

ADMINISTRATIVE LAW DIVISION

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SCANNED

■
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
ESTIMATED TOTAL COST	0	0	45,000	46,200	44,400
PERSONAL SERVICES	0	0	25,000	25,750	26,500
CURRENT EXPENSE	0	0	15,000	15,450	15,900
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	0	0	5,000	5,000	2,000
OTHER	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: 08/27/04

Signature of Agency Head or Authorized Representative:

Cindy Smith

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.

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: 08/27/04

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Secretary of State, 1900 Kanawha Blvd., E., Building 1,
Suite 157-K Charleston, WV 25305 304/558-6000

LEGISLATIVE RULE TITLE: Agencies Designated to Provide Voter Registration Services

1. Authorizing statute(s) citation §§3-1A -6; 3-2-13

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
07/28/04

b. What other notice, including advertising, did you give of the hearing?
The rule and a notice of the comment period were sent to agency registrars,
agency supervisors and county clerks.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
08/27/04

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)

08/27/04

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Cindy Smith - Team Leader - Elections Division, Secretary of State, 1900
Kanawha Blvd., E., Building 1, Suite 157-K, Charleston, WV 25305
304/558-6000 - phone, 304/558-0900 - fax, csmith@wvsos.com - email

- g. **IF DIFFERENT FROM ITEM 'f',** please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

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 or comment period:

July 27, 2004 - August 28, 2004

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

**TITLE 153
SECRETARY OF STATE**

FILED

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

2004 AUG 27 P 4: 06
OFFICE WEST VIRGINIA
SECRETARY OF STATE

§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.