



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Secretary Of State TITLE-SERIES: 153-22

RULE TYPE: Procedural Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: FILING PROCEDURES FOR POLITICAL PARTY EXECUTIVE COMMITTEE MEMBERSHIP LISTS

CITE STATUTORY AUTHORITY: W. Va. Code §§ 3-1-9(g) and 29A-3-3

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/05/2022 9:00 AM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Donald Kersey

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This procedural rule establishes a uniform filing procedure for political party executive committees to submit membership lists to the Secretary of State as required by W. Va. Code § 3-1-9(g).

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

W. Va. Code 3-1-9(g) requires political party executive committees to file updated membership lists with the Secretary of State under various circumstances including after the initial election of members and when an appointment is made for filling a vacancy. The statute provides certain information that must be included in the membership list, but there is no formal procedure or template for creation and submission of the membership lists. This procedural rule standardizes the formal procedure for uniformity and clarity to foster compliance with the statute.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/a.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/a.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

N/a.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2022 Increase/Decrease (use "-")	2023 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/a.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Donald Kersey -- 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 153
PROCEDURAL RULE
SECRETARY OF STATE

SERIES 22
FILING PROCEDURES FOR
POLITICAL PARTY EXECUTIVE COMMITTEE MEMBERSHIP LISTS

§153-22-1. General.

1.1. Scope. -- This procedural rule establishes a uniform procedure for political party executive committees to file membership lists with the Secretary of State as required by W. Va. Code § 3-1-9(g).

1.2. Authority. -- W. Va. Code §§ 3-1-9(g) and 29A-3-3.

1.3. Filing Date. --

1.4. Effective Date. --

§153-22-2. Definitions.

2.1. “Membership list” means a full listing of a political party’s current executive committee membership for any political district, which shall include the information required by section 5 of this Rule. Pursuant to W. Va. Code § 3-1-9, all information included in a membership list is public information and not exempt from the West Virginia Freedom of Information Act (W. Va. Code § 29B-1-1 *et seq.*).

§153-22-3. Initial Membership List Filing and Appointment Procedure Following an Election; Failure to File.

3.1. This section only applies to executive committee membership list filing and vacancy appointments made immediately following a regularly scheduled election. For all other executive committee membership changes occurring after the initial filing of a membership list, follow the procedures set forth in section 4 *et seq.* of this Rule.

3.2. By no later than July 31 immediately following the certification of a regularly scheduled election for an executive committee, the newly elected executive committee shall file an initial membership list with the Secretary of State.

3.3. If the new executive committee filled any vacancies in its membership existing immediately after the election pursuant to W. Va. Code § 3-1-9(g), the executive committee shall submit with its initial membership list an appointment form for each appointee.

§153-22-4. Deadline for Filing Updated Political Party Executive Committee Membership Lists and Required Forms with the Secretary of State; Effect of Late Submission or Incomplete Filing.

4.1. Pursuant to W. Va. Code § 3-1-9(g), a current listing of all political party executive committees’ members shall be filed with the Secretary of State by:

4.1.1. The end of July of each year; and

4.1.2. Within 10 days of a change in executive committee membership. A change occurs when a person is appointed to fill a vacancy on the executive committee, or when an executive committee member’s seat is vacated.

4.2. When an appointment to fill a vacancy is made, all of the following forms shall be submitted to the Secretary of State within 10 days of the change occurring:

4.2.1. An updated complete membership list of all current executive committee members, which includes all information required by section 5 of this Rule;

4.2.2. An appointment form for each appointee; and

4.2.3. A letter of resignation or other writing signed and dated by the vacating executive committee member (if applicable).

4.3. If any of the forms listed in section 4.2 are not filed with the Secretary of State within 10 days of a change occurring, pursuant to W. Va. Code § 3-1-9(g) the appointment does not take effect and shall be deemed invalid. In the case of an untimely vacancy appointment or updated membership list filing, the executive committee must make another appointment and file the updated membership list with any required additional forms within 10 days of the appointment.

§153-22-5. Forms and Required Information for Membership Lists

5.1. Updated membership lists shall be submitted on the form prescribed by the Secretary of State.

5.2. Membership lists, appointment forms, and resignation letters may be filed with the Secretary of State in electronic form via email or fax, U.S. mail, or hand delivery. The date of filing shall be the electronic timestamp for an email or fax, postmark or postage meter date for U.S. mail, or the date of hand delivery, as the case may be.

5.3. A membership list filed with the Secretary of State shall include all of the information required by W. Va. Code § 3-1-9(g) for each current executive committee member, which is as follows:

5.3.1. Member's full name;

5.3.2. Member's gender;

5.3.3. District member resides in;

5.3.4. County member resides in;

5.3.5. Member's full address;

5.3.6. Member's telephone number;

5.3.7. Member's employer;

5.3.8. Method of member's selection (election or appointment); and

5.3.9. Date of election or appointment.

5.4. A membership list template is available from the Secretary of State's website or upon request to the Secretary of State's Election Division (ElectionSupport@wvsos.com).