

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

Do Not Mark In this Box

FILED
1991 APR 11 AM 8:14
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 , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 14

TITLE OF RULE BEING PROPOSED: Guidelines for the Use of Nicknames
and Other Designations on the Ballot

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

AUTHORIZATION IS CITED IN (house or senate bill number) SB 637

SECTION 64-9-24(d), PASSED ON March 9, 1991

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: April 11, 1991

Robert E. Wilkinson

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 §3-1-21.

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

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, Esther "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. Ira (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.