-25-1. General.**

1.1. Scope -- To establish procedures for the implementation of SB 443 (1991) establishing a combined program of voter registration and driver licensing in facilities operated by the Division of Motor Vehicles (hereafter "DMV" and the Department of Public Safety (hereafter "DPS")

1.2. Authority -- W.Va. Code §§3-1a-6, 3-2-22a

1.3. Filing Date --

1.4. Effective Date --

**§153-25-2. Voter Registration Forms, Distribution, Availability, Authority to Use.**

2.1. The form to be used for the implementation of voter registration conducted at driver licensing facilities operated by the DMV and DPS is specified in Attachment A.

2.2. The secretary of state shall distribute a supply of blank forms to each licensing facility as required.

2.3. The form prescribed in section 2.1 of this rule may be used only in connection with voter registration activities conducted at driver licensing facilities by authorized personnel of the DMV or the DPS.

2.3.1. No licensing facility may distribute any of the blank forms prescribed in section 2.1 of this rule for use outside the facility.

2.3.2. Upon request, and providing the appropriate forms are available at the facility, licensing personnel may distribute in person to

any individual a maximum of three (3) copies of the "Uniform Statewide Application For Registration By Mail," commonly called the "postcard registration" (hereafter "PCR"), as prescribed by West Virginia Code §3-2-41. The PCR forms may be used outside the licensing facility by any eligible applicant.

**§153-25-3. Persons Authorized to Conduct Voter Registration at Driver Licensing Facilities.**

3.1. The officer or administrator in charge of each headquarters or other driver licensing facility shall appoint one or more employees as "agency registrars" to conduct voter registration and attest to the oaths of the registrants, and shall assure that one or more of those designees are available to provide voter registration services at all hours specified for preparing photo cards for driver licenses.

3.2. Upon appointment, the agency registrar shall take and sign the oath prescribed for an officer of the state, unless that employee is an officer already serving under oath. The supervising officer or administrator shall file the oath with the secretary of state.

3.3. The officer or administrator in charge shall make a record of the date of the appointment, and the name, address and title of each person appointed as agency registrar on a form provided by the secretary of state.

**§153-25-4. Voter Registration Procedures at Driver Licensing Facilities.**

4.1. The following notices shall be given to license applicants of the availability of voter registration at the driver licensing site:

4.1.1. The camera card mailed to each applicant for a West Virginia driver's license or

commercial operator's license, or for renewal, correction or duplication of the license, shall contain the following notice: "[ ] Check if you wish to register to vote or change your registration," or "[ ] Check here if you want voter registration services."

4.1.2. The supervising officer or administrator shall prominently post signs at each driver licensing facility notifying patrons of the availability of voter registration at the site.

4.1.3. Licensing personnel are encouraged to offer each patron of driver's licensing services the opportunity to register to vote by asking: "If you are not registered to vote where you now live, would you like to register today?"

4.2. Licensing personnel shall provide a blank voter registration application as prescribed in section 2.1 of this rule as follows:

4.2.1. When any applicant presents a camera card with the notice described in subsection 4.1.1 of this rule checked; \_\_\_\_\_

4.2.2. When any person inquires about voter registration, responds positively when asked if they wish to register, or requests the application in order to register in person at the site.

4.3. Upon receipt of the blank form, the applicant shall complete the shaded portions of the form, and the applicant shall sign the form in the presence of the employee authorized to issue the oath. By signing the written oath the applicant is swearing to or affirming the truth of the contents of the form.

4.4. After witnessing the signing of the oath, the agency registrar authorized to issue the oath shall also sign the affidavit, and shall enter the date issued, the facility designation (in numbers or letters) assigned to the site, and the applicant's West Virginia driver license number or non-driver identification number, and shall stamp the card with the stamp prescribed by the secretary of state.

4.5. The date entered by the person giving the oath is the effective date of registration for the applicant, provided the information given by the applicant is substantially complete and the county clerk, as designated by subsection 5.1.4 of this rule, is able to process the application.

