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5F-1-7 Website Requirements - Compliance Review

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Objective(s): To assess the extent to which state and county governments are in compliance with W.Va. Code §5F-1-7 and §7-1-3rr.

Key Recommendations: The Legislative Auditor recommends that each state entity ensure that its public website is in full compliance with the content requirements of West Virginia Code 5F-1-7.

The Legislative Auditor recommends that each county commission ensure that its public website is in full compliance with the content requirements of West Virginia Code 7-1-3rr.

The Legislative Auditor recommends that all state government entities consider registering for a “.gov” domain.

The Legislative Auditor recommends that the Legislature consider studying WCAG’s implementation in West Virginia with specific considerations for awareness, costs, and potential liabilities for nonconformance at the state and local levels.

Compliance Review: State and County Government Website Content Requirements

Background: For many years, there has been a national trend across every level of government to develop and maintain public websites which promote transparency, foster trust, and facilitate better communication between government and its constituencies. To this end, during the 2020 regular session, the West Virginia Legislature passed Senate Bill 175 enacting W.Va. Code §5F-1-7, which establishes that state government websites must contain the following content elements:

- Office contact information;
- Agency personnel contact information;
- An organizational chart;
- A list of the agency’s statutes, legislative, and procedural rules;
- Meeting minutes;
- Annual Reports;
- A “Frequently Asked Questions” or FAQ section with descriptive answers;
- State grant funding opportunities administered by the agency (available grants, applications, eligibility requirements, award ranges, and deadlines); and
- Information on grants awarded by the agency in an amount greater than \$20,000 (recipient name, purpose, award amount, effective date and duration of the award(s), and any financial or performance reports required under the grant agreement).

In addition, Senate Bill 175 amended W.Va. Code §7-1-3rr to establish specific website content requirements for county commissions. These requirements include:

- The title and name of each elected county office holder;
- The contact information of each elected county office holder, including telephone and fax numbers, office location, and mailing address;
- A secure electronic means of contact;
- A copy of each county ordinance in effect;
- A copy of the approved minute meetings from each applicable meeting; and
- A schedule of the regular meeting days for each calendar year.

Under the provisions of SB 175, state agencies and counties had until **December 31, 2020**, to modify their websites and comply with these requirements.

This review comprises analysis of 125 state government websites for agencies and occupational licensure boards, as well as a review of 55 county commission websites for compliance with the statutory requirements of SB 175.

Key Findings:

State Agencies Mostly Comply with the Website Content Requirements Set Forth in Senate Bill 175, But Overall Compliance with Some Requirements Lags Significantly Behind.

Table 1
Overall Assessment of 125 State Government Websites with Statutorily Required Content Elements

Content Requirement	Requirement Present	Not Present	Total	% Compliance
Office Contact Info	119	6	125	95%
Agency Official Contact Info	106	19	125	85%
Organizational Chart	41	84	125	33%
Statutes & Rules	80	45	125	64%
FAQs	62	63	125	50%
State Grant Opportunity Info*	13	13	26	50%
State Grant Reporting/Accountability*	7	19	26	27%

Source: Legislative Auditor's Analysis of public websites

*26 state agencies were identified as issuing grant funds subject to the requirement to provide website content concerning grant information.

Overall, agencies achieve high levels of compliance with requirements to publicly list office and personnel contact information. However, systemic issues were identified with respect to the requirements that agencies post Organizational Charts, relevant Statutes and Rules, and Frequently Asked Questions (FAQ) sections to help members of the public easily navigate the websites. Approximately 35% of state government websites do not provide the public with information on relevant laws and rules governing the agency, about 50% do not have FAQ sections, and nearly 70% do not provide an organizational chart.

To assess compliance with the requirements regarding annual reports and public meeting minutes, the Legislative Auditor inquired with each Department to determine which agencies were required to subject to these requirements. The Departmental responses indicated that compliance with the requirements to post annual reports and public meeting minutes varied significantly and requires corrective action in most Departments. Only the Department of Tourism was fully in compliance with these requirements. 10 other Departments report that they are actively working to correct these issues and post the required documents to their websites. Table 2 provides a breakdown.

Table 2 Departmental Compliance with Annual Report and Meeting Minute Requirements		
Department	Annual Reports and Minutes Comply	In Process of Correcting
Administration	14	2
Commerce	7	28
Environmental Protection	18	8
Health Facilities	N/A	N/A
Health	6	3
Homeland Security	12	2
Human Services	26	5
Transportation	4	12
Revenue	8	3
Tourism	13	0
Veterans Assistance	1	1
Source: Departmental responses to Legislative Auditor's inquiry.		

