

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #6

Do Not Mark In this Box

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: SECRETARY OF STATE TITLE NUMBER: 153

AMENDMENT TO AN EXISTING RULE: YES , 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: _____

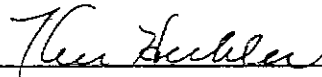
THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) S.B. 162

SECTION §64-9-2, PASSED ON MARCH 25, 1996

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON

THE FOLLOWING DATE: JUNE 7, 1996





KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

STEPHEN N. REED
Deputy Secretary of State

CATHERINE FREROTTE
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STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
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Charleston, WV 25305-0770

(Plus all the volunteer
help we can get)

March 12, 1996

Mary Ratliff
Secretary of State
Suite 157-K Bldg 1
1900 Kanawha Blvd East
Charleston, WV 25305-0770

SB 162 authorizing, **Title 153, Series 25, Combined Voter Registration & Driver Licensing Fund** passed the Legislature on **March 9, 1996**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs **SB 162** 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 with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 162 Section 64-9-2(f)**. 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 WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" DISK, YOU MUST SUBMIT A CLEAN COPY WITH ALL UNDERLINING AND STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, TO OUR OFFICE WHEN FINAL FILING THE RULE. REMEMBER, THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE. NOTICE: ALL ELECTRONIC FILINGS NOT COMPLYING WITH THIS WILL BE REJECTED AND SENT BACK TO THE AGENCY TO BE RESUBMITTED!**

After the final rule is entered into the data base, the rule will be sent back to the agency for review and proofing. The agency has ten (10) working days to send a confirmation or corrections to the Secretary of States. If the agency fails to return this within ten (10) working days, the rule will be filed in the data base with a disclaimer attached stating that the agency failed to review the rule. Following confirmation, corrections or failure to review, 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 contact our office.

Thank you,
Administrative Law Division

TITLE 153
SECRETARY OF STATE
PROPOSED LEGISLATIVE RULE

SERIES 25
COMBINED VOTER REGISTRATION AND DRIVER LICENSING FUND

§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.

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SENATE BILL NO. 242

(By Senators Ross, Anderson, Boley,
Buckalew, Grubb and Macnaughtan)

[Introduced January 29, 1996; referred
to the Committee on

THE JUDICIARY

153-25

A BILL to amend and reenact section two, 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 the driver licensing fund.

Be it enacted by the Legislature of West Virginia:

That section two, 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.

§64-9-2. Secretary of state.

(a) The legislative rules filed in the state register

1 on the ~~fifteenth~~ twenty-sixth day of ~~August~~ July, one
2 thousand nine hundred ~~ninety-four~~ ninety-five, authorized
3 under the authority of section three, article two, chapter
4 three, of this code, modified by the secretary of state to
5 ~~meet the objections of the legislative rule making review~~
6 ~~committee and refiled in the state register on the~~
7 ~~fourteenth day of November, one thousand nine hundred~~
8 ~~ninety four~~, relating to the secretary of state (combined
9 voter registration and driver licensing fund, 153 CSR ~~28~~
10 25), are authorized.

11

12 NOTE: The purpose of this bill is to authorize the
13 Secretary of State to promulgate legislative rules relating
14 to combined voter registration and the Driver Licensing
15 Fund.

16

17 Strike-throughs indicate language that would be
18 stricken from the present law, and underscoring indicates
19 new language that would be added.

4227

H. B. 4227

(By Delegates Douglas, Gallagher, Faircloth, Compton,
Linch and Riggs)
(Introduced January 29, 1996 ; referred to the
Committee on the Judiciary.)

A BILL to amend and reenact section two, article nine,
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thousand nine hundred thirty-one, as amended, relating
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§64-9-2. Secretary of state.

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4227

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2 thousand nine hundred ~~ninety four~~ ninety-five, authorized
3 under the authority of section three, article two, chapter
4 three, of this code, modified by the secretary of state to
5 ~~meet the objections of the legislative rule making review~~
6 ~~committee and refiled in the state register on the~~
7 ~~fourteenth day of November, one thousand nine hundred~~
8 ~~ninety four~~, relating to the secretary of state (combined
9 voter registration and driver licensing fund, 153 CSR 28
10 25), are authorized.

11

12 . NOTE: The purpose of this bill is to authorize the
13 Secretary of State to promulgate legislative rules relating
14 to combined voter registration and the Driver Licensing
15 Fund.

16

17 Strike-throughs indicate language that would be
18 stricken from the present law, and underscoring indicates
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KEN HECHLER
Secretary of State

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(Plus all the volunteer
help we can get)

TO: BILL HARRINGTON

AGENCY: SECRETARY OF STATE

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: August 27, 1996

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 25 TITLE: 153 SECRETARY OF STATE

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: *Jan Costi*

TITLE OF PERSON SIGNING: _____

DATE: 17 Oct 96

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

OFFICE OF THE SECRETARY OF STATE
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FILE