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JAN 23 3 02 PM '96

TITLE 153
LEGISLATIVE RULES
SECRETARY OF STATE

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 --

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 Slepvtvacowicz, 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.



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West Virginia Legislature
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Room MB47-State Capitol
Charleston, West Virginia 25305
(304) 347-4840

Senator Mike Ross, Co-Chair
Delegate Vicki Douglas, Co-Chair

December 12, 1995.

Debra A. Graham, Counsel
Joe Altizer, Associate Counsel
Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Mr. Ken Hechler
Secretary of State
Capitol Complex
Charleston, WV 25305

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Guidelines for the use of nicknames and other
designations on the ballot, 153CSR 14

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency X
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
- 5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: Mary Ratliff
Deputy Sec. of State