Many State Government Websites Still Lack A Government Domain.

The Legislative Auditor also reviewed each state entity's web address to determine whether they are using a domain which clearly identifies them as a governmental entity. The results of this analysis identified 39 agencies that use either a ".com" or ".org" domain.

According to the U.S. Cybersecurity and Infrastructure Security Agency (CISA), which manages the top-level domain, ".gov" domains provide benefit to members of the public by allowing the public to readily identify official, trusted information:

.Gov domains are different because they're only available to U.S.-based government organizations. It should be easy to identify governments on the internet. The public shouldn't have to guess whether the site they're on, or the email in their inbox, is genuine. Use of the .gov top-level domain can help reduce uncertainty.

Moreover, ".gov" domains are provided, for free, to eligible organizations, which includes states, counties, cities, and towns. **The Legislative Auditor recommends that all state government entities consider registering for a ".gov" domain.**

County Noncompliance With Certain Requirements of W.Va. Code §7-1-3rr Remains Relatively High.

The Legislative Auditor evaluated each of the 55 county's public websites for compliance with the requirements of W.Va. Code §7-1-3rr. Table 2 below provides an overview of compliance with each requirement and Appendix 1 provides a county-by-county breakdown.

Table 3
**Overall Assessment of 55 County Government Websites with Statutorily
 Required Content Elements**

Content Element	Requirement Present	Not Present	Total	% Compliance
Title & Name of Office Holders	51	4	55	93%
Contact Info for Office Holders	50	5	55	91%
Secure Email for Office Holders	32	23	55	58%
Copy of Effective Ordinances	35	20	55	64%
Copies of Approved Minutes	30	25	55	55%
Schedule of Regular Meetings	40	15	55	73%

Source: Legislative Auditor's Analysis of public websites

Most counties comply with requirements to publicly list the names and titles of their office holders and provide contact information such that the public can contact their elected representatives. In addition, the Legislative Auditor observed high compliance with the requirement for county commissions to post a schedule of their meetings.

Compliance with 3 of the requirements was observed to lagged behind. Only 32 county commission websites (58 percent) provided some secure means of electronic communication for the public. In addition, 35 counties (64 percent) provide easily accessible listings/links to county ordinances currently in effect. Finally, only 30 county commissions (55 percent) provided easy access to meeting minutes for County Commission meetings.

Federal ADA Content Requirements for Government Websites Are Set to Take Effect Soon Bearing Unknown Cost for States, Counties, and Municipalities.

In April of 2024, the U.S. Department of Justice published a final rule updating Title II of the Americans with Disabilities Act (ADA). The final rule lays out specific technical standards that all government websites must achieve to meet their obligations under the ADA and to ensure government web content and mobile applications are accessible to people living with disabilities.

The Website Content Accessibility Guidelines' (WCAG v2.1) standards for government websites span four foundational principles of web accessibility: perceivability, operability, understandability, and robustness, with specific requirements under each of these four principles. To be in conformance with WCAG standards, state and local government websites usually must achieve Conformance Level AA, which requires these websites to successfully satisfy 50 different content standards.

Recently, the deadline for implementation of WCAG was postponed. The U.S. DOJ staggered its implementation deadline for these standards, differentiating small and large public entities. Large governments are defined as those with a population of 50,000 or greater and small governments are defined as having a population of less than 50,000. The current deadlines are:

- April 26, 2027, for governments with populations 50,000+
- April 26, 2028, for governments with populations under 50,000

Currently, U.S. DOJ has provided no guidance on how it plans to enforce WCAG standards or what penalties/consequences may stem from noncompliance.

In its final rule published in the Federal Register, U.S. DOJ included a Fiscal Regulatory Impact Analysis which included detailed cost estimates for the implementation of WCAG. These costs were contemplated in aggregate terms for both initial upfront costs and ongoing costs post-implementation. Table 3 below provides a breakdown of the cost estimates provided by U.S. DOJ. The Legislative Auditor notes that these estimates do not represent the individual costs borne by the State and its individual counties and municipalities, but rather it represents the total estimated cost of implementation for all states, counties, and municipalities in the U.S.

