



STATE OF WEST VIRGINIA
WEST VIRGINIA ETHICS COMMISSION
210 BROOKS STREET, SUITE 300
CHARLESTON, WV 25301-1804
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ethics.wv.gov

August 5, 2024

Via electronic mail

Thomas J. O'Neill
Senior Director, Government Affairs
Mid-Atlantic Alice USA
Thomas.ONeill@AliceUSA.com

**Re: Ethics Commission's response to your public comment, Title
158, Series 12, Lobbying**

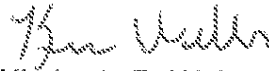
Dear Mr. O'Neill:

The Ethics Commission received your public comment to Title 158, Series 12, Lobbying. You suggest that the Commission consider revising W. Va. Code § 158-12-3.1 (proposed) to state that lobbyist reports will be considered timely filed if delivered electronically to the Commission "at or before 11:59 pm on the due date." The current proposed language states: "Reports sent by any electronic means will be considered timely filed if they are submitted electronically to the Commission by midnight on the due date."

The Ethics Commission agrees with your suggestion and will make the requested change in W. Va. Code R. § 158-12-3.1 before refiling the rule with the Secretary of State's Office for consideration by the Legislative Rule-Making Review Committee. The new language will state: "Reports sent by any electronic means will be considered timely filed if they are delivered electronically to the Commission at or before 11:59 p.m. on the due date."

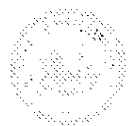
Thank you for submitting your comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Weber", written in a cursive style.

Kimberly B. Weber
Executive Director

ryc



Kirk, Theresa M <theresa.m.kirk@wv.gov>

Re: External E-mail - Legislative Rules for Public Comment

1 message

Tom O'Neill <Thomas.ONeill@alticeusa.com>

Thu, Jun 13, 2024 at 3:34 PM

To: "Carpenter, Rachel Y" <rachel.y.carpenter@wv.gov>, "theresa.m.kirk@wv.gov" <theresa.m.kirk@wv.gov>

Good afternoon,

I'd like to submit the following public comment regarding the proposed revisions to 158 CSR 12:

In proposed revised section 3.1, lobbyist reports will be considered timely if submitted electronically "by midnight on the due date". The use of the word "midnight" in this context can be viewed as ambiguous, as it is unclear whether this is intended as a reference to 12:00am on the due date, at the start of the day, or the 12:00am following the conclusion of the due date, which is technically the following day.

I assume the Commission's intent is to allow lobbying reports to be considered timely filed if submitted electronically prior to the expiration of the due date; meaning, that a filing at or before 11:59pm on the due date itself would be considered timely, while a filing at or after 12:01am on the day following the due date would be considered technically late. This would be consistent with the Commission's rule that mailed reports would be considered timely if postmarked on or before the due date.

Therefore, I suggest the Commission consider revising the proposed section 3.1 to provide that lobbyist reports will be considered timely filed if delivered electronically to the Commission "at or before 11:59pm on the due date".

Best wishes,

Tom O'Neill

Thomas J. O'Neill
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On Jun 13, 2024, at 2:22 PM, Carpenter, Rachel Y <rachel.y.carpenter@wv.gov> wrote:

[External Email]

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The Ethics Commission has filed two legislative rules for public comment, Title 158, Series 12, Lobbying and Title 158, Series 20, Forms. You may view the rules on the Secretary of State's website at www.sos.wv.gov.

The public comment period ends on July 15, 2024, at 4:30 p.m. Please send all public comments via electronic mail or U.S. Mail to: Theresa M. Kirk, General Counsel, West Virginia Ethics Commission, 210 Brooks Street, Suite 300, Charleston, WV 25301, theresa.m.kirk@wv.gov.

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Rachel Carpenter
WV Ethics Commission
Lobbyist Registrar
304-558-0664
rachel.y.carpenter@wv.gov

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