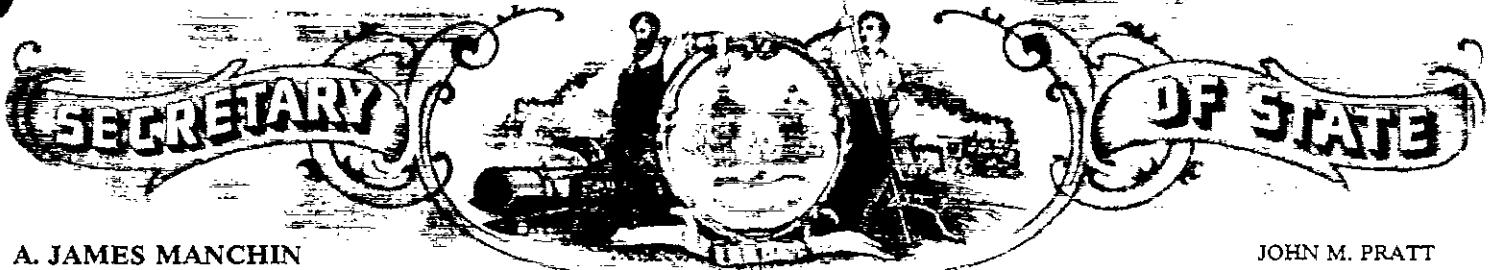


UNITED STATES OF AMERICA  
STATE OF WEST VIRGINIA



A. JAMES MANCHIN  
SECRETARY OF STATE

JOHN M. PRATT  
DEPUTY SECRETARY OF STATE

July 19, 1984

Hon. Robert W. Jackson  
Deputy Secretary of State  
Administrative Law  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Jackson,

In accordance with the provisions of Chapter 29A, Code of West Virginia, 1931, as amended, and pursuant to Chapter 29A, Article 3, Sections 3 and 15 of the Code, herewith are enclosed two (2) copies of the Secretary of State's Emergency Procedural Regulations which promote the fundamental right to vote, under both federal and State law, by improving access for handicapped and elderly individuals to polling places in all elections held in this State.

I declare that it is necessary to promulgate these regulations as Emergency Procedural Regulations because of the approaching general election in West Virginia and because of the need for all jurisdictions in West Virginia to assure compliance with public policy as contained in Code §18-10F-1. I hereby certify that the enclosed Emergency Regulations are true and accurate copies of official emergency regulations adopted by the Secretary of State on July 19, 1984.

To watch over you and  
To save the State of West Virginia,  
In God We Trust!

With every best wish, know me to be

Your friend,

*A. James Manchin*  
A. James Manchin  
Secretary of State

AJM:JMP/jck

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE July 19, 1984  
Administrative Law Division

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
OFFICE OF THE SECRETARY OF STATE  
EMERGENCY PROCEDURAL REGULATIONS

JULY 19, 1984

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE July 19, 1984  
Administrative Law Division

SECTION ONE --- GENERAL

1.01 Policy -- An administrative regulation to improve access for handicapped and elderly individuals to polling facilities in State or local elections.

1.02 Authority -- These regulations are issued under authority of the Official Code of West Virginia, 1931, as amended, as follows: The Secretary of State has authority to issue orders to county officials who act as election officials, both because of specific legislative grants of authority and because the Secretary of State is the chief elections and chief voter registration official of this State. The Secretary of State is empowered to issue rules, regulations and orders to carry out legislative policy. The Secretary of State is West Virginia's chief election and voter registration official by virtue of the authority granted him in Chapter 3 of the Code of West Virginia, including Sections §§3-1-3a, 3-1-44, 3-1-46, 3-2-10, 3-5-9, 3-5-23(e), 3-8-6, and 3-8-7, and Chapter §18-10F-1. The Secretary of State has standing in the courts of this State to bring an action to obtain a constructive enforcement of the State's election laws by virtue of his role as chief election official, and the powers granted to the Secretary of State in Code §3-1A-6. (State ex rel. A. James Manchin, Secretary of State, etc., v. Lively, et al, 295 S.E. 2nd at 912, West Virginia Supreme Court of Appeals, September 20, 1982).

1.03 Filing Date -- These regulations are promulgated on July 19, 1984, and filed on July 19, 1984, in the Office of the Secretary of State.