4.5.1. A voter registration is considered substantially complete if the following information is provided and is legible:

4.5.1.1. The registrant's legal name, including at a minimum one given name and the surname;

4.5.1.2. The registrant's residence address at a geographically identifiable address (street address, rural route or road number or description, or city & county);

4.5.1.3. The applicant's birth date and place of birth (state or country);

4.5.1.4. If the applicant's place of birth is outside the United States, a mark of "yes" or "no" to the question "Are you a naturalized citizen?". Also, if "yes" is checked for this question and the additional naturalization information is provided, the application shall be considered substantially complete only if the applicant presents verification of naturalization to the county clerk within thirty days of the date of registration;

4.5.1.5. The signature of the applicant for registration, and the affidavit of the agency registrar, including the date of registration.

4.5.2. If the voter fails to mark any block in the section for choice of party affiliation, the county clerk, as designated by subsection 5.2.4 of this rule, shall mark "No Party (Independent)" and shall note on a permanent record the fact that the voter made no mark in this section and that the mark for no party affiliation was entered by the clerk.

4.6. The completed card shall be retained at the licensing site, and forwarded to the proper official as prescribed in section 5 of this rule.

**§153-25-5. Transmission of Completed Voter Registration Forms.**

5.1. As voter registration applications are completed and filed at each licensing facility, the person assigned to handle those applications at each facility shall place them together in an envelope provided by the secretary of state.

5.2. At the end of the last day that a licensing facility is open during each week, or no later than the following business day, the person assigned to handle voter registration applications shall mail the envelope containing completed voter registration applications and any receipts signed by a county clerk for pickup of registrations made according to the provisions of subsection 5.2.4 of this rule to the secretary of state, except as otherwise provided in this rule.

5.2.1. If no voter registration applications have been completed and filed, or if all registrations filed have been picked up by the county clerk as provided by subsection 5.2.4 of this rule, the person assigned to handle voter registration applications shall mail a preprinted card stating that fact to the secretary of state in lieu of the registration applications.

5.2.2. Facilities which are open only one day per week or one day per alternate week shall mail the completed forms at the conclusion of each day of operation, or no later than the following business day.

5.2.3. Personnel of the secretary of state shall pick up all completed voter registration forms from the division of motor vehicles at the State Capitol at least once per week.

5.2.4. The county clerk or the clerk's designee may pick up completed voter registration forms for applicants of the same county from a licensing facility located within that county, providing:

5.2.4.1. The clerk or the designee signs a receipt for the forms indicating the number of forms and the date and time picked up, which receipt will be forwarded to the

secretary of state with the next mailing of registration cards; and

5.2.4.2. Any completed forms remaining at the conclusion of the last day of operation of the licensing facility for the week shall be immediately mailed to the secretary of state.

5.2.5. The secretary of state shall mail all completed voter registration forms received during the week to the appropriate county clerks on the last business day of each week.

5.2.6. The secretary of state may require additional mailings by the licensing facilities on the last business day prior to the close of voter registration before a statewide primary, general or special election.

**§153-25-6. Combined Voter Registration and Driver Licensing Fund.**

6.1. The combined voter registration and licensing fund established by West Virginia Code §3-2-22a as a special revenue fund shall be administered by the secretary of state.

6.2. Fifty cents of each fee collected under the provisions of West Virginia Code §17-3-1 shall be deposited into the special revenue fund.

6.3. Expenditures from the fund shall be allocated:

6.3.1. For the full cost of printing and packaging the required voter registration forms, instructions, posters, employee instruction manuals and other information for use in conducting voter registration at driver licensing facilities;

6.3.2. For the full cost of printing the necessary envelope for transmitting voter registration forms from the driver licensing facilities to the secretary of state and from the secretary of state to the various county clerks;

6.3.3. For the full cost of distributing the necessary registration forms, envelopes and

other materials to the various driver licensing facilities;

6.3.4. For the full cost of any postal permit and postage incurred in mailing the completed voter registration forms as specified by this rule;

6.3.5. For the reimbursement of actual costs incurred and billed by the DMV in making the required alterations of the computer programming involved in the increase of licensing fees;

6.3.6. For the reimbursement of county clerks receiving voter registrations made under the provisions of West Virginia Code §3-2-22a for the purpose of offsetting the postage and mailing costs of the voter's receipt of registration, at a rate of thirty-five cents (\$.35) per completed registration application. Reimbursement will be made for each registration application forwarded to a county clerk by the secretary of state, and for any applications picked up by a county clerk at a local driver licensing facility for which a receipt is signed and the receipt containing the number of applications is forwarded to the secretary of state; and

6.3.7. To the extent possible according to the resources available in the combined fund, for the appropriate allocation of personnel costs incurred by the DMV and the DPS for personnel employed solely for the purpose of issuing driver's licenses and offering voter registration services, or the payment of the portion of the personnel costs apportioned to such duties.

