



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

5/2/2022 4:18:45 PM

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-SERIES: 153-05  
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No  
RULE NAME: VOTER REGISTRATION LIST MAINTENANCE  
BY THE SECRETARY OF STATE

CITE STATUTORY AUTHORITY: W. Va. Code § 3-2-23a

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 334

Section W. Va. Code §64-9-20(b) Passed On 3/12/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 2, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

**Yes**

**Donald Kersey -- 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 153  
LEGISLATIVE RULE  
SECRETARY OF STATE

SERIES 5  
VOTER REGISTRATION LIST MAINTENANCE  
BY THE SECRETARY OF STATE

**§153-5-1. General.**

1.1. Scope. -- This rule governs the procedures necessary for the Secretary of State to conduct voter registration list maintenance.

1.2. Authority. -- W. Va. Code § 3-2-23a.

1.3. Filing Date. -- May 2, 2022.

1.4. Effective Date. -- May 2, 2022.

1.5. Sunset Date. -- This rule shall terminate and have no further force of effect on August 1, 2027.

**§153-5-2. Definitions.**

2.1. "County Clerk" means the Clerk of the County Commission.

2.2. "WVSOS" means the West Virginia Secretary of State or his or her designee.

**§153-5-3. Notice Requirement.**

3.1. Before the WVSOS can conduct voter registration list maintenance on the voter registration records of any county, the WVSOS shall send a notice by certified mail, return receipt requested, to the County Clerk of the affected county. Nothing in this subsection shall prevent the WVSOS and a County Clerk from communicating by other means in an effort to effect the desired outcome.

3.2. The notice required by subsection 3.1 of this rule and W.Va. State Code §3-2-3(a) shall be mailed at least 90 days prior to the WVSOS conducting voter registration list maintenance on a county's records.

3.3. The notice required by subsection 3.1 of this rule and W.Va. State Code §3-2-3(a) shall include:

3.3.a. The record(s) the WVSOS has identified as potentially requiring list maintenance;

3.3.b. The reason or reasons such list maintenance may be required; and

3.3.c. That the county has 90 days to explain why list maintenance has not been performed, perform the required list maintenance, or design a plan in cooperation with the WVSOS for the County Clerk to perform the required list maintenance which may take longer than 90 days.

3.4. If the County Clerk fails in 90 days to take any step required to perform the required voter registration list maintenance or reach an agreement with the WVSOS to conduct such maintenance past the 90 days, the WVSOS may perform the list maintenance on the records identified in the notice.

**§153-5-4. Required Voter Registration List Maintenance.**

**153CSR05**

4.1. If the WVSOS finds that a County Clerk has failed within 45 days to update a voter registration record based on a notification received pursuant to W.Va. State Code §3-2-23, the WVSOS may initiate the process of sending notice to the County Clerk as set forth in section three of this rule.

4.2. If the WVSOS finds that a County Clerk has failed within 45 days to take any required step of the systematic program for removal of ineligible voters from the active registration files as required by 52 U.S.C. §20507 and W.Va. State Code §§3-2-25, 3-2-26, and 3-2-27, the WVSOS may initiate the process of sending notice to the County Clerk as set forth in section three of this rule.

4.3. If the WVSOS sends confirmation notices as part of list maintenance, the county shall be responsible for the cost of the confirmation notices, labels, and postage as required by W.Va. State Code §3-2-25(d).