

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

Do Not Mark In this Box

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MAY 8 4 35 PM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**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 NEW 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) 209

SECTION 64-9-2(a), PASSED ON April 12, 1997

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: May 8, 1997

Ken Hechler

FILED

MAY 8 4 35 PM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

TITLE 153
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 - May 8, 1997

1.4. Effective Date - May 8, 1997

§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 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 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.

§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.

5/35

H. B. 2315

1 Bill-SOS, Agencies

2 (By Delegate(s) Douglas, Hunt, Compton,
3 Faircloth, Linch and Riggs)

4
5 [Introduced March 3, 1997; referred to the
6 Committee on the Judiciary.]

7
8
9
10 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 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 as
20 follows:

21 ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND
22 BOARDS TO PROMULGATE LEGISLATIVE RULES.

23 §64-9-2. Secretary of state.

153-28

1 (a) The legislative ~~rules~~ rule filed in the state
2 register on the ~~twelfth~~ twenty-sixth day of ~~January~~ August,
3 one thousand nine hundred ~~ninety-five~~ ninety-six, authorized
4 under the authority of section thirteen, article two,
5 chapter three of this code, ~~modified by the secretary of~~
6 ~~state to meet the objections of the legislative rule-making~~
7 ~~review committee and refiled in the state register on the~~
8 ~~twenty-second day of June, one thousand nine hundred~~
9 ~~ninety-five~~, relating to the secretary of state (agencies
10 designated to provide voter registration services, 153 CSR
11 28), ~~are~~ is authorized.

12 (b) The legislative ~~rules~~ rule filed in the state
13 register on the twenty-fifth day of July, one thousand nine
14 hundred ninety-five, authorized under the authority of
15 section six, article one-a, chapter three of this code,
16 modified by the secretary of state to meet the objections of
17 the legislative rule-making review committee and refiled in
18 the state register on the twenty-third day of January, one
19 thousand nine hundred ninety-six, relating to the secretary
20 of state (guidelines for the use of nicknames and other
21 designations on the ballot, 153 CSR 14), ~~are~~ is authorized.

22 (c) The legislative ~~rules~~ rule filed in the state
23 register on the twenty-eighth day of July, one thousand nine

1 hundred ninety-five, authorized under the authority of
2 section six, article one-a, chapter three of this code,
3 modified by the secretary of state to meet the objections of
4 the legislative rule-making review committee and refiled in
5 the state register on the eighth day of December, one
6 thousand nine hundred ninety-five, relating to the secretary
7 of state (procedures for canvassing electronic ballot
8 elections using punch card or optical scan ballots, 153 CSR
9 18), ~~are~~ is authorized.

10 (d) The legislative ~~rules~~ rule filed in the state
11 register on the twenty-fifth day of July, one thousand nine
12 hundred ninety-five, authorized under the authority of
13 section six, article one-a, chapter three of this code,
14 modified by the secretary of state to meet the objections of
15 the legislative rule-making review committee and refiled in
16 the state register on the twenty-fourth day of January, one
17 thousand nine hundred ninety-six, relating to the secretary
18 of state (absentee voting by military voters who are members
19 of reserve units called to active duty, 153 CSR 23), ~~are~~ is
20 authorized.

21 (e) The legislative ~~rules~~ rule filed in the state
22 register on the twenty-sixth day of July, one thousand nine
23 hundred ninety-five, authorized under the authority of

1 section six, article one-a, chapter three of this code,
2 modified by the secretary of state to meet the objections of
3 the legislative rule-making review committee and refiled in
4 the state register on the twenty-fourth day of January, one
5 thousand nine hundred ninety-six, relating to the secretary
6 of state (numbered divisions for the election of circuit
7 judges, 153 CSR 24), ~~are~~ is authorized.

8 (f) The legislative ~~rules~~ rule filed in the state
9 register on the twenty-sixth day of July, one thousand nine
10 hundred ninety-five, authorized under the authority of
11 section three, article two, chapter three of this code,
12 relating to the secretary of state (combined voter
13 registration and driver licensing fund, 153 CSR 25), ~~are~~ is
14 authorized.

15 (g) The legislative ~~rules~~ rule filed in the state
16 register on the twenty-sixth day of July, one thousand nine
17 hundred ninety-five, authorized under the authority of
18 section six, article one-a, chapter three of this code,
19 relating to the secretary of state (official election forms
20 and vendor authorization, 153 CSR 26), ~~are~~ is authorized.

21 (h) The legislative ~~rules~~ rule filed in the state
22 register on the twenty-sixth day of July, one thousand nine
23 hundred ninety-five, authorized under the authority of

1 section six, article one-a, chapter three of this code,
2 modified by the secretary of state to meet the objections of
3 the legislative rule-making review committee and refiled in
4 the state register on the twenty-fourth day of January, one
5 thousand nine hundred ninety-six, relating to the secretary
6 of state (procedures for handling ballots and counting
7 write-in votes in counties using punch card or optical scan
8 ballots, 153 CSR 27), ~~are~~ is authorized.

