

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

Do Not Mark In this Box

FILED

JUL 26 2 22 PM '95

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: SECRETARY OF STATE TITLE NUMBER: 153

CITE AUTHORITY §3-1A-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 26

TITLE OF RULE BEING AMENDED: OFFICIAL ELECTION FORMS AND VENDOR
AUTHORIZATION

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

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Ken Hechler

STATEMENT OF CIRCUMSTANCES

TITLE 153, SERIES 26

This rule is the same as that authorized by the Legislature in S. B. 145 (1994) and now in effect, but is being refiled according to the requirements of S. B. 573 (1995).

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Official Election Forms and Vendor Authorization

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: Official Election Forms and Vendor Authorization

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.

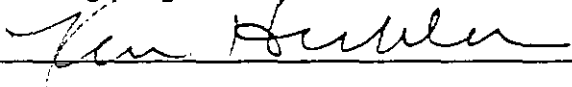
N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: June 22, 1995

Signature of Agency Head or Authorized Representative



DATE: JULY 26, 1995

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: MARY RATLIFF, DEPUTY SECRETARY OF STATE

LEGISLATIVE RULE TITLE: OFFICIAL ELECTION FORMS AND VENDOR AUTHORIZATION

1. Authorizing statute(s) citation §3-1A-6

2. a. Date filed in State Register with Notice of Hearing

JUNE 23, 1995

b. What other notice, including advertising, did you give of the hearing?

N/A

c. Date of Hearing(s) JULY 24, 1995

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

JULY 26, 1995

f. Name and phone number(s) of agency person(s) to contact for additional information:

MARY RATLIFF

558-6000

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing: N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

SUMMARY

TITLE 153, SERIES 26

This legislative rule requires that official election forms be prescribed or approved by the Secretary of State and provides for the approval of official forms offered for sale by vendors and for use by local officials.

FILED

JUL 26 2 22 PM '95

TITLE 153
LEGISLATIVE RULE
SECRETARY OF STATE

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 26
OFFICIAL ELECTION FORMS AND VENDOR AUTHORIZATION

§153-26-1. General.

1.1. Scope. -- This legislative rule relates to the forms prescribed for use in all elections conducted in the State of West Virginia pursuant to W. Va. Code §3-1-1, et seq.

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

1.3. Filing Date. -- March 30, 1994

1.4. Effective Date. -- April 1, 1994

§153-26-2. Definitions.

2.1. "Election official" means any office holder, government employee or individual who has been delegated responsibilities or duties in the conduct or administration of elections by the provisions of Chapter 3 or any other provision of the West Virginia Code.

2.2. The term "official" in reference to a specific type of election form shall have the same meaning as it does in the definition below for official election form.

2.3. "Official election form" means any form that is required for use in the election process by the provisions of Chapter 3 or any other provision of West Virginia Code and that has been formally prescribed or approved by the Secretary of State. Official election forms include, but are not limited to, voter registration forms and receipts, certificates of announcements, financial statements, oaths, certificates of results, certificates of returns and all forms and printed instructions used in the conduct of elections at the polls.

§153-26-3. Official Election Forms Prescribed;
Issuance of Forms Prohibited, Acceptance
of Forms.

3.1. Election officials shall purchase, use or issue only the official election forms which have been prescribed or approved by the Secretary of State, except for internal procedures or local use, and shall not purchase, use or issue unauthorized forms.

3.2. Beginning on the effective date of this rule, election officials shall not purchase, use or issue any official form which:

3.2.1. Does not meet the requirements of the law or this rule; or

3.2.2. Is a previously prescribed form for which a more recently amended form has been issued.

3.3. Election officials seeking to contract for the purchase of official election forms from private vendors shall specify in the request for quotation that all forms be authorized and approved by the Secretary of State.

3.4. For municipalities having charter or ordinance provisions with requirements different than those of state law, the municipal recorder or clerk responsible for conducting municipal elections shall:

3.4.1. Prepare the forms necessary for the implementation of those requirements;

3.4.2. Submit the proposed forms along with a copy of the relevant charter or ordinance provisions to the Secretary of State at least sixty (60) days prior to the time of use; and

3.4.3. Obtain the approval of the Secretary of State prior to issuance or use of the forms.

3.5. Beginning on the effective date of this rule, each election official shall review stocks of previously issued forms and shall withdraw and destroy those forms which do not meet the requirements of law or for which an amended form has been issued.

3.6. Election officials shall accept alternative forms, such as handwritten or individually typed forms, providing the requirements of law for the filing of the forms are satisfied, and unless the law or this rule specifically requires official forms or prohibits alternative forms.

§153-26-4. Approval of Official Forms Offered for Sale by Vendors.

4.1. Any vendor which offers for sale to election officials any official form other than a form issued by the Secretary of State may apply for approval of those forms.

4.1.1. To obtain approval, the vendor shall submit two copies of each form to the Secretary of State with a request for approval.

4.1.2. The Secretary of State shall approve, disapprove or specify corrections needed for the form within days (30) days after receipt of the request for approval.

4.1.3. For those official election forms not required by law to be prescribed by the Secretary of State, the Secretary of State shall approve the form submitted if it is in compliance with the requirements of the law and this rule, reasonably easy to use and in a format which is readable and contains sufficient space to allow information requested on the form to be entered.

4.2. Upon approval, vendors of official election forms may print on the form, "Approved by the Secretary of State" and the date of approval.

4.3. When changes in the provisions of election law require the modification of forms which have previously been approved, the Secretary of State shall notify the vendor of any form for which approval has been previously

granted at least sixty (60) days prior to the date on which the previous approval will be withdrawn. No vendor may supply a form marked "Approved by the Secretary of State" after the approval is withdrawn.

§153-26-5. Duties of the Secretary of State.

5.1. The Secretary of State shall authorize official election forms for use by all election officials and shall maintain a list of and sample copies of all authorized forms.

5.2. Only forms which satisfy the prescribed statutory requirements shall be authorized by the Secretary of State as the official election forms. The Secretary of State may also require that the official election forms contain requests for any additional information that the Secretary of State considers necessary to standardize and make effective the administration of the provisions of Chapter 3 or any other provision of the West Virginia Code, so long as the additional requirements do not conflict with the provisions of Chapter 3 or any other provision of the West Virginia Code.

5.3. Upon request, the Secretary of State shall furnish one sample copy of any currently authorized form along with the date of the forms issuance.

5.4. The Secretary of State shall amend any official election form when it is necessary to conform the form with statutory requirements or when necessary to standardize or make effective the administration of the provisions of Chapter 3 or any other provisions of the West Virginia Code.

KEN HECHLER
Secretary of State

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Deputy Secretary of State

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Deputy Secretary of State

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Charleston, WV 25305-0770

(Plus all the volunteer
help we can get)

JULY 26, -1995

NO COMMENTS WERE RECEIVED, THEREFORE NO CHANGES WERE MADE