

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

Do Not Mark In this Box

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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: _____

TITLE OF RULE BEING AMENDED: _____

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

TITLE OF RULE BEING PROPOSED: AGENCIES DESIGNATED TO PROVIDE VOTER
REGISTRATION SERVICES

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

AUTHORIZATION IS CITED IN (house or senate bill number) S.B. 162

SECTION _____, PASSED ON March 25, 1996

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: June 7, 1996

Ken Hechler



KEN HECHLER
Secretary of State

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STATE OF WEST VIRGINIA

SECRETARY OF STATE

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(Plus all the volunteer
help we can get)

March 12, 1996

Mary Ratliff
Secretary of State
Suite 157-K Bldg 1
1900 Kanawha Blvd East
Charleston, WV 25305-0770

SB 162 authorizing, **Title 153, Series 28, Agencies Designated to Provide Voter Registration Services** passed the Legislature on **March 9, 1996**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs **SB 162** to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 162 Section 64-9-2(a)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" DISK, YOU MUST SUBMIT A CLEAN COPY WITH ALL UNDERLINING AND STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, TO OUR OFFICE WHEN FINAL FILING THE RULE. REMEMBER, THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE. NOTICE: ALL ELECTRONIC FILINGS NOT COMPLYING WITH THIS WILL BE REJECTED AND SENT BACK TO THE AGENCY TO BE RESUBMITTED!**

After the final rule is entered into the data base, the rule will be sent back to the agency for review and proofing. The agency has ten (10) working days to send a confirmation or corrections to the Secretary of States. If the agency fails to return this within ten (10) working days, the rule will be filed in the data base with a disclaimer attached stating that the agency failed to review the rule. Following confirmation, corrections or failure to review, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to contact our office.

Thank you,
Administrative Law Division

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 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 Veterans' 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.

SENATE BILL NO. 215

(By Senators Ross, Anderson, Boley,
Buckalew, Grubb and Macnaughtan)

[Introduced January 29, 1996; referred
to the Committee on

Finance;
Judiciary

153-28

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

17 Be it enacted by the Legislature of West Virginia:

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

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

24 §64-9-2. Secretary of state.

1 (a) The legislative rules filed in the state register
2 on the fifteenth day of August, one thousand nine hundred
3 ninety-four, authorized under the authority of section
4 three, article two, chapter three, 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 fourteenth day of November, one
8 thousand nine hundred ninety-four, relating to the
9 secretary of state (combined voter registration and driver
10 licensing fund, 153 CSR 28), are authorized.

11 (b) The legislative rules filed in the state register
12 on the twelfth day of January, one thousand nine hundred
13 ninety-five, authorized under the authority of section
14 thirteen, article two, chapter three, 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 twenty-second day of June, one
18 thousand nine hundred ninety-five, relating to the
19 secretary of state (agencies designated to provide voter
20 registration services, 153 CSR 28), are authorized.

21
22 NOTE: The purpose of this bill is to authorize the
23 Secretary of State to promulgate legislative rules relating
24 to agencies designated to provide voter registration
25 services.

26
27 Strike-throughs indicate language that would be

1 stricken from the present law, and underscoring indicates
2 new language that would be added.

4285

H. B. 4285

(By Delegates Douglas, Gallagher, Faircloth, Compton,
Linch and Riggs)

(Introduced January 29, 1996 ; referred to the
Committee on the Judiciary)

153-28

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

Be it enacted by the Legislature of West Virginia:

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

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

§64-9-2. Secretary of state.

4285

1 (a) The legislative rules filed in the state register
2 on the fifteenth day of August, one thousand nine hundred
3 ninety-four, authorized under the authority of section
4 three, article two, chapter three, 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 fourteenth day of November, one
8 thousand nine hundred ninety-four, relating to the
9 secretary of state (combined voter registration and driver
10 licensing fund, 153 CSR 28), are authorized.

11 (b) The legislative rules filed in the state register
12 on the twelfth day of January, one thousand nine hundred
13 ninety-five, authorized under the authority of section
14 thirteen, article two, chapter three, 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 twenty-second day of June, one
18 thousand nine hundred ninety-five, relating to the
19 secretary of state (agencies designated to provide voter
20 registration services, 153 CSR 28), are authorized.

21

22 NOTE: The purpose of this bill is to authorize the
23 Secretary of State to promulgate legislative rules relating
24 to agencies designated to provide voter registration
25 services.

