

WEST VIRGINIA ELECTIONS CALENDAR 2010

Primary Election - May 11, 2010
General Election - November 2, 2010

Revised July 2009

Elections Division

**Natalie E. Tennant
Secretary of State**

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WEST VIRGINIA ELECTION CALENDAR - 2010

PRIMARY ELECTION --- May 11, 2010

GENERAL ELECTION --- November 2, 2010

COMPUTATION OF TIME

"If any applicable provision of this code or any legislative rule or other administrative rule or regulation . . . designates a particular date on, before or after which an act, event, default or omission is required or allowed to occur, and if the particular date designated falls on a Saturday, Sunday, legal holiday or designated day off, then the date on which the act, event, default or omission is required or allowed to occur is the next day that is not a Saturday, Sunday, legal holiday or designated day off."

(§ 2-2-1)(e)

"When a proceeding is directed to take place or any act to be done on any particular day of the month or within any period of time prescribed or allowed . . . if that day or the last day falls on a Saturday, Sunday, legal holiday . . . the next day that is not a Saturday, Sunday, legal holiday. . . shall be deemed to be the one intended . . . "

(§ 2-2-2)(a)

"Accordingly, in the opinion of the Attorney General, where the last day upon which an act must, or may, be done falls upon a Sunday, the Monday following should be considered as the last day upon which the act can be done."

(See Report and Opinions of the Attorney General, 1941-1942, page 216-17.)

"In a statute the word 'month' shall mean a calendar month . . . "

(§ 2-2-4)

NOTE: Appropriate references to the Code of the State Rules (CSR), as promulgated by the Secretary of State or State Election Commission, are included.

ELECTION CALENDAR 2010

September 2009 -
March 26, 2010*

Approved Voter Registration Program for Eligible High School Students

(At an appropriate time during each school year, but no later than 45 days before a statewide primary election held during a school year)

Clerk of the county commission shall conduct an approved program of voter registration services for eligible high school students at each high school within the county.

(§ 3-2-8)

October 1 (approx.)
- October 15, 2009

Voter Data Pulled by the Secretary of State for Systematic Purging Program - Counties with Computerized Voter Registration Records

(Data as of October 1, to be pulled by Secretary of State's Office no later than the fifteenth day of October from the voter registration system)

The Secretary of State's Office transmits to NCOA vendor for comparison to U.S. Postal Service change of address information.

(§ 3-2-25)(a)

October 15 (approx.)
- December 31, 2009

Prepare List of Voters to Whom Confirmation Notices Mailed - Counties with Computerized Voter Registration Records

(At time of mailing confirmation notice)

County clerk receives electronic updates containing the name and address of each voter to whom a confirmation notice should be mailed.

(§ 3-2-25)(f)

October 15 -
December 31, 2009

Confirmation Notices for Systematic Purging Program Mailed (All Counties)

(No later than the thirty-first day of December of each odd numbered year)

County clerk mails confirmation notice first class, forward-

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

able, to registered voters identified during the systematic purging program through the return undeliverable of a first notice or through identification by comparison with postal service change of address information.

(§ 3-2-24, 3-2-25, 3-2-26)

January 2 -
May 5, 2010

Receive Application for Absentee Ballot From Military Or Overseas Voter

(Received not earlier than the first day of January of an election year, or eighty-four days preceding the election, whichever is earlier, but not later than the sixth day preceding the election, which application shall, upon the voter's request, be accepted as an application for ballots for all elections in the calendar year.)

An absent uniformed services voter or overseas voter may make written application by mail to the county clerk for official absent voter's ballot(s).

(§ 3-3-1, 3-3-5)

January 8 -
January 25, 2010*

Give Notice of Appointment of Ballot Commissioners

(At least five days before appointment of ballot commissioners)

County clerk notifies each chairman of two recognized county executive committees of time and place county clerk will appoint two ballot commissioners - one qualified voter from each of two recognized political parties.

Each chairman may designate in writing a qualified voter/party member to be appointed as ballot commissioner by county clerk.

(§ 3-1-19)

January 11, 2010
(Deadline)

Notice of Precinct Change

(Notice must be given at least one month before any precinct boundary changes)

Last day on which to complete Class II-0 legal notice of

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

county commission's intention to change, divide, or consolidate voting precincts for primary election; notice published once each week for two successive weeks in two qualified newspapers of opposite politics (ninety days - February 10, 2010 - plus one month notice).

(§ 3-1-7, 59-3-1 et. seq.)

January 11, 2010
(Deadline)

List of Authorized Ballot Vendors Issued

(On or before the second Monday of January of each year)

Secretary of State provides a list of all vendors authorized to print ballots for state, county and municipal elections to the county clerk.