1.04 Effective Date -- These regulations become effective throughout the State of West Virginia on July 19, 1984.

## SECTION TWO --- SCOPE

2.01 Elections -- These regulations apply to every election held for any purpose in West Virginia from the effective date of these regulations until further notice.

2.02 Jurisdictions -- These regulations apply to every election official or supervisor conducting, supervising, or administering every election held for any purpose in West Virginia from the effective date of these regulations until further notice.

2.03 Short title -- These regulations may be cited as the "Secretary of State's Voting Accessibility Regulations."

2.04 Purpose -- It is the intention of the Secretary of State, as the Chief Election Official of West Virginia, in promulgating these regulations, to promote the fundamental right to vote, under both federal and State law, by improving access for handicapped and elderly individuals to polling places in all elections held in this State.

SECTION THREE --- REGULATIONS

3.01 Throughout West Virginia, except as provided in subsection 3.02, each political subdivision responsible for conducting elections shall assure that all polling places for every election held for any purpose are accessible to handicapped and elderly voters.

3.02 Subsection 3.01 shall not apply to a facility --

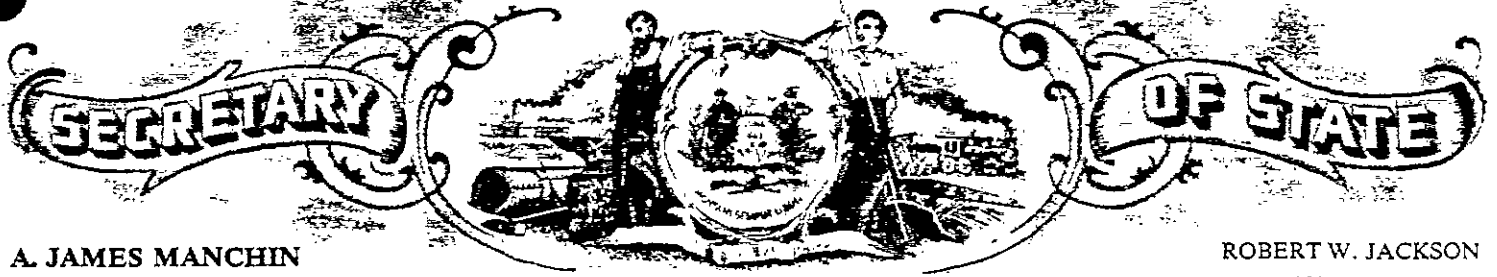
[1] in the case of an emergency, as determined by the chief election official of West Virginia; or

[2] if the chief election official of West Virginia --

(a) is assured by certification by the local jurisdiction conducting the election, that all potential polling places have been surveyed and no accessible facility is available, nor is the political subdivision able to make one temporarily accessible, in the area involved; and

(b) is assured by certification by the local jurisdiction conducting the election, that any handicapped or elderly voter assigned to an inaccessible facility will be assigned, upon reasonable advance request of such voter, to the nearest accessible polling facility.

UNITED STATES OF AMERICA  
STATE OF WEST VIRGINIA



A. JAMES MANCHIN  
SECRETARY OF STATE

ROBERT W. JACKSON  
DEPUTY SECRETARY OF STATE

STATE REGISTER FILING

I, A. James Manchin, Secretary of State  
Title or Position

of the State of West Virginia, hereby submit to records in the  
State Register on 8 1/2 x 11" two (2) copies of

- ( ) proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- ( ) proposed rules and regulations superseding rules and regulations already on file;
- ( ) final rules and regulations
- ( ) notice of hearing;
- ( ) after hearing, findings and determinations;
- (x) emergency rules and regulations, statement of facts-circumstances
- ( ) legislative ( ) procedural ( ) interpretive regulations
- ( ) other -specify \_\_\_\_\_

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE 7-19-84  
Administrative Law Division

This filing pertains to

CHAPTER 18 ARTICLE 10F SECTION 1  
of the West Virginia Code, 1931, as amended.

SERIES \_\_\_\_\_, SECTION 1 PAGE NO. 1-3  
of the Administrative Code, as amended.

July 19, 1984  
Date Submitted

\_\_\_\_\_  
Signature of Person Authorizing this Filing