9 (i) The legislative rules rule filed in the state
10 register on the twenty-seventh day of July, one thousand
11 nine hundred ninety-five, authorized under the authority of
12 section six, article two, chapter twenty-nine-a of this
13 code, modified by the secretary of state to meet the
14 objections of the legislative rule-making review committee
15 and refiled in the state register on the twenty-second day
16 of January, one thousand nine hundred ninety-six, relating
17 to the secretary of state (standard size and format for
18 rules and procedures for publication of the state register,
19 153 CSR 61), ~~are~~ is authorized, with the amendments set forth

20 below:

21 "On page ten, subsection 13.1, after the word 'format'
22 by inserting a comma and the words 'following all formatting
23 rules of the Secretary of State,';

1 On page ten, paragraph 13.1.b, by striking out the word
2 'double' and inserting in lieu thereof the word 'high';

3 On page ten, after subparagraph 13.1.b.2, by adding a
4 new subsection to read as follows:

5 '13.2. If an agency does not comply with the
6 formatting as specified by the Secretary of State, the
7 electronic version will be refused and sent back for
8 correction to the agency'."

9

10 NOTE: The purpose of this bill is to authorize the
11 Secretary of State to promulgate a legislative rule relating
12 to Agencies Designated to Provide Registration Services.

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

Senate Bill No. 212

(By Senator(s) Ross, Anderson, Macnaughtan,
Boley and Buckalew)

[Introduced March 3, 1997; referred to the
Committee on Government Organization; and then
to the Committee on the Judiciary.]

10 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 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 as
20 follows:

21 ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND

22 BOARDS TO PROMULGATE LEGISLATIVE RULES.

23 §64-9-2. Secretary of state.

1 (a) The legislative ~~rules~~ rule filed in the state
2 register on the ~~twelfth~~ twenty-sixth day of ~~January~~ August,
3 one thousand nine hundred ~~ninety-five~~ ninety-six, authorized
4 under the authority of section thirteen, article two,
5 chapter three of this code, ~~modified by the secretary of~~
6 ~~state to meet the objections of the legislative rule-making~~
7 ~~review committee and refiled in the state register on the~~
8 ~~twenty-second day of June, one thousand nine hundred~~
9 ~~ninety-five~~, relating to the secretary of state (agencies
10 designated to provide voter registration services, 153 CSR
11 28), ~~are~~ is authorized.

12 (b) The legislative ~~rules~~ rule filed in the state
13 register on the twenty-fifth day of July, one thousand nine
14 hundred ninety-five, authorized under the authority of
15 section six, article one-a, chapter three of this code,
16 modified by the secretary of state to meet the objections of
17 the legislative rule-making review committee and refiled in
18 the state register on the twenty-third day of January, one
19 thousand nine hundred ninety-six, relating to the secretary
20 of state (guidelines for the use of nicknames and other
21 designations on the ballot, 153 CSR 141), ~~are~~ is authorized.

22 (c) The legislative ~~rules~~ rule filed in the state
23 register on the twenty-eighth day of July, one thousand nine

1 hundred ninety-five, authorized under the authority of
2 section six, article one-a, chapter three of this code,
3 modified by the secretary of state to meet the objections of
4 the legislative rule-making review committee and refiled in
5 the state register on the eighth day of December, one
6 thousand nine hundred ninety-five, relating to the secretary
7 of state (procedures for canvassing electronic ballot
8 elections using punch card or optical scan ballots, 153 CSR
9 18), ~~are~~ is authorized.

10 (d) The legislative ~~rules~~ rule filed in the state
11 register on the twenty-fifth day of July, one thousand nine
12 hundred ninety-five, authorized under the authority of
13 section six, article one-a, chapter three of this code,
14 modified by the secretary of state to meet the objections of
15 the legislative rule-making review committee and refiled in
16 the state register on the twenty-fourth day of January, one
17 thousand nine hundred ninety-six, relating to the secretary
18 of state (absentee voting by military voters who are members
19 of reserve units called to active duty, 153 CSR 23), ~~are~~ is
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13 code, modified by the secretary of state to meet the
14 objections of the legislative rule-making review committee
15 and refiled in the state register on the twenty-second day
16 of January, one thousand nine hundred ninety-six, relating
17 to the secretary of state (standard size and format for
18 rules and procedures for publication of the state register,
19 153 CSR 6), ~~are~~ is authorized, with the amendments set forth
20 below:

21 "On page ten, subsection 13.1, after the word 'format'
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11 Secretary of State to promulgate a legislative rule relating
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15 stricken from the present law, and underscoring indicates
16 new language that would be added.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

JAN CASTO
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000
FAX: (304) 558-0900



WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

(Plus all the volunteer help we can get)

TO: JAN CASTO

AGENCY: SECRETARY OF STATE

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: May 16, 1997

RECEIVED
97 MAY 28 PM 1:16
OFFICE OF THE SECRETARY OF STATE

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 28 TITLE: 153 SECRETARY OF STATE

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Jan Casto

TITLE OF PERSON SIGNING: Deputy Secretary of State

DATE: 28 May 97

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.