6.4. Following the payment of the start-up costs associated with the program and the budgeting of those costs itemized in subsections 6.3.1 through 6.3.6 of this rule, the secretary of state, the DPS and the DMV shall develop a joint plan for the appropriate allocation and payment of personnel costs under subsection 6.3.7 of this rule. The plan shall be reviewed every six months and may be adjusted as necessary to accommodate the limitations of the fund.

SENATE BILL NO. 235

(By Senator Manchin

[Introduced March 1, 1993; referred to the  
Committee on Government Organization; and  
then to the Committee on the Judiciary.]

A BILL to amend and reenact section twenty-four, article nine,  
chapter sixty-four of the code of West Virginia, one thousand  
nine hundred thirty-one, as amended, relating to authorizing  
the secretary of state to promulgate legislative rules  
relating to combined voter registration and driver licensing  
programs.

Be it enacted by the Legislature of West Virginia:

That section twenty-four, article nine, chapter sixty-four of  
the code of West Virginia, one thousand nine hundred thirty-one,  
as amended, be amended and reenacted, to read as follows:

ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS  
TO PROMULGATE LEGISLATIVE RULES.

§64-9-24. Secretary of state.

(a) The legislative rules filed in the state register on the  
fifteenth day of April, one thousand nine hundred eighty-five,



1 modified by the secretary of state to meet the objections of the  
2 legislative rule-making review committee and refiled in the state  
3 register on the eighth day of October, one thousand nine hundred  
4 eighty-five, relating to the secretary of state (standard size  
5 and format for rules and related documents filed in the secretary  
6 of state's office), are authorized.

7       (b) The legislative rules filed in the state register on the  
8 seventeenth day of August, one thousand nine hundred  
9 eighty-seven, modified by the secretary of state to meet the  
10 objections of the legislative rule-making review committee and  
11 refiled in the state register on the twenty-third day of  
12 September, one thousand nine hundred eighty-seven, relating to  
13 the secretary of state (standard size and format for rules and  
14 procedures for publication of the state register or parts of the  
15 state register), are authorized.

16       (c) The legislative rules filed in the state register on the  
17 first day of September, one thousand nine hundred eighty-nine,  
18 modified by the secretary of state to meet the objections of the  
19 legislative rule-making review committee and refiled in the state  
20 register on the twentieth day of November, one thousand nine  
21 hundred eighty-nine, relating to the secretary of state (West  
22 Virginia farm product lien central filing system), are  
23 authorized.

24       (d) The legislative rules filed in the state register on the  
25 thirteenth day of August, one thousand nine hundred ninety,

1 relating to the secretary of state (guidelines for the use of  
2 nicknames and other designations on the ballot), are authorized.

3 (e) The legislative rules filed in the state register on the  
4 fourteenth day of November, one thousand nine hundred ninety,  
5 relating to the secretary of state (absentee voting by military  
6 voters who are members of reserve units called to active duty),  
7 are authorized.

8 (f) The legislative rules filed in the state register on the  
9 seventh day of October, one thousand nine hundred ninety-one,  
10 modified by the secretary of state to meet the objections of the  
11 legislative rule-making review committee and refiled in the state  
12 register on the twenty-eighth day of May, one thousand nine  
13 hundred ninety-two, relating to the secretary of state (combined  
14 voter registration and driver licensing programs), are  
15 authorized.

16  
17 NOTE: The purpose of this bill is to authorize the Secretary  
18 of State to promulgate legislative rules relating to combined  
19 voter registration and driver licensing programs.

20  
21 Strike-throughs indicate language that would be stricken from  
22 the present law, and underscoring indicates new language that  
23 would be added.