

**WEST VIRGINIA  
SECRETARY OF STATE  
JOE MANCHIN, III  
ADMINISTRATIVE LAW DIVISION**

Form #2

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FILED

2004 JUL 28 P 2:55

WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: Secretary of State TITLE NUMBER: 153

RULE TYPE: legislative CITE AUTHORITY: West Virginia Code 3-1A-6, 3-2-13

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 28

TITLE OF RULE BEING AMENDED: AGENCIES DESIGNATED TO PROVIDE VOTER  
REGISTRATION SERVICES

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 27, 2004 AT noon ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Annette Haley - Special Assistant

Secretary of State's Office

1900 Kanawha Blvd., E.

Charleston, WV 25305-0770

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

□  
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Agencies Designated to Provide Voter Registration Services

Type of Rule:  Legislative     Interpretive     Procedural

Agency: Secretary of State

Address: Building 1, Suite 157-K

1900 Kanawha Blvd, E.

Charleston WV 25305-0770

1. Effect of Proposed rule:

|                                  | ANNUAL FISCAL YEAR |          |         |        |            |
|----------------------------------|--------------------|----------|---------|--------|------------|
|                                  | INCREASE           | DECREASE | CURRENT | NEXT   | THEREAFTER |
| <b>ESTIMATED TOTAL COST</b>      | 0                  | 0        | 45,000  | 46,200 | 44,400     |
| <b>PERSONAL SERVICES</b>         | 0                  | 0        | 25,000  | 25,750 | 26,500     |
| <b>CURRENT EXPENSE</b>           | 0                  | 0        | 15,000  | 15,450 | 15,900     |
| <b>REPAIRS &amp; ALTERATIONS</b> | 0                  | 0        | 0       | 0      | 0          |
| <b>EQUIPMENT</b>                 | 0                  | 0        | 5,000   | 5,000  | 2,000      |
| <b>OTHER</b>                     | 0                  | 0        | 0       | 0      | 0          |

2. Explanation of Above Estimates:

Agency voter registration will be conducted at approximately 600 sites. Each site will be provided with equipment to date stamp the voter registration applications. Forms, envelopes and postage for mailing will be supplied by the secretary of state. No additional personnel will be required.

3. Objectives of These Rules:

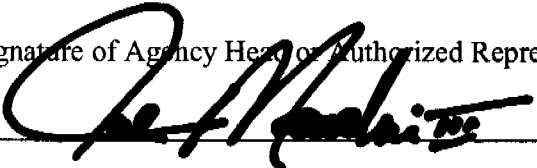
These rules provide the names of agencies and programs which are required to provide voter registration services.

Rule Title: Agencies Designated to Provide Voter Registration Services

4. Explanation of Overall Economic Impact of Proposed Rule:

- A. Economic Impact on State Government:  
Minimal impact. Cost is borne by "Combined Voter Registration & Driver Licensing Fund", a current general revenue fund.
  
- B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:  
Minimal impact on local government. Some cost arising from increased voter registration.
  
- C. Economic Impact on Citizens/Public at Large.  
No change.

Date: 7/28/2004

Signature of Agency Head or Authorized Representative:  
  
\_\_\_\_\_

## **SUMMARY OF FACTS AND CIRCUMSTANCES**

### **FACTS**

The National Voter Registration Act of 1993 required all states to implement voter registration at public assistance agencies and through state-funded program whose primary purpose was to serve persons with disabilities. S.B. 520, passed in 1994, established these requirements as state law and provided for a rule-making process to identify the agencies required to provide these services beginning January 1, 1995.

### **CIRCUMSTANCES**

West Virginia Code §3-2-13 requires a reevaluation of agencies designated to provide voter registration services and the refiling of the rule making changes, if any, to these designated agencies. The Secretary of State has contacted the various agencies of state government to identify any changes, additions or deletions of appropriate programs and office sites. No changes, additions or deletions were reported.

FILED

**TITLE 153  
SECRETARY OF STATE**

2004 JUL 28 P 2:53

**SERIES 28  
AGENCIES DESIGNATED TO PROVIDE VOTER REGISTRATION SERVICES**

OFFICE WEST VIRGINIA

**§153-28-1. General.**

1.1. Scope - To designate those agencies and programs required to provide voter registration according to the provisions of the West Virginia Code §3-2-13.

1.2. Authority - West Virginia Code §§3-1A-6, 3-2-13

1.3. Filing Date -

1.4. Effective Date -

**§153-28-2. Definitions.**

For the purposes of this rule:

2.1. "Designated agency" means a department, division or office of state or local government, or a program supported by state funds which is designated by this rule to provide voter registration services according to the provisions of West Virginia Code §3-2-13 beginning July 1, 1999.

2.2. "Public assistance agency" means a designated agency which receives applications for assistance as defined in West Virginia Code §9-1-2(e) for which an income means test is applied for determination of eligibility for assistance and includes the food stamp program, Temporary Assistance to Needy Families, the "Women, Infants and Children" (WIC) program and the Medicaid program as specified in West Virginia Code §3-2-13(b)(1).

2.3. "Disabilities Services agency" means a designated agency primarily engaged in providing services to persons with disabilities.

2.4. "Offices which issue marriage licenses" means those sections or divisions of the offices of the clerk of the county commission and/or those employees assigned to provide or receive marriage license applications, and shall not include those sections, divisions or employees delivering other services of the clerk's office.

**§153-28-3. Designated Public Assistance Agencies.**

Voter registration services will be provided to applicants for services through:

3.1. the Temporary Assistance to Needy Families, the Food Stamp program, the Transportation Remuneration and Incentive Program (TRIP), the Emergency Assistance Program, the Low Income Energy Assistance Program (LIEAP) and the Medicaid program within the West Virginia Department of Health and Human Resources;

3.2. the Women, Infants and Children program (WIC) under the Nutrition Services Section, Bureau of Public Health within the West Virginia Department of Health and Human Resources; and

3.3. the Homeless program under the Social Services Division within the West Virginia Department of Health and Human Resources.

**§153-28-4. Designated Disabilities Services Agencies.**

Voter registration services will be provided to applicants for services through:

4.1. the WV Bureau of Senior Services under the Governor's Office;

4.2. programs offered by the WV Commission for the Deaf and Hard-of-Hearing within the West Virginia Department of Health and Human Resources;

4.3. the early Intervention program and the Handicapped Children program under the Infant and Child Health section within the West Virginia Department of Health and Human Resources;

4.4. the Behavioral Health Services program within the West Virginia Department of Health and Human Resources;

4.5. programs offered by the Blind and Handicapped Division of the Library Commission and the Division of Rehabilitation Services within the West Virginia Department of Education and the Arts;

4.6. programs offered by the West Virginia School for the Deaf and Blind within the West Virginia State Board of Education; and

4.7. programs offered by the Division of Veteran Affairs within the West Virginia Department of Public Safety.

**§153-28-5. Designated County Marriage License Offices.**

The county offices which issue marriage licenses within the office of the clerk of the county commission in each county of the state are designated to provide voter registration services.