

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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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 NUMBER: 153

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:

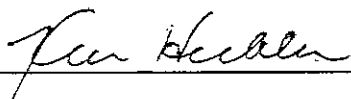
TITLE OF RULE BEING PROPOSED:

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

AUTHORIZATION IS CITED IN (house or senate bill number) S.B. 162

SECTION §64-9-2, PASSED ON MARCH 25, 1996

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: JUNE 7, 1996



KEN HECHLER
Secretary of State

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Deputy Secretary of State

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STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

(Plus all the volunteer
help we can get)

March 12, 1996

Mary Ratliff
Secretary of State
Suite 157-K Bldg 1
1900 Kanawha Blvd East
Charleston, WV 25305-0770

SB 162 authorizing, **Title 153, Series 14, Guidelines for the Use of Nicknames & other Designations on the Ballot** passed the Legislature on **March 9, 1996**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs **SB 162** to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 162 Section 64-9-2(b)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" DISK, YOU MUST SUBMIT A CLEAN COPY WITH ALL UNDERLINING AND STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, TO OUR OFFICE WHEN FINAL FILING THE RULE. REMEMBER, THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE. NOTICE: ALL ELECTRONIC FILINGS NOT COMPLYING WITH THIS WILL BE REJECTED AND SENT BACK TO THE AGENCY TO BE RESUBMITTED!**

After the final rule is entered into the data base, the rule will be sent back to the agency for review and proofing. The agency has ten (10) working days to send a confirmation or corrections to the Secretary of States. If the agency fails to return this within ten (10) working days, the rule will be filed in the data base with a disclaimer attached stating that the agency failed to review the rule. Following confirmation, corrections or failure to review, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to contact our office.

Thank you,
Administrative Law Division

TITLE 153
LEGISLATIVE RULES
SECRETARY OF STATE

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

§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 §3-2-1- 3-5-13

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

1.3. Filing Date --

1.4. Effective Date --

§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 WilSon, 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 "Keagan" 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.

SENATE BILL NO. 217

(By Senators Ross, Anderson, Boley,
Buckalew, Grubb and Macnaughtan)

[Introduced January 29, 1996; referred
to the Committee on

THE JUDICIARY

153-14

7

8

9

10 A BILL to amend and reenact section two, article nine,
11 chapter sixty-four of the code of West Virginia, one
12 thousand nine hundred thirty-one, as amended, relating
13 to authorizing the secretary of state to promulgate
14 legislative rules relating to guidelines for the use
15 of nicknames and other designations on the ballot.

16 Be it enacted by the Legislature of West Virginia:

17 That section two, article nine, chapter sixty-four of
18 the code of West Virginia, one thousand nine hundred
19 thirty-one, as amended, be amended and reenacted, to read
20 as follows:

21 ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND
22 BOARDS TO PROMULGATE LEGISLATIVE RULES.

23 §64-9-2. Secretary of state.

24 (a) The legislative rules filed in the state register

1 on the fifteenth day of August, one thousand nine hundred
2 ninety-four, authorized under the authority of section
3 three, article two, chapter three, of this code, modified
4 by the secretary of state to meet the objections "of the
5 legislative rule-making review committee and refiled in the
6 state register on the fourteenth day of November, one
7 thousand nine hundred ninety-four, relating to the
8 secretary of state (combined voter registration and driver
9 licensing fund, 153 CSR 28), are authorized.

10 (b) The legislative rules filed in the state register
11 on the twenty-fifth day of July, one thousand nine hundred
12 ninety-five, authorized under the authority of section six,
13 article one-a, chapter three, of this code, modified by the
14 secretary of state to meet the objections of the
15 legislative rule-making review committee and refiled in the
16 state register on the twenty-third day of January, one
17 thousand nine hundred ninety-six, relating to the secretary
18 of state (guidelines for the use of nicknames and other
19 designations on the ballot, 153 CSR 14), are authorized.

20

21 NOTE: The purpose of this bill is to authorize the
22 Secretary of State to promulgate legislative rules relating
23 to guidelines for the use of nicknames and other
24 designations on the ballot.

25

26 Strike-throughs indicate language that would be
27 stricken from the present law, and underscoring indicates
28 new language that would be added.

9827

H. B. 4286

(By Delegates Douglas, Gallagher, Faircloth, Compton,
Linch and Riggs)

(Introduced January 29, 1996; referred to the
Committee on the Judiciary.)

158-14

A BILL to amend and reenact section two, article nine,
chapter sixty-four of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, relating
to authorizing the secretary of state to promulgate
legislative rules relating to guidelines for the use
of nicknames and other designations on the ballot.

Be it enacted by the Legislature of West Virginia:

That section two, article nine, chapter sixty-four of
the code of West Virginia, one thousand nine hundred
thirty-one, as amended, be amended and reenacted, to read
as follows:

ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND
BOARDS TO PROMULGATE LEGISLATIVE RULES.

§64-9-2. Secretary of state.

(a) The legislative rules filed in the state register

4286

1 on the fifteenth day of August, one thousand nine hundred
2 ninety-four, authorized under the authority of section
3 three, article two, chapter three, of this code, modified
4 by the secretary of state to meet the objections of the
5 legislative rule-making review committee and refiled in the
6 state register on the fourteenth day of November, one
7 thousand nine hundred ninety-four, relating to the
8 secretary of state (combined voter registration and driver
9 licensing fund, 153 CSR 28), are authorized.

10 - (b) The legislative rules filed in the state register
11 on the twenty-fifth day of July, one thousand nine hundred
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14 secretary of state to meet the objections of the
15 legislative rule-making review committee and refiled in the
16 state register on the twenty-third day of January, one
17 thousand nine hundred ninety-six, relating to the secretary
18 of state (guidelines for the use of nicknames and other
19 designations on the ballot, 153 CSR 14), are authorized.

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21 NOTE: The purpose of this bill is to authorize the
22 Secretary of State to promulgate legislative rules relating
23 to guidelines for the use of nicknames and other
24 designations on the ballot.

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27 stricken from the present law, and underscoring indicates
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