

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

Do Not Mark in this Box

FILED

APR 3 2 58 PM '95

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) SB 64

SECTION 64-9-2, PASSED ON March 11, 1995

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: April 3, 1995



AUTHORIZED SIGNATURE

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

March 27, 1995

Mary Ratliff
Secretary of State
Bldg. 1, Suite 157K
Charleston, WV 25305

SB 64 authorizing, **Title 153, Series 25, Combined Voter Registration and Driver Licensing Fund**, passed the Legislature on **March 11, 1995**. It was signed by the Governor on March 23, 1995.

You have sixty (60) days after the Governor signs SB 64, 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 64** section **64-9-2**. 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: YOUR AGENCY MUST SUBMIT A CLEAN COPY OF THE LEGISLATIVE RULE ON DISK, WITH ALL UNDERLINING, STRIKE-THROUGHS AND HEADERS/FOOTERS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. THE DISK MUST BE ON A WORD PERFECT (5.1 OR 5.2 VERSION) OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM 3 1/2" DOUBLE DENSITY DISK. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL ENABLE US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS AND HEADERS/FOOTERS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, 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 call our office.

Thank You
Administrative Law Division

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
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Promulgation History

Filed notice	7/14/94
Conducted Hearing	8/15/94
Filed in Secretary of State	8/15/94
Modified & Approved	10/4/94
Filed	11/14/94

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 --

1.4. Effective Date --

1.5. Repeal and Replace -- 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 authorized 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 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 "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.

153-25

Bill-SOS, Voter

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H. B. 2199

(By Delegates Gallagher, Douglas, Compton,
Linch, Faircloth and Riggs)
(Introduced January 23, 1995 ; referred to the
Committee on the Judiciary)

10 A BILL to amend and reenact section twenty-four, article nine,
11 chapter sixty-four of the code of West Virginia, one thousand
12 nine hundred thirty-one, as amended, relating to authorizing
13 the secretary of state to promulgate legislative rules
14 relating to the combined voter registration and driver
15 licensing fund.

16 Be it enacted by the Legislature of West Virginia:

17 That section twenty-four, article nine, chapter sixty-four of
18 the code of West Virginia, one thousand nine hundred thirty-one,
19 as amended, be amended and reenacted, to read as follows:

20 ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENIES AND BOARDS TO
21 PROMULGATE LEGISLATIVE RULES.

22 §64-9-24. Secretary of state.

23 (a) The legislative rules filed in the state register on the
24 fifteenth day of April, one thousand nine hundred eighty-five,

1 modified by the secretary of state to meet the objections of the
2 legislative rule-making review committee and refiled in the state
3 register on the eighth day of October, one thousand nine hundred
4 eighty-five, relating to the secretary of state (standard size
5 and format for rules and related documents filed in the secretary
6 of state's office), are authorized.

7 (b) The legislative rules filed in the state register on the
8 seventeenth day of August, one thousand nine hundred
9 eighty-seven, modified by the secretary of state to meet the
10 objections of the legislative rule-making review committee and
11 refiled in the state register on the twenty-third day of
12 September, one thousand nine hundred eighty-seven, relating to
13 the secretary of state (standard size and format for rules and
14 procedures for publication of the state register or parts of the
15 state register), are authorized.

16 (c) The legislative rules filed in the state register on the
17 first day of September, one thousand nine hundred eighty-nine,
18 modified by the secretary of state to meet the objections of the
19 legislative rule-making review committee and refiled in the state
20 register on the twentieth day of November, one thousand nine
21 hundred eighty-nine, relating to the secretary of state (West
22 Virginia farm product lien central filing system), are
23 authorized.

24 (d) The legislative rules filed in the state register on the
25 thirteenth day of August, one thousand nine hundred ninety,

1 relating to the secretary of state (guidelines for the use of
2 nicknames and other designations on the ballot), are authorized.

3 (e) The legislative rules filed in the state register on the
4 fourteenth day of November, one thousand nine hundred ninety,
5 relating to the secretary of state (absentee voting by military
6 voters who are members of reserve units called to active duty),
7 are authorized.

8 (f) The legislative rules filed in the state register on the
9 seventh day of October, one thousand nine hundred ninety-one,
10 modified by the secretary of state to meet the objections of the
11 legislative rule-making review committee and refiled in the state
12 register on the twenty-eighth day of May, one thousand nine
13 hundred ninety-two, relating to the secretary of state (filing
14 fee for credit service organizations), are authorized.

15 (g) The legislative rules filed in the state register on the
16 seventh day of October, one thousand nine hundred ninety-one,
17 modified by the secretary of state to meet the objections of the
18 legislative rule-making review committee and refiled in the state
19 register on the twenty-eighth day of May, one thousand nine
20 hundred ninety-two, relating to the secretary of state (combined
21 voter registration and driver licensing programs), are
22 authorized.

23 (h) The legislative rules filed in the state register on the
24 sixteenth day of August, one thousand nine hundred ninety-three,
25 modified by the secretary of state to meet the objections of the

1 legislative rule-making review committee and refiled in the state
2 register on the twenty-third day of November, one thousand nine
3 hundred ninety-three, relating to the secretary of state
4 (official election forms and vendor authorization), are
5 authorized.

6 (i) The legislative rules filed in the state register on the
7 fifteenth day of August, one thousand nine hundred ninety-four,
8 modified by the secretary of state to meet the objections of the
9 legislative rule-making review committee and refiled in the state
10 register on the fourteenth day of November, one thousand nine
11 hundred ninety-four, relating to the secretary of state (combined
12 voter registration and driver licensing fund), are authorized.

13

14 NOTE: The purpose of this bill is to authorize the Secretary
15 of State to promulgate legislative rules relating to the Combined
16 Voter Registration and Driver Licensing Fund.

17

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



KEN HECHLER
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STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

TO: Mary Ratliff

AGENCY: Secretary of State

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: April 19, 1995

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: Mary P. Ratliff

TITLE OF PERSON SIGNING: Deputy Sec. of State

DATE: May 10, 1995

* 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.