(§ 3-1-21a)

January 11 until
12:00 midnight
January 30, 2010

Candidate Filing Period

(Not earlier than second Monday in January and not later than last Saturday in January preceding primary election)

(New Language – all candidates for State Senate and House of Delegates must file with the Secretary of State’s office)

Candidates for nomination or election in the Primary Election file certificates of announcement of candidacy and filing fee with Secretary of State if the office is to be filled by voters of more than one county; with the county clerk if the office is to be filled by voters of a single county or subdivision of a county except for candidates for the State Senate and House of Delegates file with the Secretary of State’s office; or with the recorder or city clerk if for an office to be filled by voters of a municipality; must be received before midnight E.S.T. or, if mailed, be postmarked by the U.S. Postal Service before midnight, E.S.T on the last day of filing, January 30.

Candidates unable to pay filing fee file oath stating he or she is unable to pay fee due to a lack of financial resources and receive in-lieu-of-filing-fee petition forms and instructions on gathering signatures. Candidate shall file petitions with required number of signatures by close of filing.

(§ 3-5-7, 3-5-8, 3-5-8a)

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

January 15 -
January 30, 2010

Appoint Ballot Commissioners

(Between fifteenth and thirtieth days of January in each year in which a general election is held)

County clerk, as chairman of board of ballot commissioners (after at least five days' notice to two county executive committee chairmen), appoints two ballot commissioners for two-year term - one each from two recognized political parties; must appoint any qualified voter designated in writing by either such chairman if it is received on or before the day set for making the appointments.

(§ 3-1-19)

January 30, 2010
(Midnight deadline)

Candidate Filing Deadline

(Not earlier than second Monday in January and not later than last Saturday in January preceding primary election)

Candidate certificate of announcement must be received before midnight E.S.T. or, if mailed, be postmarked by the U.S. Postal Service before midnight, E.S.T. Candidates unable to pay filing fee file oath stating he or she is unable to pay fee due to a lack of financial resources and receive in-lieu-of-filing-fee petition forms and instructions on gathering signatures. Candidate shall file petitions with required number of signatures by close of filing.

(§ 3-5-7, 3-5-8, 3-5-8a)

February 1, 2010

"Inactive" Voters Designated

(The first day of February immediately following the completion of the systematic purging program)

Any voter to whom a confirmation notice was mailed who fails to respond by the first day of February to the notice or to update his or her voter registration shall be designated inactive in the voter registration system.

(§ 3-2-19, 3-2-24, 3-2-25)

February 1 - 28, 2010*

Voter Registration Data Copied As Permanent Record

(At least once each calendar year, during the month of

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

February)

Counties maintaining in digitized data format the active, inactive, pending, rejected and canceled registration files shall prepare a data format copy of the active, inactive and pending files containing all records maintained in those files as of the date of the copy. The copy shall be stored on disk and clearly labeled with the types of files and the date the copy was made.

(§ 3-2-29)

February 9, 2010
(approximate deadline - This date is 2 weeks prior to the drawing for ballot position for the primary election.)

Vendor Applies for Authority to Print Ballots

(Prior to the execution of any contract for the printing of ballots with any state, county or municipal government)

Vendor desiring to print ballots for elections shall obtain a certificate of authorization to print ballots from the Secretary of State. (Allow at least two weeks for approval.)

(§ 3-1-21a)

February 10, 2010

Deadline for Ordering Precinct Change

(Not within ninety days preceding primary election)

Last day for county commission (after at least one month's notice) to enter an order changing the boundaries of any precinct into two or more precincts, or consolidate two or more precincts into one, or to change the location of the polling place whenever the public convenience may require it. Within 15 days after such order is issued, the county commission shall publish the order as a Class II-0 legal advertisement. Notice of the precinct change must be given one month prior to entering this order – January 13, 2008.

(§ 3-1-7)

February 10, 2010

Adopt Medical Emergency Absentee Voting Policy

(At least 90 days prior to the election affected)

Last day county commission may adopt policy extending the emergency absentee voting procedures to: (1) hospitals or other duly licensed health care facilities within an adjacent

county or within thirty-five miles of the county seat; or (2) nursing homes within the county. A copy of this policy must be filed with the Secretary of State.

(§ 3-3-5c(a))

February 10, 2010

Petition for Suspension of Election Official

(At least 90 days prior to an election date)

Last day for petition to be filed with county commission seeking the suspension of an election official; petition signed by twenty-five registered voters of precinct where election official last served. Upon presentation of evidence of listed grounds, commission may, upon majority vote, suspend the eligibility to serve as an election official for two years.

County commission may, on its own motion, suspend an election official for specific causes for four years.

(§ 3-1-28)

February 10, 2010

Notice of Emergency Precinct Change

(At least one month before any precinct boundary change)

In the case of an emergency and with the approval of the Secretary of State, last day on which to complete notice of county commission's intention to change, divide or consolidate voting precincts; notice published once each week for two successive weeks in two qualified newspapers of opposite politics as Class II-O legal ad. (Sixty days - March 12, 2010 - plus one month notice)

(§ 3-1-7, 59-3-1 et. seq.)

