

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

FILED

JUN 23 10 13 AM '95

OFFICE OF 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 §3-1A-6, 3-5-13

AMENDMENT TO AN EXISTING RULE: YES 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: _____

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 24 AT 9:00 a.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Election Division

Secretary of State

Building 1, Rm. 157-K

1900 Kanawha Blvd., E.

Charleston, WV 25305-0770

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

Ken Hechler

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

3.40

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: 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

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

JUN 23 10 13 AM '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 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 "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.