

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #6

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FILED
APR 1 10 20 AM '99

OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

**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: 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: _____

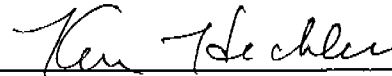
THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) 269

SECTION 64-9-2 PASSED ON March 25, 1999

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

FOLLOWING DATE: April 1, 1999



Authorized Signature

\$2.40

TITLE 153
SECRETARY OF STATE

FILED
APR 1 10 28 AM '99

SERIES 28
AGENCIES DESIGNATED TO PROVIDE VOTER REGISTRATION SERVICES

OFFICE OF THE 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 - April 1, 1999

1.4. Effective Date - April 1, 1999

§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.

153-28

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H. B. 2494

1 Bill-S

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(By Delegates Hunt, Linch, Compton, Faircloth,
3 Jenkins and Riggs)

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[Introduced February 1, 1999; referred to the
5 Committee on the Judiciary.]

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A BILL to amend and reenact section two, article nine,
11 chapter sixty-four of the code of West Virginia, one
12 thousand nine hundred thirty-one, as amended, relating
13 to authorizing the secretary of state to promulgate a
14 legislative rule relating to agencies designated to
15 provide voter registration services.

16

Be it enacted by the Legislature of West Virginia:

17

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

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ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND

22

BOARDS TO PROMULGATE LEGISLATIVE RULES.

23

§64-9-2. Secretary of state.

1 (a) The legislative rule filed in the state register
2 on the thirty-first day of July, one thousand nine hundred
3 ninety-seven, authorized under the authority of section
4 two, article one, chapter fifty-nine of this code, modified
5 by the secretary of state to meet the objections of the
6 legislative rule-making review committee and refiled in the
7 state register on the third day of November, one thousand
8 nine hundred ninety-seven, relating to the secretary of
9 state (fees relating to electronic records, 153 CSR 2), is
10 authorized.

11 (b) The legislative rule filed in the state register
12 on the thirty-first day of July, one thousand nine hundred
13 ninety-seven, authorized under the authority of section
14 sixty-seven, article one, chapter thirty-one of this code,
15 modified by the secretary of state to meet the objections
16 of the legislative rule-making review committee and refiled
17 in the state register on the fifth day of January, one
18 thousand nine hundred ninety-eight, relating to the
19 secretary of state (matters relating to corporations and
20 other business entity filing, 153 CSR 5), is authorized.

21 (c) The legislative rule filed in the state register
22 on the fourteenth day of July, one thousand nine hundred
23 ninety-eight, authorized under the authority of section

1 six, article one-a, chapter three, and section thirteen,
2 article two, chapter three of this code, relating to the
3 secretary of state (agencies designated to provide voter
4 registration services, 153 CSR 28), is authorized.

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6 NOTE: The purpose of this bill is to authorize the
7 Secretary of State to promulgate a legislative rule
8 relating to Agencies Designated to Provide Voter
9 Registration Services.

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11 Strike-throughs indicate language that would be
12 stricken from the present law, and underscoring indicates
13 new language that would be added.