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West Virginia Legislature
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Room NB47-State Capitol
Charleston, West Virginia 25305
(304) 347-4840

Senator Mike Ross, Co-Chair
Delegate Vicki Douglas, Co-Chair

September 17, 1996

Debra A. Graham, Counsel
Joe Altizer, Associate Counsel
Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Ms. Jan Casto
Secretary of State Office
State Capitol Complex
Charleston, WV 25305

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Agencies Designated to Provide Voter Registration Services

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed _X_
 - (b) as modified by the agency _____
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
- 5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

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ANALYSIS OF PROPOSED LEGISLATIVE RULE

Agency: Secretary of State

Subject: Agencies Designated to Provide Registration Services

PERTINENT DATES

Filed for public comment: 7-25-96
Public comment period ended: 8-26-96
Filed following public comment period: 8-26-96
Filed LRMRC: 8-26-96
Filed as emergency:

Fiscal Impact:

ABSTRACT

The proposed rule makes no changes to a current legislative rule. WVC 3-2-13 requires the Secretary of State, by July 1, 1996, and each numbered year thereafter, to perform a review of those agencies which provides voter registration services and to promulgate a legislative rule designating specific agencies required to provide services beginning the first day of July the following year.

Following a review, the Secretary of State has determined that no amendments need to be made to the current rule which designates those agencies which are to provide voter registration services.

AUTHORITY

Statutory authority: W. Va. Code, §3-2-13, which provides, in part as follows:

(d) No later than the first day of July, one thousand nine hundred ninety-six, and each even-numbered year thereafter, the secretary of state shall, in conjunction with the designated representatives of the appropriate state agencies, perform the

review as required by the provisions of subsection (c) of this section and the secretary of state shall promulgate a legislative rule pursuant to the provisions of chapter twenty-nine-a of this code designating the specific agencies required to provide voter registration services beginning on the first day of July of the following year.

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED
IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3
AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE
CODE?

Yes.

VIII. OTHER.