February 12, 2010
(Deadline for committee)
February 16, 2010
(for committee chair)

Executive Committees Fill Vacancies in Nomination by Appointment due to Withdrawal of Candidate

(No later than the second Friday following the close of filing for the committee; no later than third Tuesday following the close of filing for the committee chairperson)

Last day for the executive committee (or its chair) to appoint a nominee for the primary election ballot (if a vacancy is caused by failure to file or withdraw) and to certify the nomination to the proper filing officer.

(§ 3-5-11)

February 16, 2010

Candidate Withdrawal Deadline

(Received not later than the third Tuesday following the candidate filing deadline)

A candidate who has filed a certificate of announcement and wishes to withdraw and decline to stand as a candidate for office shall file a signed and notarized statement of withdrawal with the same officer with whom the certificate of announcement was filed. If filed within the specified time period, the name of a candidate who files the statement of withdrawal may not be printed on the ballot. No candidate who files a statement of withdrawal after that time will have his or her name removed from the ballot.

(§ 3-5-11)

February 16 -
May 5, 2010

Application for Absentee Ballot by All Other Eligible Voters (Except Uniformed and Overseas Voters)

(Received not earlier than eighty-four days preceding the primary election and not later than the sixth day preceding primary election)

An eligible voter other than uniformed or overseas voter may make written application by mail to the county clerk for official absent voter's ballot(s).

(§ 3-3-5)

February 16, 2010
(Deadline)

Notice of Number of Election Officials and Emergency Absentee Voting Commissioners

(At least eighty-four days before the election)

The county commission designates the number and type of election boards for the various precincts and gives written notice to the county executive committees of the two major political parties of the number of nominations which may be made for poll clerks and commissioners. Recommend county clerk notify executive committees of number of emergency absentee voting commissioners to nominate at same time.

(§ 3-1-29, 3-3-5c)

February 16, 2010

Secretary of State Certifies and Posts List of Candidates Filed with the Secretary of State's Office

(By the eighty-fourth day preceding next primary election)

Secretary of State arranges and forthwith certifies names of all candidates who file and posts such list in office until after the primary election.

(§ 3-5-9)

February 23, 2010
9:00 a.m.

Drawing for Order On the Ballot

(On the fourth Tuesday following the close of candidate filing)

For all ballot systems, beginning at 9:00 a.m., a drawing by lot shall be conducted in the office of the county clerk of each county to determine the order of names of candidates for any office or division for which more than one is to be nominated.

Notice of the time and date is provided on the certificate of announcement.

(§ 3-5-13a)

March 1, 2010
(Deadline for committee)
March 3, 2010
(for committee chair)

Executive Committees Fill Vacancies in Nomination by Appointment due to Withdrawal of Candidate

(No later than thirty days after the last day to file a certificate of announcement the committee; not later than two days following the deadline for the executive committee for the chairperson)

Last day for the executive committee (or its chair) to appoint a nominee for the general election ballot (if a vacancy is caused by failure to file or withdraw) and to certify the nomination to the proper filing officer.

(§ 3-5-11)

March 2, 2010 [70 days before
primary election]

Secretary of State Certifies Candidates to County Clerk

(So that certificates reach county clerk by the seventieth day next preceding primary election)

Note: In 2010, certification

will be mailed to each county clerk by February 19, 2010. Date for drawing for ballot position is February 23, 2010. The certification must be in the county clerk's office before the drawing.

Last day for Secretary of State to certify names of candidates (who file in that office) to appear on primary election ballots to respective county clerks, by registered or certified mail, or in an emergency, by "reliable and speedy means"; also selects color of respective party primary ballots, notifying county clerk of selection.

(§ 3-5-9, 3-5-12)

March 2, 2010
(Needs to be done by printing of ballots)

Estimate Number of Absentee Ballots

(Not less than seventy days prior to primary election)

Last day for county clerk to estimate number of official absent and early voter's ballots required.

(§ 3-3-11, 3-1-21)

March 2, 2010
(Approximate Deadline)

Candidate Name Removed from Ballot Due to Death

(Before the ballots are printed)

Upon request of the candidate's family, the board of ballot commissioners may remove the name of a candidate who dies if the death occurs before the ballots are printed.

(§ 3-5-11)

March 2, 2010
(Deadline)

Election Official Nominations Filed

(Law changed from fifty-sixth day to no later than seventieth day before the election)

Each county executive committee, or its chairman or secretary on its behalf, shall file in writing with the county commission a list of persons nominated by a majority vote of the committee at a duly called meeting, as election officials and the positions for which they are designated, and those persons nominated as alternates. The number of alternates for each party may not exceed the number of precincts in the county.

(§3-1-30)

March 12, 2010
(Deadline)

Emergency Order to Change Precincts

(No later than sixty days before the primary election)

Last day for county commission, in case of an emergency and with the permission of the Secretary of State, to enter an order to consolidate, divide or change the boundaries of a precinct within a county. Within 15 days after such order is issued, the county commission shall publish the order as Class II-0 legal advertisement. Notice must be given one month prior to entering this order – February 10, 2010.

