



KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

A. RENEE COE  
Deputy Secretary of State

CATHERINE FREROTTE  
Executive Assistant

Telephone: (304) 558-6000  
Corporations: (304) 558-8000



## 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

JUDY COOPER  
Director, Administrative Law

DONALD R. WILKES  
Director, Corporations

(Plus all the volunteer  
help we can get)

FAX: (304) 558-0900

August 15, 1994

To: The Administrative Law Division of the Secretary of State's  
office and Legislative Rule Making Review Committee

From: Ken Hechler *Ken Hechler*

Subject: Final Filing of Proposed Administrative Regulation

I've enclosed a final copy of the proposed Title 153 Series 25  
called the Combined Voter Registration and Driver Licensing Fund  
rule.

This rule was put out for public comment and we only received  
one. I've enclosed a copy of the comment. We did correct one  
technical error we made in identifying the statutory authority for  
the regulation. No other changes were made.

If you have questions, please contact my deputy, Mary Ratliff,  
at 558-6000.

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, Suite 157K

1900 Kanawha Blvd., E

Charleston, WV 25305-0770

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	TERMINATED
<b>ESTIMATED TOTAL COST</b>	\$104,000	\$	\$170,000	\$205,000	\$169,000
PERSONAL SERVICES					
CURRENT EXPENSE	99,000		150,000	200,000	160,000
REPAIRS & ALTERATIONS					
EQUIPMENT	5,000		20,000	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.

\* - Increase represents portion of current annual revenues not required for existing program.

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: 7/14/94

Signature of Agency Head or Authorized Representative

Mary J. Rathoff

## SUMMARY

This proposed legislative rule provides for the implementation of the provisions of S. B. 520 (1994), a state voter registration law which implements the National Voter Registration Act of 1993. The Combined Voter Registration and Driver Licensing Fund was established in 1991 to implement the state "motor-voter" law passed that year, through which voters could register at driver licensing offices.

The previous rule governing the implementation of the state program and the uses of the Fund included authorized expenditures for both start-up and ongoing costs to operate the program.

The proposed revision extends the uses of the Fund to support expanded services through public assistance agencies, state funded programs serving people with disabilities, and marriage license offices. It also provides support for the implementation of statewide uniform computerization of voter registration through the purchase of software and subsidies to counties to assist with conversion of their records and ongoing list-cleaning functions.

STATEMENT OF CIRCUMSTANCES

S. B. 520 provides in §3-2-12(b): "The secretary of state shall promulgate rules pursuant to the provisions of chapter twenty-nine-a of this code to provide for the administration of the fund established in subsection (a) of this section."

DATE: August 15, 1994

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Ken Hechler, Secretary of State



LEGISLATIVE RULE TITLE: 153

1. Authorizing statute(s) citation WV Code §3-1A-6, §3-2-12,  
§17-3-1, §17B-2-8

2. a. Date filed in State Register with Notice of Hearing  
July 14, 1994

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

Sent notices to each of the 55 County Clerks

c. Date of Hearing(s) We had a public comment period rather than  
a hearing

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)

August 15, 1994

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

Mary Ratliff - 558-6000

Jan Casto - 558-6000

Bill Harrington - 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

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b. Date of hearing: \_\_\_\_\_

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

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d. Attach findings and determinations and reasons:

Attached \_\_\_\_\_

Sylvia Basile, Clerk  
Harrison County Commission  
301 West Main Street  
Clarksburg, West Virginia 26301  
Ph (304) 624-8611 • Fax (304) 624-8673



August 9, 1994

Honorable Ken Hechler  
Secretary of State  
Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

Dear Mr. Hechler:

As far as I can tell, the draft on "Combined Voter Registration and Driver Licensing Fund" is fine. I had a hard time with 4.5, but after re-reading it several times I finally got it.

