

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

Form #3

Do Not Mark In this Box

**FILED**

AUG 26 10 23 AM '96

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Secretary of State TITLE NUMBER: 153

CITE AUTHORITY WV §§3-1A-6, 3-2-13

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 28

TITLE OF RULE BEING AMENDED: Agencies Designated to Provide  
Voter Registration Services

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

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

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

*Ken Hechler*

DATE: August 26, 1996

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Jan Casto

LEGISLATIVE RULE TITLE: Agencies Designated to Provide Voter Registration Services

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

2. a. Date filed in State Register with Notice of Hearing  
July 25, 1996

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

none

c. Date of Hearing(s) n/a

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)

August 26, 1996

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

Jan Casto - 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

b. Date of hearing: n/a

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

## 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. There are no changes to be made.

**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 157K  
1900 Kanawha Blvd. E.  
Charleston, WV 25305-0770

**1. Effect of Proposed Rule**

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEW	TERMINATION
<b><u>ESTIMATED TOTAL COST</u></b>	\$140,000	\$	\$156,070	\$140,000	\$137,000
<b>PERSONAL SERVICES</b>					
<b>CURRENT EXPENSE</b>	135,000		97,500	135,000	135,000
<b>REPAIRS &amp; ALTERATIONS</b>					
<b>EQUIPMENT</b>	5,000		58,570	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 706 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 specific 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: 7/26/96

Signature of Agency Head or Authorized Representative

*Ken Huber*

FILED

AUG 26 10 24 AM '96

TITLE 153  
SECRETARY OF STATE

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 28

AGENCIES DESIGNATED TO PROVIDE VOTER REGISTRATION SERVICES

§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, 1997.

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, the "Aid to Families with Dependent Children" (AFDC) program, 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

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

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

3.1. the Aid to Families with Dependent Children, 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 under the Office of Income Maintenance 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 Aging program and the Geriatrics and Long-term Care program under the Office of Aging within the West Virginia Division of Health and Human Resources;

4.2. programs offered by the Commission for the Hearing Impaired within the West Virginia Division 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 Division of Health and Human Resources;

4.4. the Behavioral Health Services program within the West Virginia Division 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.

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.