(§ 3-1-7, 59-3-1 et. seq.)

March 16, 2010
(Deadline)

Notice of Number of Sets of Emergency Absentee Voting Commissioners Needed

(On or before the fifty-sixth day preceding the election)

The county clerk shall notify the county commission of the number of sets of emergency absentee ballot commissioners which he or she deems necessary to perform the duties.

(§ 3-3-5c(b))

March 23, 2010
(Deadline)

Election Officials and Alternates Appointed

(No later than the forty-ninth day before the election)

The county commission shall appoint the election officials for each designated election board as follows: (1) eligible persons nominated and timely filed by the executive committees as poll clerks, election commissioners; (2) additional persons selected by the county commission to serve as election commissioners; (3) persons to fill any positions for which no nominations were filed. The county commission shall also appoint emergency absentee voting commissioners (*At the same meeting or at a subsequent meeting*) The county commission shall: (1) appoint the alternates nominated by the executive committees, and appoint additional alternates; and (2) determine the number of persons who may be instructed to attend training as alternates.

(§ 3-1-30, 3-4-13, 3-4A-14, 3-3-5c)

March 23 - May 11, 2010

County Clerks Fill Vacancies of Election Officials

(From date of notification through day of primary election)

When a vacancy of any election official occurs the county clerk must work to fill that vacancy.

(§ 3-1-30)

March 26, 2010*
(Deadline)

Approved Voter Registration Program for Eligible High School Students

(At an appropriate time during each school year, but no later than 45 days before a statewide primary election held during a school year)

Last day for clerk of the county commission to conduct an approved program of voter registration services for eligible high school students at each high school within the county.

(§ 3-2-8)

March 27 - April 2, 2010

First Primary Report (or Annual Report)

- **Primary-First (PACS and 2008 candidate committees)**
- **Annual (for previous candidate committees and open precandidates)**

(On the last Saturday in March or within six days thereafter before primary election day campaign finance report due)

Treasurers, financial agents and individuals making independent expenditures submit reports to the Secretary of State, county clerk, or municipal clerk, determined by which office is sought. A detailed itemized statement is submitted, setting forth all activity from the previous report or organization date, if the total amount of transactions during the reporting period are more than \$500.

(§ 3-8-5)

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

March 30, 2010
(Deadline)

Write-In Candidate Filing Deadline for Primary (Board of Education)

(Received no later than the close of business forty two days before the election at which the office is to be filled.)

Eligible person who seeks to be elected by write-in votes to an office which is to be filled in the primary (board of education only) shall file a write-in candidate's certificate of announcement.

(§ 3-6-4a)

March 30, 2010
(Deadline)
(depending on date of appointment)

Notice Mailed to Election Officials

(Within seven days following appointment)

County commission notifies, by first-class mail, all election commissioners, poll clerks and alternates of their appointment, including a response form.

(§ 3-1-30)

March 30, 2010
(Deadline)

Delivery of Absentee Ballots to County Clerk

(Not less than forty-two days prior to the primary election)

Last day for board of ballot commissioners to have printed and delivered to the county clerk official absent voters' ballots and supplies.

(§ 3-3-11, 3-4-10, 3-4A-12(3), 3-5-13)

March 30 - May 5, 2010
May 6 for applications received May 5, 2010

Mail Absentee Ballots

(Within one day after the clerk has both the completed application and the ballot. Ballots delivered at least 42 days before election and applications due no later than sixth day before election)

Upon acceptance of a completed application, the county clerk determines whether the requirements have been met, and mails official absent voter's ballot(s), envelopes, instructions, and takes any other supplies required for voting the ballot. If the clerk determines the requirements have not been met, the

clerk gives notice that the ballot will be provisional.

(§ 3-3-5, 3-4A-12)

March 31 - April 12, 2010
(approx.)

Public Notice of Time and Place of Test for Automatic Tabulating Equipment for Early Voting (Ivo, 650, M100)

(Not less than 48 hours or more than 2 weeks prior to the testing of such equipment.

Clerk of the county commission places a Class I - O legal advertisement announcing time and place for testing of **automatic tabulating equipment.**

Notification to the county commission at same time. Early voting begins April 21, 2010

(§ 3-4A-26, 59-3-1 et. seq.)

April 6, 2010
(Deadline)
(depending on date
of appointment)

Election Officials Respond to Notification from Clerk

(Within fourteen days following the date of appointment)

When an election official or alternate fails to return the response notice or otherwise confirm to the county clerk his or her agreement to serve within the required time, the position shall be considered vacant and the clerk shall proceed to fill the vacancies.

(§ 3-1-30)

April 12 - May 4, 2010

Instructional Program for Election Officials

(After appointment and notice but not less than seven days before primary election)

Clerk of county commission conducts instructional program using training materials produced by Secretary of State, to all election officials, explaining and illustrating procedures for conducting elections, duties of the various election officials and methods of voting.

