

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

Form #2

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2009 JUN 18 PM 1:56

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: Secretary of State TITLE NUMBER: 153

RULE TYPE: Legislative CITE AUTHORITY: 3-3-2a(c)

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: 13

TITLE OF RULE BEING PROPOSED: Early Voting in Person Satellite Precincts

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 20, 2009 AT 10:00 am ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Dave Nichols, Elections Manager

Building 1, Suite 157-K

1900 Kanawha Blvd E

Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

## Title 153 Series 38 Summary

During the 2009 Regular Session of the West Virginia State Legislature, lawmakers passed Enrolled Committee Substitute for House Bill 2464 permitting counties to conduct early voting at locations in addition to the courthouse or annex to allow additional convenience to voters.

This rule establishes criteria to assure neutrality and security in the selection process for early voting in person satellite precincts and establishes processes and deadlines for establishing such precincts.

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Title 153 Series 13; Early Voting in Person Satellite Precincts

Type of Rule:  Legislative  Interpretive  Procedural

Agency: Secretary of State

Address: Bldg 1, Suite 157-K, 1900 Kanawha Blvd E, Charleston, WV 25305

Phone Number: 304-558-6000 Email: dnichols@wvsos.com

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

Though this would have an impact on a county budget if a county chooses to implement satellite precincts, it will have no impact on the state government.

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

<b>FISCAL YEAR</b>			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
<b>2. Estimated Total Revenues</b>			

Rule Title: \_\_\_\_\_

Rule Title: Title 153 Series 13; Early Voting in Person Satellite Precincts

- 3. Explanation of above estimates (including long-range effect):**  
Please include any increase or decrease in fees in your estimated total revenues.

**MEMORANDUM**

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

Because counties manage the costs of elections, the state government would see no impact from this rule.

Date: 06/17/2009

Signature of Agency Head or Authorized Representative

*Matthew Stewart*

Title 153  
Legislative Rule  
Secretary of State

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SECRETARY OF STATE

SERIES 13  
Early Voting in Person Satellite Precincts

**§153-13-1. General.**

- 1.1. Scope. – This rule establishes criteria to assure neutrality and security in the selection process for early voting in person satellite precincts and establishes processes and deadlines for establishing such precincts.
- 1.2. Authority. – W.Va. Code §3-3-2a(c)
- 1.3. Filing Date. –
- 1.4. Effective Date. –

**§153-13-2. Definitions.**

- 2.1. For the purposes of this rule:
  - 2.1.1. “Clerk” means the Clerk of the County Commission or other official charged with the administration of elections.
  - 2.1.2. “Early voting” means early in-person absentee voting as provided for in W.Va. Code §3-3-3.

**§153-13-3. Early Voting Satellite Precinct Selection.**

- 3.1. No later than one hundred twenty (120) days prior to election day, the clerk shall submit a proposal for an early voting satellite precinct or precincts to the County Commission for approval or disapproval.
- 3.2. The proposal submitted by the clerk shall include:
  - 3.2.1. The proposed location or locations for early voting satellite precincts;
  - 3.2.2. Provisions for staffing the satellite precinct including a minimum of two persons of different political parties as provided in W.Va. Code §3-3-2a(4); and

- 3.2.3. Any other procedures necessary to the proper conduct of an election at the early voting satellite location.
- 3.3. In order to ensure neutrality in the satellite precinct selection process, the clerk shall also submit to the County Commission with the proposal for an early voting satellite precinct or precincts a duly notarized written agreement from the chairperson of the county executive committee of each of the two major political parties.
- 3.4. Each early voting satellite precinct must be open and operational in the same manner as the primary location for early voting, including provisions for hours of operation and security of ballots.
- 3.5. Each early voting satellite precinct must be open and operational for the entire period of early voting and shall not be moved from one location to any other.
- 3.6. The County Commission shall approve or disapprove the proposal submitted by the clerk no later than 90 days prior to election day.
- 3.7. If agreement cannot be reached among the County Commission, County Clerk and the chairperson of the county executive committee of each of the two major political parties, the proposal shall be considered void and no early voting satellite precincts shall be authorized in the county for the election cycle.

**§153-13-4. Crediting of Voter Record.**

- 4.1. Any voter who votes at an early voting satellite precinct shall immediately be given credit in the uniform voter registration system.

**§153-13-5. Procedures for Conducting Early Voting at Satellite Precincts.**

- 5.1 All election material and equipment utilized at any satellite precinct shall be prepared in the same manner as that which is used during early voting at the primary location including, but not limited to:
  - 5.1.1. Provisions for the security of ballots and other election material; and
  - 5.1.2. Logistics and accuracy testing of voting equipment.
- 5.2. Counties utilizing paper ballots or optical scan ballots must have copies of each ballot style at the early voting satellite precinct in numbers sufficient for the efficient conduct of early voting.