Sylvia Basile, Clerk *Sylvia Basile*  
Harrison County Commission

**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, 3-2-12, 17-3-1 and 17B-2-8

1.3. Filing Date --

1.4. Effective Date --

1.5. Repeal & Replace - This rule repeals & replaces 153 CSR 25 filed June 9, 1993 & effective June 9, 1993.

**§153-25-2. Definitions**

For the purposes of this rule:

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

2.2. "Licensing facility" means a location at which motor vehicle driver licenses are issued or at which applications for such licenses are received.

2.3. "Designated agency" means an agency, department, division or program 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.

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

2.5. "Registration site" means an office location of the Division of Motor Vehicles or the Division of Public Safety or other office where applications for motor vehicle driver licenses are received or licenses are issued and completed registration or declination forms received, 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.

2.6. "Agency registration form" means any form designed for use in conjunction with voter registration at any designated agency.

2.7. "Licensing registration form" means any form designed for use in conjunction with voter registration at any motor vehicle licensing office.

2.8. "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.

**§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. Fifty cents of each fee collected under the provisions of W. Va. Code §17-3-1 shall be deposited into the special revenue fund.

**§153-25-4. Expenditures**

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

4.1.1. For printing, packaging and distributing separate licensing and agency registration forms, and for the proportional cost of the voter registration portion of any combined form.

4.1.2. For printing and distributing the necessary envelopes for transmitting voter registration forms, and for postal permits and postage for returning completed voter registration forms to the appropriate registration official.

4.1.3. For supplies and postage for correspondence relating to voter registration for licensing and agency registration sites.

4.1.4. For purchasing and distributing 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.

4.1.5. For printing and distributing supplies and equipment required by licensing facilities and designated agencies to collect, stamp and retain securely the registration forms until forwarded to the appropriate registration official.

4.1.6. For printing and distributing mail voter registration forms used by licensing facilities and designated agencies according to procedures prescribed by the secretary of state.

4.2. A reimbursement of \$.50 will be made to the appropriate county for each completed registration application received by a licensing facility or designated agency 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. Reimbursement will be made for each completed application received through an agency or driver licensing facility and forwarded to a county by the secretary of state, and for any applications delivered directly to a clerk of the county commission from an 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. Reimbursement under this section shall be made on a quarterly basis.

4.3. Reimbursement will be made to the Division of Motor Vehicles, the Division of Public Safety, and the designated agencies 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 of such 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 herein, the amount per registration shall be reduced proportionally.

4.3.1. The allocation shall be based on the number of applications for registration or change of registration which are completed and forwarded to the secretary of state plus the number documented as having been delivered directly to the county clerk as provided in 4.2.1.

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 such funds 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. Reimbursement under this section shall be made on a quarterly basis.

4.3.4. Prior to receiving reimbursement, each division or agency shall report to the secretary of state the total number of persons submitting an application, renewal, recertification or change of address for a driver license or agency service required under Article 2, Chapter 3 of West Virginia Code to include a voter registration application.

4.4. Costs incurred in connection with a statewide program of uniform voter registration computerization for use by each county registration office and the secretary of state may be paid by the Fund as follows: Provided, That all such expenditures shall be paid from revenues received in any previous fiscal year and not expended:

4.4.1. For the expenses of the State Uniform Voter Data System Advisory Committee, hereafter "Advisory Committee" established by West Virginia Code §3-2-20 and appointed by the State Election Commission 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.

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,

4.4.4.1. 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 such reimbursement. The secretary of state may determine a reasonable limit for the cost per voter record which will be subject to reimbursement.

4.4.4.2. 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.

4.4.4.3. Funds available for allocation for reimbursement of such 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 reimbursed.

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 "National Change of Address" program, hereafter "NCOA".

4.5.1. Payment for the NCOA service shall be made 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. Payment shall be made 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. Payment or reimbursement of other costs associated with implementation of the requirements of the "National Voter Registration Act of 1993" (42 U.S.C. 1973gg) may be made

by the Fund: Provided, That revenue received by the Fund in 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.