

**TITLE 153
INTERPRETIVE RULE
SECRETARY OF STATE**

**SERIES 8
ELECTIONEERING PROHIBITION**

§153-8-1. General.

1.1. Scope. -- This interpretive rule relates to electioneering prohibitions found in the below West Virginia Code citations and the Secretary of State's position in the enforcement of these provisions.

1.2. Authority and Related Code Citations. -- W. Va. Code §§3-1A-6, 3-1-20, 3-1-37, 3-9-6 and 3-9-9.

1.3. Filing Date. -- October 25, 1985.

1.4. Effective Date. -- October 25, 1985.

§153-8-2. Electioneering Defined.

Electioneering means anything which aids or promotes the success or defeat of any candidate or ballot issue, such as displaying of signs, distribution of campaign literature, cards or handbills, or the solicitation of voters for or against any candidate or question on the ballot.

§153-8-3. Measurement of Restricted Areas.

3.1. Where the West Virginia Code establishes the distance in which electioneering is prohibited on election day, that distance shall be measured from the outside entrance door of the building containing the election room. The outside entrance door shall be that outside door beside which the flags and placards designating the precinct number are placed.

3.2. The officers of election shall, prior to the opening of the polls, measure from the outside door of the building housing the voting place along access walkways and/or roadways to

determine the three hundred foot (300') distance and shall clearly mark the boundary of the restricted area in at least two (2) places.

§153-8-4. Business Within Three Hundred Foot (300') Area.

4.1. The law specifically allows persons to enter the three hundred foot (300') restricted area "while in the discharge of their legitimate business." All permanent and regular businesses may remain open, and people may come in and out on election day, but no person may use this exception to electioneer under the cover of business.

4.2. Temporary business, such as bake sales or hot dog stands, must be established outside of the three hundred foot (300') area during primary, general, and municipal elections.

§153-8-5. Use of Private Residences Within Three Hundred Foot (300') Area.

No house, office or other facility within the three hundred foot (300') limit may be used as a center where food and drink is mixed with campaign persuasion for a number of people, or for voters to receive political advice and literature.

§153-8-6. Billboards and Signs.

6.1. Permanent structures made continuously available for commercial advertising may display political advertising and are not required to be removed on election day if located within the three hundred foot (300') restricted area.

6.2. Electioneering signs erected on private property within the three hundred foot (300')

restricted area are prohibited during the hours the polls are open and must be removed before 6:30 a.m. on election day.

6.3. Stopping, standing and parking of vehicles displaying electioneering signs within the three hundred foot (300') restricted area is prohibited, except as provided in 7.3 or 7.4.

§153-8-7. Driving to the Polls.

7.1. Drivers who are regularly transporting persons or groups of persons to the polls may drop off those persons within the three hundred foot (300') area, but must then remove the vehicle outside the three hundred foot (300') area until time to pick up those persons after they have voted.

7.2. Drivers who are transporting elderly, handicapped or blind voters may remain within three hundred foot (300') area while the voters are inside the polling place, but may not utilize such privilege for electioneering.

7.3. Such vehicles permitted within the three hundred foot (300') area must remove all election signs from such vehicles. Small signs such as bumper stickers which are not easily removed may be left on the vehicle.

7.4. Voters may park within the three hundred foot (300') area while they are voting. Small signs such as bumper stickers need not be removed from a voter's vehicle, but large signs must be removed.

§153-8-8. Press Personnel.

8.1. Legitimate news media personnel with proper credentials may remain within the three hundred foot (300') area while conducting their official and legitimate news-gathering business, including exit polling, but may not enter the polling place or the building housing the polling place.

§153-8-9. Delivery of Lunches.

Lunches may be delivered to the door of the polling room during meal periods. Repeated visitation to the polling room to deliver messages, food or drink or for any other purpose is prohibited.

§153-8-10. "Checkers."

"Checkers" who keep lists of those who vote or attempt to ask questions of voters or urge voters to vote one way or another are not permitted within the three hundred foot (300') restricted area.