Table 4 Total Aggregate Implementation Costs for WCAG v2.1			
Cost Factor	State	County	Municipal
Regulatory Familiarization	\$20,000	\$1,000,000	\$6,420,000
Websites	\$253,000,000	\$819,900,000	\$2,606,600,000
Mobile Apps	\$14,700,000	\$56,800,000	\$100,000,000
Primary/Secondary Course Remediation	N/A	\$50,800,000	\$19,800,000
Third-Party Website Remediation	\$7,200,000	\$39,400,000	\$47,200,000
Total	\$274,920,000	\$967,900,000	\$2,880,020,000
<i>Source: U.S. Department of Justice, Final Rule 28 CFR Part 35.</i>			

In addition to the approximately \$275 million initial implementation costs estimated to be incurred by the 50 states, U.S. DOJ further estimates an annual maintenance cost of approximately \$22.6 million (aggregate across all states). In addition to the nearly \$1 billion and \$3 billion initial implementation costs for counties and municipalities, respectively, estimates indicate that ongoing annual costs for each to be \$80.6 million (for all U.S. counties combined) and \$252.7 million (for all U.S. municipalities combined).

While the U.S. DOJ's fiscal impact analysis does estimate long-term fiscal benefits (a net benefit between \$1.5 and \$1.9 billion annually) and a positive cost-benefit ratio, the initial implementation costs for complying with WCAG are a reality state and local governments across West Virginia. Therefore, the Legislative Auditor recommends that the Legislature consider studying WCAG's implementation in West Virginia with specific considerations for awareness, costs, and potential liabilities for nonconformance at the state and local levels.

APPENDIX A

State Agency Website Compliance					
West Virginia Department Administration					
Agency	Office Contact	Agency Official Contact	Org. Chart	Statutes & Rules	FAQ
Aviation Division	Y	Y	Y	Y	N
BRIM	Y	Y	Y	Y	Y
Consolidated Public Retirement Board	Y	Y	Y	Y	N
Ethics Commission	Y	Y	Y	Y	Y
Finance Division	Y	Y	Y	Y	Y
Fleet Management Division	Y	Y	Y	Y	Y
General Services Division	Y	Y	Y	Y	N
Public Employees Grievance Board	Y	Y	Y	Y	Y
Office of Technology	Y	Y	Y	Y	N
Division of Personnel	Y	Y	Y	Y	N
Prosecuting Attorneys Institute	Y	Y	Y	Y	N
Public Defender Services	Y	Y	Y	Y	Y
PEIA	Y	Y	Y	Y	Y
Purchasing Division	Y	Y	Y	Y	Y
Real Estate Division	Y	Y	Y	Y	N
West Virginia Department Commerce					
Agency	Office Contact	Agency Official Contact	Org. Chart	Statutes & Rules	FAQ
Division of Forestry	Y	Y	N	N	N
Division of Labor	Y	Y	Y	Y	Y
Division of Natural Resources	Y	Y	N	Y	Y

Geological & Economic Survey	Y	Y	Y	N	Y
Office of Miner's Health, Safety & Training	Y	Y	N	Y	Y
Workforce WV	Y	N	N	N	Y
Division of Rehabilitation Services	Y	Y	N	Y	Y
Small Business Development Center	Y	N	N	N	Y
Community Advancement & Development	Y	Y	N	N	N
Office of Energy	Y	N	N	N	N
International Development	Y	Y	N	N	N
Business & Industrial Development	Y	Y	N	N	N
Office of Broadband	Y	Y	N	N	N
Agency	Office Contact	Agency Official Contact	Org. Chart	Statutes & Rules	FAQ
Division of Air Quality	Y	Y	Y	Y	N
Division of Land Restoration	Y	Y	Y	Y	N
Division of Mining and Reclamation	Y	Y	Y	Y	Y
Division of Water and Waste Management	Y	Y	Y	Y	Y
Office of Oil and Gas	Y	Y	Y	Y	N
Agency	Office Contact	Agency Official Contact	Org. Chart	Statutes & Rules	FAQ
Bureau for Public Health	Y	Y	N	N	N
Emergency Medical Services	Y	Y	N	Y	Y
Chief Medical Examiner	Y	Y	N	N	N
Center for Threat Preparedness	Y	Y	N	N	N

