

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In this Box

**FILED**

JUL 25 2 29 PM '96

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: Secretary of State TITLE NUMBER: 153  
RULE TYPE: Legislative; CITE AUTHORITY WV Code §§3-1A-6, 3-2-13  
AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 28

TITLE OF RULE BEING AMENDED: Agencies Designated to Provide  
Voter Registration Services

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 26, 1996 AT 9:00 a.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Attn: Jan Casto

Secretary of State

Building 1, Suite 157-K

1900 Kanawha Blvd. E.

Charleston, WV 25305-0770

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

3.40

## 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. There are no changes to be made.

## 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 157K  
1900 Kanawha Blvd. E.  
Charleston, WV 25305-0770

#### 1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	DECREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<b>ESTIMATED TOTAL COST</b>	\$140,000	\$	\$156,070	\$140,000	\$137,000
<b>PERSONAL SERVICES</b>					
<b>CURRENT EXPENSE</b>	135,000		97,500	135,000	135,000
<b>REPAIRS &amp; ALTERATIONS</b>					
<b>EQUIPMENT</b>	5,000		58,570	5,000	2,000
<b>OTHER</b>	0	0	0	0	0

#### 2. Explanation of above estimates:

Agency voter registration will be conducted at approximately 706 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 specific names of agencies and programs which are required to provide voter registration services.

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: 7/26/96

Signature of Agency Head or Authorized Representative

*Ken Huber*

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, 1997.

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, the "Aid to Families with Dependent Children" (AFDC) program, 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

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

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

3.1. the Aid to Families with Dependent Children, 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 under the Office of Income Maintenance 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 Aging program and the Geriatrics and Long-term Care program under the Office of Aging within the West Virginia Division of Health and Human Resources;

4.2. programs offered by the Commission for the Hearing Impaired within the West Virginia Division 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 Division of Health and Human Resources;

4.4. the Behavioral Health Services program within the West Virginia Division 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.

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.