

Form #3

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Authorized Signature

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Agencies Designated to Provide Voter Registration Services

Type of Rule: X Legislative Interpretive Procedural

Agency: Secretary of State

Address: Building 1, Suite 157-K

1900 Kanawha Blvd, E.

Charleston WV 25305-0770

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	45,000	46,200	44,400
PERSONAL SERVICES	0	0	25,000	25,750	26,500
CURRENT EXPENSE	0	0	15,000	15,450	15,900
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	0	0	5,000	5,000	2,000
OTHER	0	0	0	0	0

2. Explanation of Above Estimates:

Agency voter registration will be conducted at approximately 600 sites. Each site will be provided with equipment to date stamp the voter registration applications. Forms, envelopes and postage for mailing will be supplied by the secretary of state. No additional personnel will be required.

3. Objectives of These Rules:

These rules provide the names of agencies and programs which are required to provide voter registration services.

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: 7/20/00

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Secretary of State, 1900 Kanawha Blvd., E., Building 1,
Suite 157-K Charleston, WV 25305 304/558-6000

LEGISLATIVE RULE TITLE: Agencies Designated to Provide Voter Registration Services

1. Authorizing statute(s) citation §§3-1A -6; 3-2-13

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
5/15/00

b. What other notice, including advertising, did you give of the hearing?
The rule and a notice of the comment period were sent to agency registrars,
agency supervisors and county clerks.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
June 14, 2000

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)

July 14, 2000

- 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., Building 1, Suite 157-K, Charleston, WV 25305 304/558-6000 - phone, 304/558-0900 - fax, jcasto@secretary.state.wv.us - email

- 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)

Cindy Smith - Special Assistant, Secretary of State's office, 1900 Kanawha Blvd., E., Building 1, Suite 157-K, Charleston, WV 25305 304/558-6000 - phone

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:

May 15, 2000 - June 14, 2000

- 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

FILED

JUL 21 9 09 AM '00

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**TITLE 153
SECRETARY OF STATE**

SERIES 28

AGENCIES DESIGNATED TO PROVIDE VOTER REGISTRATION SERVICES

§153-28-1. General.

1.1. Scope - To designate those agencies and programs required to provide voter registration according to the provisions of the West Virginia Code §3-2-13.

1.2. Authority - West Virginia Code §§3-1A-6, 3-2-13

1.3. Filing Date -

1.4. Effective Date -

§153-28-2. Definitions.

For the purposes of this rule:

2.1. "Designated agency" means a department, division or office of state or local government, or a program supported by state funds which is designated by this rule to provide voter registration services according to the provisions of West Virginia Code §3-2-13 beginning July 1, 1999.

2.2. "Public assistance agency" means a designated agency which receives applications for assistance as defined in West Virginia Code §9-1-2(e) for which an income means test is applied for determination of eligibility for assistance and includes the food stamp program, Temporary Assistance to Needy Families, the "Women, Infants and Children" (WIC) program and the Medicaid program as specified in West Virginia Code §3-2-13(b)(1).

2.3. "Disabilities Services agency" means a designated agency primarily engaged in providing services to persons with disabilities.

2.4. "Offices which issue marriage licenses" means those sections or divisions of the offices of the clerk of the county commission and/or those employees assigned to provide or receive marriage license applications, and shall not include those sections, divisions or employees delivering other services of the clerk's office.

§153-28-3. Designated Public Assistance Agencies.

Voter registration services will be provided to applicants for services through:

3.1. the Temporary Assistance to Needy Families, the Food Stamp program, the Transportation Remuneration and Incentive Program (TRIP), the Emergency Assistance Program, the Low Income Energy Assistance Program (LIEAP) and the Medicaid program within the West Virginia Department of Health and Human Resources;

3.2. the Women, Infants and Children program (WIC) under the Nutrition Services Section, Bureau of Public Health within the West Virginia Department of Health and Human Resources; and

3.3. the Homeless program under the Social Services Division within the West Virginia Department of Health and Human Resources.

