

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

Do Not Mark In this Box

FILED

JUL 26 2 22 PM '95

OFFICE OF WEST VIRGINIA
SECRETARY 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 §§3-1A-6, 3-2-12, 17-3-1 & 17B-2-8

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 25

TITLE OF RULE BEING AMENDED: COMBINED VOTER REGISTRATION AND
DRIVER LICENSING FUND

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

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

4.40

STATEMENT OF CIRCUMSTANCES

TITLE 153, SERIES 25

This rule is the same as that authorized by the Legislature in S. B. 64 (1995) and now in effect. It is being refiled according to the requirements of S. B. 573 (1995).

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Combined Voter Registration and Driver Licensing Fund

Type of Rule: X Legislative Interpretive Procedural

Agency Secretary of State

Address Building 1, Rm. 157-K

1900 Kanawha Blvd., E.

Charleston, WV 25305-0770

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$0	\$0	\$205,000	\$169,000	\$0
PERSONAL SERVICES					
CURRENT EXPENSE			200,000	160,000	
REPAIRS & ALTERATIONS					
EQUIPMENT			5,000	4,000	
OTHER					

2. Explanation of above estimates:

Special revenue account in effect since 1991 will be used for start up costs of implementing S.B. 520 (1994) and ongoing costs, including reimbursement of agencies and counties for personal services and expenses, implementation of uniform computerized voter registration statewide, and direct costs for supplies and expenses.

3. Objectives of these rules:

To assure full implementation of S.B. 520 (1994) through the efficient use of special revenues set aside for the purpose.

Rule Title: Combined Voter Registration and Driver Licensing Fund

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

No increase in revenue or expenditures from general fund.
Will allow for best use of current special revenue account to
implement state and federal law.

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

Will relieve counties of some expense associated with
voter registration administration.

C. Economic Impact on Citizens/Public at Large.

none

Date: June 22, 1995

Signature of Agency Head or Authorized Representative

Mary O. Pithoff, Deputy

DATE: JULY 26, 1995

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: MARY RATLIFF, DEPUTY SECRETARY OF STATE

LEGISLATIVE RULE TITLE: COMBINED VOTER REGISTRATION AND DRIVER LICENSING FUND

1. Authorizing statute(s) citation _____

§§3-1A-6, 3-2-12, 17-3-1 & 17B-2-8

2. a. Date filed in State Register with Notice of Hearing

JUNE 23, 1995

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

N/A

c. Date of Hearing(s) _____

JULY 24, 1995

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

Attached _____ No comments received X

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

JULY 26, 1995

f. Name and phone number(s) of agency person(s) to contact for additional information:

MARY RATLIFF

558-6000

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: 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

SUMMARY

TITLE 153, SERIES 25

This legislative rule provides for the administration of the "Combined Voter Registration and Driver Licensing Fund as provided, and establishes the purposes for which expenditures can be made from the Fund.

FILED

TITLE 153
SECRETARY OF STATE
PROPOSED LEGISLATIVE RULE

JUL 26 2 22 PM '95

SERIES 25
COMBINED VOTER REGISTRATION AND DRIVER LICENSING FUND

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§153-25-1. General.

1.1. Scope. -- To establish guidelines for the administration of the Combined Voter Registration and Driver Licensing Fund established by S. B. 443 (1991) and revised by S. B. 520 (1994).

1.2. Authority. -- W. Va. Code §§3-1a-6 and 3-2-12

1.3. Filing Date. -- April 3, 1995

1.4. Effective Date. -- April 3, 1995

1.5. Repeal of Former Rule. -- This rule repeals and replaces "Combined Voter Registration and Driver Licensing Fund," 153 CSR 25, filed June 9, 1993 and effective June 9, 1993.

§153-25-2. Definitions.

For the purposes of this rule:

2.1. "Advisory Committee" means the State Uniform Voter Data System Advisory Committee established by West Virginia Code §3-2-20 and appointed by the State Election Commission.

2.2. "Agency registration form" means any form designed for use in conjunction with direct voter registration of applicants at any designated agency.

