

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

Do Not Mark In this Box

FILED

JUL 25 3 00 PM '95

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: SECRETARY OF STATE TITLE NUMBER: 153

CITE AUTHORITY §3-1A-6, 3-5-13

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 14

TITLE OF RULE BEING AMENDED: GUIDELINES FOR THE USE OF NICKNAMES
AND OTHER DESIGNATIONS ON THE BALLOT

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

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.

Ken Hechler

STATEMENT OF CIRCUMSTANCES

TITLE 153, SERIES 14

This rule is the same as that authorized by the Legislature in S. B. 637 (1991) and now in effect, but is being refiled according to the requirements of S. B. 573 (1995). The only change is the reference to the statutory requirements, which have been moved from West Virginia Code §3-1-21 to §3-5-13.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Guidelines for the Use of Nicknames and Other Designations on the Ballot

Type of Rule: X Legislative Interpretive Procedural

Agency Secretary of State

Address Building 1, Rm. 157-K

1900 Kanawha Blvd., E.

Charleston, WV 25305-0770

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$0	\$0	\$0	\$0	\$0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

N/A

3. Objectives of these rules:

N/A

Rule Title: Guidelines for the Use of Nicknames and Other Designations on the Ballot

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

N/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: June 22, 1995

Signature of Agency Head or Authorized Representative

Ken Hechler

DATE: JULY 25, 1995

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: MARY RATLIFF, DEPUTY SECRETARY OF STATE

LEGISLATIVE RULE TITLE: GUIDELINES FOR THE USE OF NICKNAMES AND OTHER DESIGNATION

1. Authorizing statute(s) citation ON THE BALLOT

§3-1A-6, 3-5-13

2. a. Date filed in State Register with Notice of Hearing

JUNE 23, 1995

b. What other notice, including advertising, did you give of the hearing?

N/A

c. Date of Hearing(s) JULY 24, 1995

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

JULY 25, 1995

f. Name and phone number(s) of agency person(s) to contact for additional information:

MARY RATLIFF, DEPUTY SECRETARY OF STATE

558-6000

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. 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.

N/A

b. Date of hearing: N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

SUMMARY

TITLE 153, SERIES 14

This legislative rule sets out guidelines for permissible nicknames and defines the prohibitions against certain types of nicknames as specified in West Virginia Code §3-5-13(d).

FILED

TITLE 153
LEGISLATIVE RULES
SECRETARY OF STATE

JUL 25 3 00 PM '95

SERIES 14
GUIDELINES FOR THE USE OF NICKNAMES AND OTHER
DESIGNATIONS ON THE BALLOT

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§153-14-1. General.

1.1. Scope. -- This rule clarifies the guidelines to be used by the secretary of state and the county board of ballot commissioners in determining how a name is to be printed on the ballot. See W. Va Code §3-4-21- 3-5-13

1.2. Authority. -- W. Va Code §3-1A-6 3-5-13

1.3. Filing Date -- April 11, 1991

1.4. Effective Date -- April 11, 1991

§153-14-2. Allowable additions or alterations to legal names

2.1. A nickname by which a person is commonly known, provided it does not violate the restrictions described herein, may be used on the ballot in lieu of the candidate's first name or may be placed within the name, either in quotation marks or parentheses

Examples Bill Trees, William "Bill" Trees, Elizabeth (Betsy) Bond, Liz Bond, Carl "Junior" Rivers, Ester "Lilly" Smith

2.2. A woman may use the term Miss, Ms. or Mrs. with her own given name, or Mrs. with her husband's first name.

Examples Mrs. Carol Redman, Mrs. Ida (Carol) Redman, Mrs. Ira Redman, Carol (Mrs. Ira) Redman.

2.3. A man may use the term Mr. with his own given name. A man may use Sr., Jr. or other similar designations at the end of his name which distinguish him from other generations of his family members

Examples Ed Roe, Jr.; Thomas Orr, Sr.; Lloyd Wilson, III, Mr. Carroll Thomas.

§153-14-3. Unallowable additions or alterations to legal names.

3.1. No title, position name or other designation which is not a part of an individual's legal name shall be placed before the name on the ballot.

Examples Dr., Rev., Capt., Col., Maj., Supt., Pres., Coach, Brother, Father, Rabbi, Chief, Auctioneer, Sen., Cong., Del., Sheriff.

3.2. No degree, rank or other designation which is not a part of an individual's legal name shall be placed before or after a name on the ballot.

Examples Ph.D., M.D., D.V.M., CPA, R.N., Lt., Sgt., 1st Class

3.3. No nickname which carries a common meaning which denotes status or membership in a class of persons, or which is commonly used as or suggests a title, position designation, or other similar designation shall be placed before, after, or within a name on the ballot, whether or not the candidate has or has not held the position represented by the title.

Examples Howard "Sarge" Jones, Earl "Chief" Weber, Lydia (Doc) Miller, "General" Lee Upton, Lou (Coach) Jones, John "Congressman" Adkins.

3.4. No nickname which suggests specific action by the voter shall be placed on the ballot

Examples Sam "Single Shot" Roberts, Joe "Vote Straight" Jones

3.5. No variation in the typography of a name which calls attention to that name on the ballot shall be allowed. The standard for whether the name will be used is one based on the personal common use of the name by the candidate over a period of time. The candidate's signature, legal name status pursuant to §48-5-1, driver's license, phone book spelling, etc., can be used. If a clear preponderance of such evidence reflects the requested spelling, then it should be printed.

Examples. OTIS Slevptvacowicz, SteVen WillSon, mmm GOODman

3.6. No slogan may be used under the guise of a nickname

Examples: Franklin "New Deal" Roosevelt, Jimmy "Why Not The Best" Carter.

3.7. No addition to a legal name may be used to indicate associations with particular individuals or causes

Examples. Joseph "Reagan" Johnson, Charles "Chuck Yeager" Browning, Mamie "ERA" Monroe, Alice "Gun Control!" Anderson

§153-14-4. Maximum length of name

4.1. Because space and typographical limitations affect ballot printing, the length of names on the ballot are hereby limited

4.2. When a candidate specifies a name for the ballot which incorporates names other than his or her legal name, and which includes more than twenty-five (25) letters, the secretary of state or circuit clerk may require the candidate to designate a name for the ballot including no more than twenty-five (25) letters. If the candidate fails to comply, the secretary of state or circuit clerk shall use only the candidate's legal name.

4.3. Nicknames other than shortened forms of legal names shall be limited to one word

KEN HECHLER
Secretary of State

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Deputy Secretary of State

STEPHEN N. REED
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SECRETARY OF STATE

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WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

(Plus all the volunteer
help we can get)

JULY 25, 1995

NO COMMENTS WERE RECEIVED, THEREFORE NO CHANGES WERE MADE.