§153-28-4. Designated Disabilities Services Agencies.

Voter registration services will be provided to applicants for services through:

4.1. the WV Bureau of Senior Services under the Governor's Office;

4.2. programs offered by the WV Commission for the Deaf and Hard-of-Hearing within the West Virginia Department of Health and Human Resources;

4.3. the early Intervention program and the Handicapped Children program under the Infant and Child Health section within the West Virginia Department of Health and Human Resources;

4.4. the Behavioral Health Services program within the West Virginia Department of Health and Human Resources;

4.5. programs offered by the Blind and Handicapped Division of the Library Commission and the Division of Rehabilitation Services within the West Virginia Department of Education and the Arts;

4.6. programs offered by the West Virginia School for the Deaf and Blind within the West Virginia State Board of Education; and

4.7. programs offered by the Division of Veteran Affairs within the West Virginia Department of Public Safety.

§153-28-5. Designated County Marriage License Offices.

The county offices which issue marriage licenses within the office of the clerk of the county commission in each county of the state are designated to provide voter registration services.

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2. Explanation of Above Estimates:
Agency voter registration will be conducted at approximately 600 sites. Each site will be provided with equipment to date stamp the voter registration applications. Forms, envelopes and postage for mailing will be supplied by the secretary of state. No additional personnel will be required.
3. Objectives of These Rules:
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Rule Title: Agencies Designated to Provide Voter Registration Services

4. Explanation of Overall Economic Impact of Proposed Rule:

- A. Economic Impact on State Government:
Minimal impact. Cost is borne by "Combined Voter Registration & Driver Licensing Fund", a current general revenue fund.
- B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:
Minimal impact on local government. Some cost arising from increased voter registration.
- C. Economic Impact on Citizens/Public at Large.
No change.

Date: 7/14/00

Signature of Agency Head or Authorized Representative:



SUMMARY OF FACTS AND CIRCUMSTANCES

FACTS

The National Voter Registration Act of 1993 required all states to implement voter registration at public assistance agencies and through state-funded program whose primary purpose was to serve persons with disabilities. S.B. 520, passed in 1994, established these requirements as state law and provided for a rule-making process to identify the agencies required to provide these services beginning January 1, 1995.

CIRCUMSTANCES

West Virginia Code §3-2-13 requires a reevaluation of agencies designated to provide voter registration services and the refiling of the rule making changes, if any, to these designated agencies. The Secretary of State has contacted the various agencies of state government to identify any changes, additions or deletions of appropriate programs and office sites. No changes, additions or deletions were reported. One comment was received inquiring whether the agency involved was required by law to offer voter registration. A letter was sent to Ms. Gonano explaining the purpose of the National Voter Registration Act of 1993.

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)

12 June 2000

To: Dawn M. Gonano
From: Jan Casto *Jan Casto*
Deputy Secretary of State

Rule 28 - Agency Voter Registration

In response to your letter concerning the expansion of voter registration activities to include the agencies listed in Rule 28, I offer the following history.

West Virginia Law and Rule 28

West Virginia laws were designed to reflect the mandate of the National Voter Registration Act of 1993 (Public Law 103-31) which dictates that individuals be given an opportunity to apply for voter registration as they apply for or renew 1) driver's license, 2) service at all public assistance offices, 3) services at or through any office in the state that provides state-funded programs to persons with disabilities, 4) by mail, 5) at military recruiting offices and 6) at specific agencies designated by the state.

The steps for the opportunity to register to vote are detailed by the federal mandate, as:

- 1) registration opportunities must be provided at application for services, filing any recertification, renewal or change of address at the offices listed above;
- 2) clients who decline must do so in writing (thus the Declination Form);
- 3) if a client does register, the agency where the client registered must remain confidential;
- 4) the agency must provide assistance to the client for filling-out the form in the same manner and degree as the help provided for filling-out the agency's own forms;
- 5) the agency worker must not seek to influence the client, show any political preference or make any statement to discourage the client from registering or make any statement which would cause the client to believe that registering has any influence on the availability of services or benefits.

