



**WEST VIRGINIA  
SECRETARY OF STATE**

**NATALIE E. TENNANT**

**ADMINISTRATIVE LAW DIVISION**

eFILED

7/16/2015 11:01:19 AM

OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 5 -- NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR  
A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY Secretary Of State

RULE TYPE Procedural 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: 3-8-7(e)

RULE IS LEGISLATIVE EXEMPT

No

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

N/A

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE, THE  
EFFECTIVE DATE OF THIS RULE IS

Saturday, August 15, 2015

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: 26890

**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. -- July 16, 2015.

1.4. Effective Date. -- August 15, 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 (84<sup>th</sup>) 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).