Health Care Authority	Y	Y	Y	Y	Y
Inspector General	Y	Y	N	Y	Y
Human Rights Commission	Y	Y	N	Y	Y
Office of Rural Health	Y	Y	Y	N	Y
Developmental Disabilities Council	Y	Y	N	Y	Y
Advisory Council on Rare Diseases	N	N	N	N	N
Commission for the Deaf & Hard of Hearing	Y	Y	Y	Y	Y
Governor's Early Intervention Interagency Coordinating Council	Y	Y	N	N	N
Department of Health Facilities	Y	Y	N	N	N
Agency	Office Contact	Agency Official Contact	Org. Chart	Statutes & Rules	FAQ
Fusion Center	Y	N	N	N	N
Div. of Emergency Management	Y	Y	N	N	N
Homeland Security Admin	Y	Y	N	Y	Y
Justice & Community Services	Y	Y	N	N	N
Div. of Correction & Rehabilitation	Y	N	N	N	N
Parole Board	Y	Y	N	Y	Y
Div. of Protective Services	Y	Y	Y	Y	N
State Fire Marshal	Y	Y	Y	Y	Y
State Police	Y	Y	N	N	Y
WVNG/Adjutant General	Y	Y	Y	N	N
Agency	Office Contact	Agency Official Contact	Org. Chart	Statutes & Rules	FAQ

Bureau for Social Services	Y	Y	N	N	N
Bureau for Medical Services	Y	Y	N	N	Y
Bureau for Child Support Enforcement	N	N	N	Y	N
Bureau for Family Assistance	Y	Y	N	N	Y
Bureau for Behavioral Health	Y	Y	N	N	N
Office of Drug Control Policy	N	Y	N	N	N
Commission to Study Residential Placement of Children	N	N	N	Y	N
Catastrophic Illness Commission	Y	Y	N	N	N
Women's Commission	Y	N	N	N	N
Agency	Office Contact	Agency Official Contact	Org. Chart	Statutes & Rules	FAQ
ABCA	Y	Y	N	Y	Y
Municipal Bond Commission	Y	Y	Y	Y	N
Div. of Financial Institutions	Y	Y	Y	N	Y
Office of Tax Appeals	Y	N	N	Y	N
Budget Office	Y	Y	Y	Y	Y
Racing Commission	Y	Y	Y	Y	N
Insurance Commissioner	Y	N	N	Y	N
Tax Division	Y	Y	N	N	Y
Lottery Commission	Y	Y	Y	Y	Y
State Athletic Commission	Y	Y	N	Y	N
Home Rule Board	Y	N	N	N	N
Agency	Office Contact	Agency Official Contact	Org. Chart	Statutes & Rules	FAQ
Department of Tourism	Y	Y	N	N	Y
Arts Section	Y	Y	N	N	N
Historic Preservation Section	Y	Y	N	N	N

Archives and History	Y	Y	N	Y	N
Museums	Y	Y	N	N	N
Capitol Building Commission	N	N	N	Y	N
Library Commission	Y	Y	N	Y	Y
Agency	Office Contact	Agency Official Contact	Org. Chart	Statutes & Rules	FAQ
Division of Highway	Y	Y	Y	Y	N
Division of Motor Vehicles	Y	N	N	N	Y
Parkways Authority	Y	Y	N	N	Y
Aeronautics Commissions	Y	Y	N	N	N
Public Port Authority	Y	Y	N	N	N
Public Transit	Y	Y	N	N	N
State Rail Authority	Y	Y	N	N	N
Agency	Office Contact	Agency Official Contact	Org. Chart	Statutes & Rules	FAQ
Dept. of Veterans Assistance	N	Y	N	N	N

West Virginia Occupational Licensing Boards							
Board	Office Contact	Agency Official Contact	Org. Chart	Statutes & Rules	Minutes	Annual Reports	FAQ
Contractor Licensing	Y	Y	Y	Y	Y	Y	Y
WV Board of Surveyors	Y	Y	N	N	N	N	N
Speech Language Pathology	Y	Y	Y	Y	Y	Y	Y
Board of Architects	Y	Y	N	N	N	N	N
Board of Sanitarians	Y	Y	N	Y	Y	Y	N
Board of Accountancy	Y	Y	N	Y	Y	Y	Y
Board of Psychologists	Y	Y	N	Y	Y	N	N
Board of Acupuncture	Y	Y	N	Y	Y	N	N
Board of Counseling	Y	Y	N	Y	Y	N	Y
Board of Dentistry	Y	N	N	Y	Y	N	Y
Occupational Therapy	Y	Y	N	Y	Y	Y	Y
Contractor Licensing Board	Y	N	N	Y	Y	N	Y
Medical Imaging	Y	Y	Y	Y	Y	Y	Y
Professional Engineers	Y	Y	Y	Y	Y	Y	Y
Licensed Professional Nurses	Y	Y	N	Y	Y	N	N
Landscape Architects	Y	Y	Y	Y	Y	Y	N
Real Estate Appraisers	Y	Y	N	Y	Y	N	Y
Respiratory Care	Y	N	N	Y	Y	Y	Y
Optometry	Y	Y	N	Y	N	N	Y
Dieticians	Y	Y	N	Y	Y	N	Y
Social Work	Y	Y	N	Y	Y	Y	N
Medicine	Y	Y	N	Y	Y	Y	N
Physical Therapy	Y	Y	N	Y	N	Y	Y
Foresters	Y	N	N	Y	Y	N	N
Massage Therapy	Y	Y	N	Y	N	N	Y