2.3. "Applicant" means:

2.3.1. a person who submits an application for the issuance, renewal or change of address of any motor vehicle driver's license or official identification card, as provided by West Virginia Code §3-2-11(a); or

2.3.2. a person who applies in person at a designated agency, whether at an agency

office or other site of direct contact with an agency employee responsible for accepting applications, seeking services or assistance for himself or herself or for a member of his or her immediate family, as defined by West Virginia Code §3-2-14(a), and who submits an application, renewal, recertification or change of address relating to those services or assistance.

2.4. "Combined form" means any form which includes a voter registration application or declination form as part of a form used in the driver licensing or agency application process.

2.5. "Designated agency" means an agency, department, division or office of state or local government, or a program supported by state funds, which is designated to provide voter registration services by the provisions of West Virginia Code §3-2-13 or by rules promulgated under that section.

2.6. "Driver licensing facility" means a location at which motor vehicle driver licenses are issued or at which applications for such licenses are received.

2.7. "The Fund" means the Combined Voter Registration and Driver Licensing Fund.

2.8. "Licensing registration form" means any form designed for use in conjunction with direct voter registration of applicants at any driver licensing facility.

2.9. "Mail registration form" means a form to be used by an individual for application for voter registration according to the procedures and requirements of West Virginia Code §3-2-10.

2.10. "NCOA" means the "National Change of Address" program by which state or local election offices may contract with autho-

rized vendors for comparison of the addresses of registered voters with change of address records filed with the U. S. Postal Service.

2.11. "Registration official" means the secretary of state or clerk of the county commission responsible for particular functions related to voter registration.

2.12. "Registration site" means a driver licensing facility, or an office or program location of a designated agency where registration services are delivered to clients and the completed registration or declination cards are received for forwarding.

§153-25-3. Revenue.

3.1. The Combined Voter Registration and Driver Licensing Fund established by West Virginia Code §3-2-12 as a special revenue fund shall be administered by the secretary of state.

3.2. The Division of Motor Vehicles shall deposit fifty cents of each fee collected under the provisions of W. Va. Code §17-3-1 into the special revenue fund.

§153-25-4. Expenditures.

4.1. The full cost of the following items may be paid by the secretary of state from the Fund as needed for implementation of voter registration at driver licensing facilities and designated agencies:

4.1.1. the printing and distribution of separate licensing and agency voter registration forms and for the proportional cost of the voter registration portion of any combined form;

4.1.2. the printing and distribution of mail registration forms to the public or to driver licensing facilities and designated agencies for distribution to individuals upon request according to procedures prescribed by the secretary of state;

4.1.3. the supplies and postage for correspondence relating to voter registration

for licensing and agency registration sites;

4.1.4. the printing and distribution of the necessary envelopes for transmitting completed voter registration applications or other forms, and for postal permits and postage for returning completed voter registration forms to the appropriate registration official;

4.1.5. the purchase and distribution of public information materials, posters, training material, employee manuals, and other information essential to insure broad understanding of the availability of registration opportunities and the proper implementation of the program; and

4.1.6. the printing and distribution of supplies and equipment required by driver licensing facilities and designated agencies to collect, stamp and retain securely the registration forms until forwarded to the appropriate registration official.

4.2. The secretary of state shall reimburse the appropriate county at a rate of \$.50 for each completed registration application received at a registration site and forwarded to the appropriate registration official, for the purpose of offsetting a portion of the postage and mailing costs incurred by the county for sending a verification mailing, receipt or confirmation of registration or other mailings directly resulting from an application to register, change or update a voter's registration through a licensing facility or designated agency.

4.2.1. The secretary of state shall make the reimbursement under this subsection for each completed registration application received at a registration site and forwarded to a county by the secretary of state, and for any registration applications delivered directly to a clerk of the county commission from a designated agency or driver licensing facility for which a receipt containing the number of applications is signed by the clerk or his or her designee and forwarded to the secretary of state.