(§ 3-1-46, 3-4-13, 3-4A-14)

April 13, 2010
(Deadline)

Paper Ballots and Supplies Delivered to County Clerk

(Not later than twenty-eight days before the election)

All official ballots and voting machine labels shall be delivered to the county clerk of the appropriate county. The number of regular official ballots shall equal to 80% the number of active registered voters eligible to vote the ballot.

(§ 3-1-21,3-4A-12)

April 13, 2010
(approx.)

Publish Notice of Inspection of AutoMark and Ballots for Early Voting

(Not later than 3 days prior to the date of inspection. Inspection shall be not less than 5 days prior to election.

Clerk of the county commission places a Class I-0 legal advertisement announcing the time and place of inspection of AutoMark.

(§3-4A-13)

April 14, 2010
(Deadline)

Notification of Ballots and AutoMark Readiness for Early Voting

(Not later than 7 days before early voting)

County clerk shall notify the county commission that the ballots and AutoMark are ready for use.

(3-4A-13)

April 15 - 21, 2010

Publish Sample Ballot for Early Voting

(Not more than twenty-six nor less than twenty days preceding the primary election)

Ballot commissioners publish sample official primary ballot for each party, nonpartisan candidates, and public questions as follows: (1) for counties in which two or more qualified newspapers publish a daily newspaper, publish a Class I-0 legal advertisement in the two qualified daily newspapers of different political parties within the county having the largest circulation; (2) for counties having no more than one daily newspaper, or having only one or more qualified weekly newspapers, publish sample as Class I legal advertisement in qualified newspaper having largest circulation.

(§ 3-5-10, 59-3-1 et. seq.)

April 16, 2010

**Public Inspection of Vote Recording Devices and Ballots
AutoMark for Early Voting**

(Five days prior to early voting)

County commissioners and ballot commissioners convene to inspect the devices and the ballots to determine if all applicable provisions of law are met.

(3-4A-13)

April 20 - May 2, 2010
(approx.)

**Public Notice of Time and Place of Test for Automatic
Tabulating Equipment for Election Day**

(Not less than 48 hours or more than 2 weeks prior to the testing of such equipment. Test shall be 1 week, May 4, 2010, prior to counting of votes)

Clerk of the county commission places a Class I - O legal advertisement announcing time and place for testing of **automatic tabulating equipment.**

(§ 3-4A-26, 59-3-1 et. seq.)

April 20, 2010
(Deadline)

Voter Registration Deadline

(Voter registration for an election shall close twenty-one days before the election, or on the first day thereafter which is not a Saturday, Sunday or legal holiday)

Completed application of eligible voter for registration, transfer, change of political party or other change submitted by the close of voter registration will be effective for any subsequent election, if:

- * received at office of clerk of the county commission, no later than the hour of the close of registration;
- * accepted by a designated agency or motor vehicle licensing office no later than the hour of the close of registration;
- * accepted through a registration outreach program no later than the close of registration;
- * addressed to the appropriate clerk of the county commission and postmarked by the postal service no later than the close of registration.

Voters must change party affiliation on file by close of registration in order to participate in that party's primary election.

(§ 3-2-6, 3-2-7)

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

April 21 - May 8, 2010

Early Voting In Person

(Beginning on the twentieth day and continuing through the Saturday before the Tuesday primary election)

Voter may vote an early ballot at the county clerk's office; early voting must be conducted between 9 a.m. and 5p.m.on the last two Saturdays before the primary election.

(§ 3-3-1, 3-3-3)

April 21 - 27, 2010

Correct Incomplete Applications for Voter Registrations

(Within four business days after the close of registration)

County clerk may correct applications for voter registration containing incomplete information if applicant provides the required information.

(§ 3-2-6)

April 23, 2010
(Deadline)

Accept Postcard Registrations by Mail without Postmark

(No later than the third day following the close of registration)

Last day an application for registration may be accepted if addressed to the appropriate clerk of the county commission and received by mail with the postmark missing or illegible.

(§ 3-2-6)

April 26 - 30, 2010

Pre-Primary Financial Reports Due

(Fifteen days or within 4 business days thereafter preceding primary election)

Candidates, agents, treasurers and persons making independent expenditures file with the Secretary of State or clerk of the county commission a detailed itemized statement setting forth all financial transactions made subsequent to the last report filed. *All legislative candidates file campaign finance forms with Secretary of State's Office regardless of district.*

(§ 3-8-5, CSR 146-3-8)

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

April 26 - May 10, 2010

“Last Minute” Independent Expenditures Reported

(Expenditure made on or after the fifteenth day but more than twelve hours before the day of any election - report must be filed within 24 hours after the expenditure is made)

Independent expenditures in the amount of \$1,000 or more for statewide, legislative or multi-county offices or in the amount of \$500 or more for county, single-county or municipal offices which are made after the eleventh day but more than twelve hours before the day of any election must be reported within 24 hours to the Secretary of State or the clerk of the county commission.