Registered Professional Nurses	Y	N	Y	Y	Y	Y	Y
Funeral Directors	Y	Y	N	Y	Y	Y	Y
Real Estate Commission	Y	Y	N	Y	Y	Y	Y
Veterinary Medicine	Y	Y	N	Y	Y	Y	Y
Barbers and Cosmetologists	Y	Y	N	Y	Y	Y	Y
Nursing Home Administrators	Y	Y	Y	Y	Y	Y	Y
Pharmacy	Y	Y	N	Y	Y	Y	Y
Osteopathic Medicine	Y	Y	N	Y	Y	N	N
Chiropractic	Y	Y	N	Y	Y	Y	Y

County Compliance with WV Code §7-1-3rr						
County	Name and Title of Office Holders	Contact Info	Electronic Means of Contact	Ordinances in Effect	Meeting Minutes	Schedule
Barbour	Y	Y	Y	Y	Y	Y
Berkeley	Y	Y	N	Y	Y	Y
Boone	N	N	N	N	N	N
Braxton	Y	Y	Y	Y	N	N
Brooke	Y	Y	Y	N	N	N
Cabell	Y	Y	Y	Y	Y	Y
Calhoun	Y	Y	Y	Y	N	Y
Clay County	Y	Y	Y	Y	N	Y
Doddridge	Y	Y	Y	N	Y	Y
Fayette	Y	N	N	Y	Y	Y
Gilmer	Y	Y	Y	Y	N	Y
Grant	Y	Y	N	Y	Y	Y
Greenbrier	N	Y	N	Y	N	Y
Hampshire	Y	Y	N	Y	Y	Y
Hancock	Y	Y	Y	Y	N	Y
Hardy	Y	Y	Y	Y	Y	Y
Harrison	Y	Y	Y	Y	Y	N
Jackson	Y	Y	N	N	N	N
Jefferson	Y	Y	Y	Y	Y	Y

Kanawha	Y	Y	Y	Y	Y	Y
Lewis	Y	Y	Y	N	Y	Y
Lincoln	Y	Y	N	N	N	Y
Logan	Y	Y	N	Y	Y	N
Marion	Y	Y	N	N	Y	Y
Marshall	Y	Y	Y	N	Y	Y
Mason	Y	Y	N	N	Y	N
McDowell	N	Y	N	N	N	Y
Mercer	Y	Y	Y	Y	Y	Y
Mineral	Y	Y	Y	Y	N	Y
Mingo	NA	NA	NA	NA	NA	NA
Monongalia	Y	Y	N	Y	N	Y
Monroe	Y	Y	Y	Y	Y	Y
Morgan	Y	Y	Y	Y	Y	Y
Nicholas	Y	N	N	Y	N	N
Ohio	Y	Y	Y	N	Y	Y
Pendleton	Y	Y	N	N	Y	Y
Pleasants	Y	Y	Y	N	N	Y
Pocahontas	Y	Y	Y	Y	Y	Y
Preston	Y	Y	Y	Y	Y	N
Putnam	Y	Y	Y	Y	Y	Y
Raleigh	Y	N	N	Y	Y	N
Randolph	Y	Y	N	Y	Y	Y
Ritchie	Y	Y	N	N	N	N
Roane	Y	Y	Y	Y	N	N
Summers	Y	Y	N	Y	Y	Y
Taylor	Y	Y	N	Y	N	Y
Tucker	Y	Y	Y	Y	N	Y
Tyler	Y	Y	N	N	N	Y
Upshur	Y	Y	Y	Y	Y	Y
Wayne	Y	Y	Y	Y	Y	Y
Webster	Y	Y	Y	N	N	Y
Wetzel	Y	Y	Y	Y	N	N
Wirt	Y	Y	Y	N	N	N
Wood	Y	Y	Y	N	Y	Y
Wyoming	Y	Y	N	N	N	Y