

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

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Form #6

**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 RULE BEING PROPOSED: 11

TITLE OF RULE BEING PROPOSED: Public Testing of Ballot-Marking Voting Systems and
Precinct Ballot-Scanning Devices

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

AUTHORIZATION IS CITED IN (house or senate bill number) SB 299

SECTION §64-9-14(b), PASSED ON March 11, 2006

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: May 9, 2006


Authorized Signature

**TITLE 153
LEGISLATIVE RULE
SECRETARY OF STATE**

**SERIES 11
PUBLIC TESTING OF BALLOT-MARKING VOTING SYSTEMS AND PRECINCT BALLOT-
SCANNING DEVICES**

§153-11-1. General.

1.1. Scope. -- To provide for ballot-marking voting systems and precinct ballot scanning systems to be publicly tested in accordance with II.B. # 2950 (2005).

1.2. Authority. -- W. Va. Code, § §3-4A-9a and 3-4A-9b.

1.3. Filing Date. -- May 9, 2006.

1.4. Effective Date. -- May 9, 2006.

§153-11-2. Definitions.

2.1. For the purposes of this rule:

2.1.a. "Ballot-marking accessible voting system" means a device which allows voters, including voters with disabilities, to mark an optical scanning or mark-sensing voting system ballot privately and independently.

2.1.b. "Precinct ballot-scanning device" means a device used by the voter at the precinct on election day or during early voting for the purpose of scanning the voter's ballot after the ballot has been voted but prior to depositing the ballot into the ballot box.

§153-11-3. Implementation of Ballot-Marking Accessible Voting System.

Prior to the use of a ballot-marking accessible voting system in an election, the appropriate county authorities shall publicly test the equipment in accordance with WV Code §3-4a-13 and 17.

§153-11-4. Implementation of Precinct Ballot-Scanning Device.

Prior to the use of a precinct ballot-scanning device in an election, the device shall be publicly tested in accordance with WV Code §3-4a-13 and 17.

§153-11-5. Procedures Manual for Using the Precinct Ballot-Scanning Device.

5.1. At least once every two years, the Secretary of State shall provide a procedures manual for using the precinct ballot-scanning device in an election. The manual shall include a step-by-step procedure to be followed in the precinct where the device is being used.

5.2. Election officials shall carry out the procedures set out in the procedures manual when using the precinct ballot-scanning device in an election.