



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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6/30/2015 1:36:42 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 3 -- NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY Secretary Of State

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 153-

RULE NAME Registration Forms and Receipts 03

CITE AUTHORITY 3-1A-6, 3-2-19, 3-2-20, 3-2-41

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.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Natalie E Tennant -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 153-03



Rule Id: 9801



Document: 26854



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 1)

AGENCY	Secretary Of State		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	Registration Forms and Receipts	TITLE-SERIES	153-03

CITE AUTHORITY 3-1A-6, 3-2-19, 3-2-20, 3-2-41

PRIMARY CONTACT

Dave Nichols
ADDRESS LINE 1
ADDRESS LINE 2
CITY, STATE ZIP

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CITE AUTHORITY 3-1A-6, 3-2-19, 3-2-20, 3-2-41

AUTHORIZING STATUTE(S) CITATION
3-1A-6, 3-2-19, 3-2-20, 3-2-41

DATE FILED IN STATE REGISTER WITH NOTICE OF HEARING OR PUBLIC COMMENT PERIOD
Wednesday, May 27, 2015

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?
Provided information to County Clerks' Association of suggested amendment to rule.

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED
Tuesday, June 30, 2015

Natalie E Tennant -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 2)

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CITE AUTHORITY 3-1A-6, 3-2-19, 3-2-20, 3-2-41

ATTACH LIST OF PERSONS WHO APPEARED AT HEARING, COMMENTS RECEIVED, AMENDMENTS, REASONS FOR AMENDMENTS.

No comments received

DATE YOU FILED IN STATE REGISTER THE AGENCY APPROVED PROPOSED LEGISLATIVE RULE FOLLOWING PUBLIC HEARING: (BE EXACT)

Wednesday, July 01, 2015

Natalie E Tennant -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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CITE AUTHORITY 3-1A-6, 3-2-19, 3-2-20, 3-2-41

IF THE STATUTE UNDER WHICH YOU PROMULGATED THE SUBMITTED RULES REQUIRES CERTAIN FINDINGS AND DETERMINATIONS TO BE MADE AS A CONDITION PRECEDENT TO THE PROMULGATION. 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.

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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 4)

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RULE NAME	Registration Forms and Receipts	TITLE-SERIES	153-03

CITE AUTHORITY 3-1A-6, 3-2-19, 3-2-20, 3-2-41

DATE OF HEARING OR COMMENT PERIOD

ON WHAT DATE DID YOU FILE IN THE STATE REGISTER THE FINDINGS AND DETERMINATIONS REQUIRED TOGETHER WITH THE REASONS THEREFOR?

ATTACH FINDINGS AND DETERMINATIONS AND REASONS
None

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY	Secretary Of State		
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RULE NAME	Registration Forms and Receipts	TITLE-SERIES	153-03

CITE AUTHORITY 3-1A-6, 3-2-19, 3-2-20, 3-2-41

PRIMARY CONTACT

Dave Nichols
ADDRESS LINE 1
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RULE NAME	Registration Forms and Receipts	TITLE-SERIES	153-03

CITE AUTHORITY 3-1A-6, 3-2-19, 3-2-20, 3-2-41

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

Repeal of this rule will have no effect on the costs or revenues of state government.

Natalie E Tennant -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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AGENCY Secretary Of State
RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 153-
RULE NAME Registration Forms and Receipts 03

CITE AUTHORITY 3-1A-6, 3-2-19, 3-2-20, 3-2-41

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

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CITE AUTHORITY 3-1A-6, 3-2-19, 3-2-20, 3-2-41

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

Repeal of this rule will have no effect on the costs or revenues of state government.

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PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

Repeal of this rule will have no effect on the costs or revenues of state government.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Natalie E Tennant -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY	Secretary Of State				
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes	TITLE-SERIES	153-
RULE NAME	Registration Forms and Receipts				03

CITE AUTHORITY 3-1A-6, 3-2-19, 3-2-20, 3-2-41

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Due to changes in federal and state law, the provisions of this rule have been overridden. The rule is being proposed for repeal.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Natalie E Tennant -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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TITLE 153
LEGISLATIVE RULE
SECRETARY OF STATE

SERIES 3
REGISTRATION FORMS AND RECEIPTS

~~§153-3-1. General.~~

~~1.1. Scope. — This legislative rule relates to the forms prescribed for registration by mail, registration receipt and use of previous forms.~~

~~1.2. Authority. — W. Va. Code §§3-1A-6, 3-2-19, 3-2-20, 3-2-41 and 29A-1-3(e)~~

~~1.3. Filing Date. — February 3, 1987.~~

~~1.4. Effective Date. — February 3, 1987.~~

~~§153-3-2. Registration Form Prescribed; Issuance of Previous Form Prohibited.~~

~~2.1. The amended form of voter application for registration by mail shall be as appears in Appendix A.~~

~~2.2. This amended form is also authorized to be used as an alternate form of voter registration record to the form prescribed by the provisions of W. Va. Code §3-2-19.~~

~~2.3. Beginning July 1, 1987, the clerk of the county commission shall not issue the previously prescribed form of voter application for registration by mail. All stock of blank forms existing on that date shall be destroyed. Each clerk of the county commission shall withdraw said forms from public distribution places and substitute the amended forms.~~

~~2.4. The previously prescribed form of application by mail shall be accepted by the clerks when received by mail from a person applying for voter registration, although the application is received after July 1, 1987; however, the previous form shall not be used as a voter registration record; only the amended form may be used as an alternative form to the previously prescribed form of voter registration record.~~

~~§153-3-3. Registration Receipts.~~

~~3.1. The clerk of the county commission may meet the requirement of W. Va. Code §3-2-41(d)(8), for voter notification by mailing to the applicant a registration receipt (registration card), as provided in W. Va. Code §3-2-20, as soon after receipt of a complete application as possible but not later than ten (10) days prior to the next ensuing election in which the voter is eligible to vote.~~

~~3.2. A registration receipt (card) shall be issued to a voter registering by mail upon receipt by the clerk of the county commission of the voter's county of residence, of a complete and proper application for registration by mail.~~