There is a civil-enforcement and private right of action. The Attorney General of the United States may bring action necessary to ensure that the Act is carried out. An individual who is not afforded the process as outlined in the above described plan may give a written complaint to the state and action is guaranteed by the federal government.

How it Relates to You and Me

As you can readily see, the procedures are mandated by the federal government, incorporated into West Virginia state law and it is up to you and me (all participating agency staff and state election division staff) to see that they are carried-out in a nondiscriminatory, uniform and fair manner.

I also realize that this assignment was not a part of the original job description for many of the agencies involved until 1995. However, it is now a regular part of our duties.

Many offices have been able to streamline their presentation of this opportunity to their clients to such an ordinary function that it blends well with their other duties. I hope it has or will become that ordinary to your office also.

The whole point of this endeavor is to bring voter registration opportunities to more people at the site of a present interaction with government offices. It is believed that voter registration should be as convenient and available as possible and for all people regardless of education level, cultural background, political awareness or past political involvement. We want people to participate.

FILED

JUN 12 4 15 PM '00

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Dawn M. Gonano
6274 Hedgesville Rd.
Hedgesville, WV 25427

Jan Casto
Deputy Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305

Dear Ms. Casto,

I am writing to comment on the proposed amendment to Rule 28, concerning agencies designated to provide voter registration services. I believe this proposal is a bad one, for many reasons.

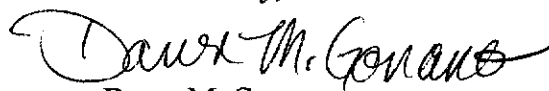
As a citizen, I oppose this amendment on general principle as it violates the boundaries of the agencies involved, and the intent with which they were created. It places an unnecessary burden on these agencies forced to provide services that are different from what they were designed to provide. This is also a waste of tax dollars, as there is already a system in place to provide voter registration services.

Perhaps, if there is a concern that voter registration services are not sufficiently available to guarantee civil rights to all, then the existing system needs to be improved. I do not know that there is evidence that this is true, however. Perhaps this program is less about civil rights than it is about political correctness, or placating certain types of people who would like to gain power by finding things to complain about. Perhaps it is about buying votes with services. If any of these reasons are correct, then the whole idea is flawed at its source and should be discarded. If this program is really based in the best intentions and is really for the good of the people, then perhaps it should be more widely publicized before it is mandated to the agencies in question. Let the people decide.

As an employee of an agency potentially affected by this change, I strongly object to this mandate. I know firsthand the kind of workload my colleagues and I bear, and I see the low pay, depressed morale, and high turnover that service agencies can suffer. Placing added work on us without added compensation will only make things worse. I, and -- I'm sure -- all like me, would be happy to take on the extra load if it would improve our ability to provide services to our clients, but that would not be so. This proposed mandate takes my time and attention away from my clients and their needs: in my case helping older adults lead longer, more independent lives. Instead of doing my job, I will have to spend some of my limited time on something that does not improve my clients' lives.

Voting is a very important civil duty. Some people take that duty more seriously than others, however. Assuming that civil rights issues are considered -- and in my opinion at this time they are adequately accounted for in making voting available to all -- it should not be necessary to seek out and hunt down people to register to vote. If they are qualified and not registered under the current system, then perhaps they do not consider voting a priority. If they get registered and they do not care about politics, they probably won't vote anyway. If they do, all the worse for the rest of us because they are likely to be uninformed and to vote for the demagogue rather than for the thoughtfully considered candidate. Is this what we want for West Virginia: a body of uninformed, uninterested voters? Perhaps what really needs to happen is that people are trained from elementary age up to be informed and to think critically. Then we wouldn't have to open our welfare agencies up as voter registration locations. The people would seek out the opportunity to register, instead of the reverse.

Sincerely,


Dawn M. Gonano