

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

FILED

Nov 7 4 19 PM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Secretary of State TITLE NUMBER: 153

RULE TYPE: Legislature; CITE AUTHORITY: WV Code §§3-1A-6, 3-2-13

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 28

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

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON December 8 AT 9:00 a.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Attn: Jan Casto

Secretary of State

Building 1, Suite 157K

1900 Kanawha Blvd. E.

Charleston, WV 25305-0770

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Ken Hechler

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

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 programs 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

Although West Virginia Code §3-2-13 requires the emergency rule be filed by October 1, 1994, designating the agencies to provide voter registration, the Secretary of State has worked with the various agencies of state government to identify the appropriate programs and office sites since July. Only in early November was the office able to complete the identification of the agencies which must provide these services in order to meet the requirements of the federal and state law.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Agencies Designated to Provide Voter Registration Services

Type of Rule: X 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	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$140,000	\$	\$156,070	\$140,000	\$137,000
PERSONAL SERVICES					
CURRENT EXPENSE	135,000		97,500	135,000	135,000
REPAIRS & ALTERATIONS					
EQUIPMENT	5,000		58,570	5,000	2,000
OTHER	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: 11-7-94

Signature of Agency Head or Authorized Representative

Ken Hecker

DATE: November 7, 1994

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Ken Hechler, Secretary of State

EMERGENCY RULE TITLE: Agencies Designated to Provide Voter Registration Services

1. Date of Filing November 7, 1994

2. Statutory authority for promulgating emergency rule:

WV Code §§3-1A-6, 3-2-13

3. Date of filing of proposed legislative rule: November 7, 1994

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule?

New Language

5. Has the same or similar emergency rule previously been filed and expired?

No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare.

Required to be filed as emergency rule for §3-2-13 in order to

implement new state voter registration law by January 1, 1995 and

to implement National Voter Registration Act of 1993, also by Jan.1, 1995.

7. **If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.**

WV Code §3-2-13 requires it be filed by October 1, 1994, but we were

unable to get complete information from agencies by that time.

(see also #6).

8. **State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.**

The National Voter Registration Act requires that applicants of public

assistance agencies and agencies serving the disabled provide voter

registration on site beginning January 1, 1995. Without this designation,

agencies may not comply with the federal law and voters may be

disenfranchised and the state may be liable for court costs if

complaints of noncompliance are filed.

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 –

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 January 1, 1995.

2.2. "Public assistance" agency means a designated agency which receives applications for assistance as defined in §9-1-2(e) for which an income means test is applied for determination of eligibility for assistance or benefits specified in West Virginia Code §3-2-13(b)(1).

2.3. "Disabilities services" agency means those designated agencies primarily engaged in providing services to persons with disabilities.

2.4. "County marriage license offices" shall mean 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.

The following public assistance agencies are designated as to provide voter registration services to applicants for services through the appropriate programs identified in this section:

3.1. Programs administered by the West Virginia Department of Health and Human Resources:

3.1.1. under the Office of Income Maintenance:

- a. the Aid to Families with Dependent Children (AFDC);
- b. the Food Stamp program;
- c. the Transportation Remuneration and Incentive Program (TRIP);
- d. the Emergency Assistance Program;
- e. the Low Income Energy Assistance Program (LIEAP);
- f. the Medicaid program; and

3.1.2. under the Nutrition Services Section, Bureau of Public Health:

- a. the Women, Infants and Children program (WIC); and

3.1.3. under the Social Services Division:

- a. the Homeless program.

§153-28-4. Designated Disabilities Services Agencies.

The following disabilities agencies are designated to provide voter registration services to applicants for services through the appropriate programs identified in this section:

4.1. Programs administered by the West Virginia Division of Health and Human Resources:

4.1.1. under the Office of Aging:

- a. the Aging program;
- b. the Geriatrics and Long-term Care program;

- c. the Medicaid Waiver program; and
 - 4.1.2. the Commission for the Hearing Impaired; and
 - 4.1.3. under the Infant and Child Health section:
 - a. the Early Intervention program;
 - b. the Handicapped Children program;
 - c. the Pediatric Health Services/EPSTD program; and
 - 4.1.4. the Behavioral Health Services program.
- 4.2. Programs administered by the West Virginia Department of Education and the Arts:
 - 4.2.1. the Blind and Handicapped Division of the Library Commission; and
 - 4.2.2. the Division of Rehabilitation Services.
- 4.3. Programs administered by the West Virginia State Board of Education:
 - 4.3.1. the West Virginia School for the Deaf and Blind.
- 4.4. Programs administered by the West Virginia Department of Public Safety:
 - 4.4.1. the Division of Veteran Affairs.

§153-28-5. Designated Armed Services Recruitment Offices.

The following armed services recruitment offices are designated to provide voter registration services, which at the direction of the Federal Voting Assistance Program of the Department of Defense will be organized, supervised and directed by that program:

- 5.1. the United States Army Recruiting program;
- 5.2. the United States Air Force Recruiting program;
- 5.3. the United States Coast Guard Recruiting program;
- 5.4. the United States Marine Corps Recruiting program; and
- 5.5. the United States Navy Recruiting program.

§153-28-6. Designated County Marriage License Offices.

The county marriage license office within the office of the clerk of the county commission of each county of the state is designated to provide voter registration services.