(§ 3-8-2)

May 1, 2010

Early Voting in Person Conducted

(The second Saturday before the Tuesday primary election from 9 a.m. to 5 p.m.)

Additional day to vote early ballot in person in the county clerk's office.

(§ 3-3-3)

May 3, 2010

Public Notice of Inspection of AutoMark and Ballots for Election Day

(Not later than 3 days prior to the date of inspection. Inspection shall be not less than 5 days prior to the election.)

Clerk of the county commission places a Class 1-0 legal advertisement announcing the time and place of inspection of AutoMark.

(3-4A-13)

May 4, 2010

Public Test of Automatic Tabulation Equipment for Election Day (Ivo, 650, M-100)

(In counties using automatic tabulating, one week prior to the start of the count of the votes)

County commission in counties with automatic tabulating

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

equipment and immediately send certified copy of program deck or disk to State Election Commission. Public notice given no more than two weeks and not less than 48 hours before test by publication of Class I-O legal advertisement. (April 20 - May 2, 2010)

(§ 3-4A-26, 59-3-1 et. seq.)

May 4, 2010

Notification of Ballots and AutoMark Readiness for Election Day

(Not later than 7 days before the election)

County clerk shall notify the county commission that the ballots and AutoMark are ready for use.

(3-4A-13)

May 4 - 10, 2010

Publish Official List of Candidates or Sample Ballot for Election Day

(On the last day on which a newspaper is published immediately preceding the primary election)

Ballot commissioners publish the official list of candidates and issues, or the sample ballot, as follows: (1) for counties in which two or more qualified newspapers publish a daily newspaper, publish as Class I-0 legal advertisement in the two qualified daily newspapers of different political parties within the county having the largest circulation; (2) for counties having no more than one daily newspaper, or having only one or more qualified weekly newspapers, publish as Class I legal advertisement in qualified newspaper having largest circulation. Counties may choose to publish the sample ballot for a second time instead of the official list.

(§ 3-5-10, 59-3-1 et. seq.)

May 4 - 10, 2010

Instructional Program Make-Up Session

(Within last seven days before election)

Clerk of the county commission conducts make-up session for election officials unable to attend regular session.

(§ 3-1-46, 3-4-13, 3-4A-14)

May 4 -
Noon, May 11, 2010

Request Emergency Medical Absentee Ballot

(No earlier than the seventh day preceding the election and no later than noon of election day)

Period in which an eligible person (a member of said voter's immediate family or hospital personnel) may request an emergency absentee ballot. Eligible persons include: (1) a voter who, on election day, is in the hospital or other duly licensed health care facility within the county of their residence (or, provided the county commission has adopted an extension of service, to a health care facility in an adjacent county or within 35 miles of the county seat); or (2) a voter who resides for less than 30 days prior to the election in a nursing home within the county, provided the county commission has adopted an extension of service to those facilities.

(§ 3-3-1, 3-3-5c(d))

May 5, 2010
(Deadline)

Deadline for Absentee by Mail Application

(Not later than the sixth day preceding the election)

Last day to receive application for absentee ballot by mail. Ballot shall be mailed no later than following day.

(§ 3-3-5)

May 6, 2010

Public Inspection of Vote Recording Devices and Ballots AutoMark for Election Day

(Five days prior to the election)

County commissioners and ballot commissioners convene to inspect the devices and the ballots to determine if all applicable provisions of law are met.

(3-4A-13)

May 8, 2010
(Deadline)

Deadline for Early Voting in Person

(Not later than the Saturday before the Tuesday primary election from 9 a.m. to 5 p.m.)

Last day to vote an early ballot in person in the county clerk's office.

(§ 3-3-3)

May 10, 2010
(Deadline)

Deadline to Hand-Deliver Absentee Ballot to the Clerk's Office

(No later than the day preceding the election)

Last day for county clerk to accept hand delivered absentee ballot by mail: Provided, that no person may personally deliver more than two absentee ballots in any election.

(§ 3-3-5)

May 10, 2010
(Deadline)

Election Commissioners Receive Election Supplies

(Not later than one day before primary election)

Last day on which election commissioner(s) of each precinct, as designated by ballot commissioners, shall receive necessary election supplies from county clerk.

(§ 3-1-24, 3-4-12, 3-4A-13, 3-5-14)

May 10, 2010

Failure to Pick Up Supplies, Delivery Thereof

(By close of offices of clerk on the day prior to primary election)

Board of ballot commissioners, or chairman thereof, forthwith dispatches, by special messenger, election supplies to any election commissioner who has failed to pick up supplies by designated time.

(§ 3-1-25, 3-4-12a, 3-4A-13a)

May 11, 2010

PRIMARY ELECTION DAY

(Second Tuesday in May of even years)

Polls open 6:30 a.m. Polls close 7:30 p.m.

(§ 3-1-31, 3-5-1)

In counties using electronic voting systems, clerk of county commission must deliver vote recording devices to polling places not less than one hour prior to polls opening.