26

27 Strike-throughs indicate language that would be

1 stricken from the present law, and underscoring indicates
2 new language that would be added.

SENATE BILL NO. 80

(By Senators Anderson, Boley, Grubb and Macnaughtan)

[introduced January 20, 1995; referred to the
Committee on Finance and then to the Committee
on the Judiciary]

153-28

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9

10 A BILL to amend and reenact section twenty-four, article nine,
11 chapter sixty-four of the code of West Virginia, one thousand
12 nine hundred thirty-one, as amended, relating to authorizing
13 the secretary of state to promulgate legislative rules
14 relating to the combined voter registration and driver
15 licensing fund.

16 **Be it enacted by the Legislature of West Virginia:**

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

20 **ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENIES AND BOARDS TO**
21 **PROMULGATE LEGISLATIVE RULES.**

22 **§64-9-24. Secretary of state.**

23 (a) The legislative rules filed in the state register on the
24 fifteenth day of April, one thousand nine hundred eighty-five,

1 modified by the secretary of state to meet the objections of the
2 legislative rule-making review committee and refiled in the state
3 register on the eighth day of October, one thousand nine hundred
4 eighty-five, relating to the secretary of state (standard size
5 and format for rules and related documents filed in the secretary
6 of state's office), are authorized.

7 (b) The legislative rules filed in the state register on the
8 seventeenth day of August, one thousand nine hundred
9 eighty-seven, modified by the secretary of state to meet the
10 objections of the legislative rule-making review committee and
11 refiled in the state register on the twenty-third day of
12 September, one thousand nine hundred eighty-seven, relating to
13 the secretary of state (standard size and format for rules and
14 procedures for publication of the state register or parts of the
15 state register), are authorized.

16 (c) The legislative rules filed in the state register on the
17 first day of September, one thousand nine hundred eighty-nine,
18 modified by the secretary of state to meet the objections of the
19 legislative rule-making review committee and refiled in the state
20 register on the twentieth day of November; one thousand nine
21 hundred eighty-nine, relating to the secretary of state (West
22 Virginia farm product lien central filing system), are
23 authorized.

24 (d) The legislative rules filed in the state register on the
25 thirteenth day of August, one thousand nine hundred ninety,

1 relating to the secretary of state (guidelines for the use of
2 nicknames and other designations on the ballot), are authorized.

3 (e) The legislative rules filed in the state register on the
4 fourteenth day of November, one thousand nine hundred ninety,
5 relating to the secretary of state (absentee voting by military
6 voters who are members of reserve units called to active duty),
7 are authorized.

8 (f) The legislative rules filed in the state register on the
9 seventh day of October, one thousand nine hundred ninety-one,
10 modified by the secretary of state to meet the objections of the
11 legislative rule-making review committee and refiled in the state
12 register on the twenty-eighth day of May, one thousand nine
13 hundred ninety-two, relating to the secretary of state (filing
14 fee for credit service organizations), are authorized.

15 (g) The legislative rules filed in the state register on the
16 seventh day of October, one thousand nine hundred ninety-one,
17 modified by the secretary of state to meet the objections of the
18 legislative rule-making review committee and refiled in the state
19 register on the twenty-eighth day of May, one thousand nine
20 hundred ninety-two, relating to the secretary of state (combined
21 voter registration and driver licensing programs), are
22 authorized.

23 (h) The legislative rules filed in the state register on the
24 sixteenth day of August, one thousand nine hundred ninety-three,
25 modified by the secretary of state to meet the objections of the

1 legislative rule-making review committee and refiled in the state
2 register on the twenty-third day of November, one thousand nine
3 hundred ninety-three, relating to the secretary of state
4 (official election forms and vendor authorization), are
5 authorized.

6 (i) The legislative rules filed in the state register on the
7 fifteenth day of August, one thousand nine hundred ninety-four,
8 modified by the secretary of state to meet the objections of the
9 legislative rule-making review committee and refiled in the state
10 register on the fourteenth day of November, one thousand nine
11 hundred ninety-four, relating to the secretary of state (combined
12 voter registration and driver licensing fund), are authorized.

13

14 NOTE: The purpose of this bill is to authorize the Secretary
15 of State to promulgate legislative rules relating to the Combined
16 Voter Registration and Driver Licensing Fund.

17

18 Strike-throughs indicate language that would be stricken from
19 the present law, and underscoring indicates new language that
20 would be added.