4.2.2. The secretary of state shall make the reimbursement under this subsection on a quarterly basis.

4.3. The secretary of state shall reimburse the Division of Motor Vehicles, the Division of Public Safety, and the designated agencies at a rate of one dollar (\$1.00) per completed registration application for the appropriate allocation of cost for personnel time apportioned to and incurred for delivery of voter registration services, collection and transmission of the completed forms: Provided, That the total reimbursement for any quarter shall not exceed sixty (60) percent of the total quarterly revenue of the Fund for that quarter. In any quarter in which the revenue is insufficient to pay the reimbursement rate of \$1.00 per completed registration as provided in this subsection, the amount per registration application shall be reduced proportionally.

4.3.1. The secretary of state shall compute the total reimbursement for the Division of Motor Vehicles, the Division of Public Safety and the designated agencies based on the number of complete registration application forms or change of address forms which are completed and forwarded to the secretary of state from the registration sites, plus the number of applications for registration or change of registration which are documented as having been delivered directly from the registration sites to the county clerk as provided in subdivision 4.2.1 of this rule.

4.3.2. Within 30 days following the beginning of each fiscal year, each Division or designated agency shall provide to the secretary of state a listing of the appropriate account number(s) into which the reimbursements shall be deposited, and if the funds are to be allocated to more than one account, the proportion of funds assigned to each.

4.3.3. The secretary of state shall make the reimbursements under this subsection on a quarterly basis.

4.3.4. Prior to receiving reimbursement, the Division of Motor Vehicles, the Department of Public Safety, and each designated agency shall report to the secretary of state the total number of applicants for which they were required to provide voter registration opportunities during the quarter.

4.4. The secretary of state may pay, from

the revenues of the Fund received in any previous fiscal year and not expended, those costs incurred in connection with a statewide program of uniform voter registration computerization for use by each county registration office as follows:

4.4.1. for the expenses of the Advisory Committee, as defined in subsection 2.1 incurred in conjunction with meetings to develop a comprehensive plan for the selection and/or development of appropriate voter registration software and for the development and implementation of pilot programs;

4.4.2. for professional assistance required by the Advisory Committee in the preparation of the comprehensive plan;

4.4.3. for the purchase, development, installation and maintenance of software selected by the Advisory Committee for statewide use in creating and maintaining all required voter registration files in all counties of the state; and

4.4.4. for reimbursement to counties participating in the state uniform voter data system of not more than fifty percent of the cost per voter for data entry or data conversion from a previous voter registration software program: Provided, That,

a. in the case of data entry of records, the county shall supply any and all documentation of actual time, employee pay rates and other information requested by the secretary of state prior to reimbursement. The secretary of state may determine a reasonable limit for the cost per voter record which is subject to reimbursement;

b. in the case of the necessary conversion of existing voter registration records the secretary of state may require the conversion be performed under state contract for multi-county conversion in order to achieve cost savings; and

c. funds available for reimbursement of conversion costs for each fiscal year shall be used to determine the percentage of the cost per voter, up to a maximum of fifty percent, which will be reim-

bursed.

4.5. According to the provisions of West Virginia Code §3-2-25, the secretary of state shall contract with an authorized vendor of the United States postal service for a comparison of the voter registration records of counties participating in the state uniform voter data system with postal service records through the "NCOA" program.

4.5.1. The secretary of state shall pay for the NCOA service from the Fund, but the Fund shall be responsible for not less than thirty nor more than fifty percent of the total cost of conducting the comparison, and each county participating in the joint program shall reimburse the Fund for the balance of the cost prorated on a per voter basis.

4.5.2. The secretary of state shall pay for the NCOA service from revenues of the current fiscal year. Upon the receipt of bids from the authorized vendors for the service, the secretary of state shall determine the percentage of the costs which can be made from the Fund and shall notify all participating counties of the cost per voter for which they will be required to reimburse the Fund.

4.6. The secretary of state may pay or reimburse other costs associated with implementation of the requirements of the "National Voter Registration Act of 1993" (42 U.S.C. 1973gg) from the Fund: Provided, That revenue received by the Fund during any fiscal year shall first be allocated to the purposes set forth in section 4.1, 4.2, 4.3 and 4.5 of this rule.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

STEPHEN N. REED
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SECRETARY OF STATE

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WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

(Plus all the volunteer
help we can get)

JULY 26, 1995

NO COMMENTS WERE RECEIVED, THEREFORE NO CHANGES WERE MADE