(§ 3-4-15, 3-4A-16)

If appointed election official fails to appear at polling place by 5:45 a.m., election officials shall contact county clerk for assistance in filling vacancy.

(§ 3-1-30)

Upon request by or for persons eligible to vote emergency absentee voter's ballot made no later than noon of election day, emergency absentee voting commissioners deliver application and ballot to voter in hospital (or nursing home if authorized).

(§ 3-3-5c)

A voter whose registration record lists one address but has since moved to another within the county may update the registration at the polling place and shall vote in the precinct of current residence using a provisional ballot.

(§ 3-2-22, 3-2-31)

A voter whose legal name has changed may update the registration by filing an affidavit of change of legal name at the polling place on election day.

(§ 3-2-22)

Before closing of polls (7:30 p.m.), clerk, or a messenger, delivers to precincts all absent voters' ballots received for paper ballot systems, that had not been picked up by the election commissioner.

(§ 3-3-7)

May 11, 2010

Post Precinct Returns

(In counties using **paper** ballots, when results for the precinct are received)

The precinct returns shall be posted on the outside of the front door of the polling place.

(§ 3-5-15)

May 12, 2010

Absentee Ballots without Postmark Accepted

(Day after Election Day)

Absentee ballots without postmark are accepted if delivered by the US Postal Service and received by the county clerk, no later than the day after election day.

(§ 3-3-5)

May 13, 2010
(Deadline)

Mail Precinct Returns to Secretary of State

(In counties using **paper** ballots, within 48 hours of receiving precinct returns)

County clerk mails by certified mail a copy of the precinct returns to the Secretary of State.

(§ 3-5-15)

May 14, 2010
(Before canvass convenes)

Absentee Ballots Postmarked by Election Day Accepted

(No later than the hour at which the board of canvassers convenes to begin the canvass.)

Absentee ballot by mail accepted if ballot bears a postmark of the US Postal Service dated no later than election day and the ballot is received by the county clerk, within the required time. Absentee from military are accepted without postmark if received prior to start of canvass.

(§ 3-3-5, 3-5-17)

May 14, 2010

Canvass Returns

(On Friday next succeeding primary election)

County commission, as the board of canvassers, meets to canvass primary election returns. The county commission shall meet from day to day adjourning no longer than is absolutely necessary until the canvass is complete; publicly declaring the election results by entering an order certifying election results only after a forty-eight hour period (Saturdays, Sundays and legal holidays excepted) within which any candidate may demand recount; thereafter issuing certificates of results

(§3-5-17, 3-6-9, 3-6-10)

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

Deadline depends on date canvass is completed and results are declared

Recount

Recount request must be made within 48 hours of the declaration of results. **(New Language - If a candidate is on the ballot in more than one county, the 48 hours begins after the final county's board declares the results)** A candidate voted for at the election may demand a recount.

Note: If a recount is demanded, the board shall have an additional twenty-four hours after the end of the forty-eight hour period for the purpose of notifying all candidates who filed for the office in which a recount is demanded. Such recount shall be set for no sooner than three days after serving the notice. Candidates shall then have an additional twenty-four hours in which to demand a recount of precincts not requested to be recounted by candidate originally requesting recount. The recount is open to the public. However, only those authorized may handle election materials.

(§ 3-6-9)

Deadline depends on date of election certification.

Contest Primary Election

(Within 10 days after the results of election are certified)

Candidate may contest the primary election before the county commission of the county in which any primary procedures, practices or results may be in issue. A contest is a legal proceeding. Legal counsel should be obtained by parties involved.

(§ 3-5-20, 3-7-6)

May 24 - June 23, 2010

Post-Primary Financial Statement

(New date - thirteen days after each primary and within twenty business days after the thirteenth day)

Candidates, agents, treasurers, and persons making independent expenditures file with the Secretary of State or clerk of the county commission a detailed itemized statement setting forth financial transactions subsequent to last report. *All legislative candidates file campaign finance forms with Secretary of State's Office regardless of district.*

(§ 3-8-5, 3-8-5a, CSR 146-3-8)

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

June 10, 2010
(Deadline)

Transmit Certificates of Results

(Following the certification of the results of the primary election, should be sent to Secretary of State as soon as possible but no later than 30 days after the primary)

Board of canvassers transmits original certificates of election results for all offices to be filled by the voters of more than one county to the Secretary of State, along with copies of certificates of results for county candidates.

(§ 3-5-17, 3-5-18)

July 1, 2010

Terms of Board of Education and Executive Committee Begin

New members of the Board of Education and Executive Committee elected to full terms and un-expired terms take office.

(§ 18-5-1b, 18-5-2)

July 2, 2010
(Deadline)

Notice of Precinct Change

(At least one month before any precinct line changes)

Last day on which to complete Class II-O legal notice of county commission's intention to change, divide or consolidate voting precincts for general election; notice published once each week for two successive weeks in two qualified newspapers of opposite politics (ninety days – August 6 – plus one month notice).

