



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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6/1/2015 1:37:00 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY Secretary Of State

RULE TYPE Legislative AMENDMENT TO EXISTING RULE No TITLE-SERIES 153-

RULE NAME Procedure for Notice to Candidate for Failure to Timely File Primary Campaign Financial Statements

CITE AUTHORITY 3-1A-6 and 3-8-7

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Monday, July 06, 2015 12:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Dave Nichols
1900 Kanawha Blvd E
Bldg 1 Ste 157-K
Charleston, WV 25305

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Natalie E Tennant -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 153-51



Rule Id: 9804



Document: 26717



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

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RULE NAME Procedure for Notice to Candidate for Failure to Timely File Primary Campaign Financial Statements

CITE AUTHORITY 3-1A-6 and 3-8-7

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

This rule provides procedures for the Secretary of State and local election officials to follow to meet the notice requirements established by SB 312 (2015 Legislative Session).

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY Secretary Of State

RULE TYPE Legislative AMENDMENT TO EXISTING RULE No TITLE-SERIES 153-

RULE NAME Procedure for Notice to Candidate for Failure to Timely File Primary Campaign Financial Statements

CITE AUTHORITY 3-1A-6 and 3-8-7

PRIMARY CONTACT

Dave Nichols

ADDRESS LINE 1

ADDRESS LINE 2

CITY, STATE ZIP

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CITE AUTHORITY 3-1A-6 and 3-8-7

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

Because the number of notices required to be sent is unknown, it is impossible to estimate the impact on revenue.

Natalie E Tennant -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY Secretary Of State

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RULE NAME Procedure for Notice to Candidate for Failure to Timely File Primary Campaign Financial Statements

CITE AUTHORITY 3-1A-6 and 3-8-7

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

Natalie E Tennant -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY Secretary Of State

RULE TYPE Legislative AMENDMENT TO EXISTING RULE No TITLE-SERIES 153-

RULE NAME Procedure for Notice to Candidate for Failure to Timely File Primary Campaign Financial Statements

CITE AUTHORITY 3-1A-6 and 3-8-7

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

The number of notices required to be sent is unknown, however we do not believe it will be significantly different than the number of notices sent by the Secretary of State prior to the codified requirement.

Therefore we cannot estimate the impact on costs, but do not expect it to change significantly from our cost of sending such notices prior to it being legally required.

There will be no impact on revenues.

Natalie E Tennant -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY Secretary Of State

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CITE AUTHORITY 3-1A-6 and 3-8-7

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

The number of notices required to be sent is unknown, however we do not believe it will be significantly different than the number of notices sent by the Secretary of State prior to the codified requirement. Therefore we cannot estimate the impact on costs, but do not expect it to change significantly from our cost of sending such notices prior to it being legally required. There will be no impact on revenues.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Natalie E Tennant -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY Secretary Of State

RULE TYPE Legislative AMENDMENT TO EXISTING RULE No TITLE-SERIES 153-

RULE NAME Procedure for Notice to Candidate for Failure to Timely File Primary Campaign Finance Statements

CITE AUTHORITY 3-1A-6 and 3-8-7

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

This rule clarifies the information and procedures for election officials to send notice of failure to file primary campaign finance reports to non-filers. The rule is required by the language of SB 312 (2015 Legislative Session) which amended W.Va. State Code 3-8-7 to include a subsection (e) requiring a rule.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

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**TITLE 153
LEGISLATIVE RULE
SECRETARY OF STATE**

**SERIES 51
PROCEDURE FOR NOTICE TO CANDIDATE FOR
FAILURE TO TIMELY FILE PRIMARY CAMPAIGN FINANCE STATEMENTS**

§153-51-1. General.

1.1. Scope. -- To make uniform the implementation of W. Va. Code §3-8-7(c)(1) requiring notice to candidate who has not filed any required primary campaign finance statement before disqualifying candidate from general election.

1.2. Authority. -- W. Va. Code §§3-1A-6 and 3-8-7(e)
3-1-17

1.3. Filing Date. -- _____, 2015.

1.4. Effective Date. -- _____, 2015.

§153-51-2. Time of Notice.

2.1. Sixty (60) days after the primary election, the officer with which campaign finance statements required by Article 8, of Chapter 3 are filed will send notice to any candidate nominated in the primary, or nominated by executive committee or chair, who was a candidate in the immediately preceding primary and who has failed to file any statement required for that primary election.

§153-51-3. Notice Required.

3.1. Notice shall be sent by certified, return receipt, mail to the candidate and any treasurer at the address provided on the organization forms, certificate of announcement, or last received campaign finance statement.

3.2. The notice must:

3.2.1. Identify which report(s) is (are) missing;

3.2.2. Provide the date that the report was due;

3.2.3. Inform the candidate that the report(s) must be received by the filing officer by close of business on the eighty-fourth (84th) day before the general election or the candidate will be disqualified and not placed on the general ballot; and

3.2.4. Inform the candidate of the business hours and days of the filing officer.

3.3. A copy of the notice must be provided by regular mail, or electronically, to the chair of the executive committee which would have authority to replace a disqualified candidate under the provisions of §3-5-19(a)(4).