(§ 3-1-7, 3-5-23, 3-5-24, 59-3-1 et. Seq.)

July 10, 2010*

Report Failure to File Financial Statement to Prosecuting Attorney

(New date – changed from forty days to sixty days after primary election)

Secretary of State and clerk of county commission to give notice of any failure of candidates, agents or treasurers to file required, detailed, itemized financial statements of

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

transactions connected with primary election to prosecuting attorney where delinquent resides.

(§ 3-8-7)

July 30, 2010*
(Deadline)

Deadline for Minor Party and Independent Candidates (New Language - All Candidates) to File Nominating Petitions, Certificate of Announcements and Pay Filing Fee

(Not later than the first day of August preceding the general election.)

Minor party and independent candidates for president must file nominating petitions with the Secretary of State's Office. The Secretary of State will then forward the appropriate nominating petitions to the appropriate counties in order for signatures to be examined for validity. Counties will report to the Secretary of State the number of valid signatures and return petitions upon completion of the examination.

(§ 3-5-23)

August 2 - 17, 2010

Special Filing Period, Board of Education, Vacancy Occurring after Close of Filing for Primary Election

(No earlier than the first Monday in August and no later than seventy-seven days before the general election)

Candidate filing period for un-expired term of Board of Education to fill vacancy occurring after the close of candidate filing but not later than eighty-four days before general election

(§ 3-5-19(c))

August 4, 2010
(Deadline)

Notice of Emergency Precinct Change

(At least one month before entering emergency order to change precinct line)

Last day county commission may complete notice to change, divide or consolidate voting precincts for general election in cases of emergency and with permission of Secretary of State (sixty days - September 3 - plus one month notice).

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

(§ 3-1-7)

August 4, 2010
(Deadline)

Deadline for Ordering Precinct Change

(Not within ninety days next preceding general election)

Last day for county commission to enter an order changing the boundaries of any precinct into two or more precincts, or consolidate two or more precincts into one, or to change the location of the polling place whenever the public convenience may require it. Within 15 days after such order is issued, after at least one month's notice, the county commission shall publish the order as a Class II-0 legal advertisement.

(§ 3-1-7)

August 4, 2010
(Deadline)

Petition for Suspension of Election Official

(At least ninety days prior to an election date.)

Last day for petition to be filed with county commission seeking the suspension of an election official; petition signed by 25 registered voters of precinct where election official last served. Upon presentation of evidence of listed grounds, commission may, upon majority vote, suspend the eligibility to serve as an election official for 2 years. County commission may, on its own motion, suspend an election official for specific causes for 4 years.

(§ 3-1-28)

August 4, 2010
(Deadline)

Adopt Medical Emergency Absentee Voting Policy

(At least ninety days prior to the election affected)

Last day county commission may adopt policy extending the emergency absentee voting procedures to: (1) hospitals or other duly licensed health care facilities within an adjacent county or within thirty-five miles of the county seat; or (2) nursing homes within the county. Copy of this policy must be filed with the Secretary of State.

(§ 3-3-5c(a))

August 10, 2010
(Deadline)

Notice of Number of Election Officials and Emergency Absentee Voting Commissioners

(At least eighty-four days before the election)

The county commission designates the number and type of election boards for the various precincts and gives written notice to the county executive committees of the two major political parties of the number of nominations which may be made for poll clerks and commissioners. Recommend county clerk notify executive committees of number of emergency absentee voting commissioners to nominate at same time.

(§ 3-1-29, 3-3-5c)

August 10, 2010
(Deadline)

Vacancy for Specific Causes

(Not later than eighty-four days before the general election)

Last day of occurrence of vacancy on ballot resulting from disqualification or incapacity of candidate, or from death of incumbent in certain elected offices not otherwise up for election in order for executive committee to appoint to fill vacancy.

(§ 3-5-19(a)(4))

August 10, 2010

Last Day to Apply for Withdrawal for Extenuating Circumstances

(No later than eighty-four days before the general election)

Last day for candidate to apply for withdrawal due to extenuating personal circumstances which will prevent the candidate from serving if elected in order to permit application for authorization to fill vacancy on ballot to be considered.

(§ 3-5-19(a)(6))

Uniformed and overseas voters
January 2, 2010*

Application For Absentee Ballot Accepted from Uniformed and Overseas Voters and From All Other Voters)

All other voters
August 10- October 27, 2010

(Received not earlier than January 1 of an election year for uniformed and overseas voters and not earlier than eighty-four days preceding the election for all other voters, and not later than the sixth day preceding general election)

An eligible voter may make written application by mail to the clerk for official absent voter's ballot(s).

(§ 3-3-1, 3-3-5)

August 16, 2010
(Deadline for committee)

Executive Committee or Chair Appointment to Fill Vacancy

(For committee -- After primary election, but not later than seventy-eighth day preceding general election)

Last day for the appropriate executive committee of each political party, by filing with the proper officer to fill vacancy in its general nomination for the following reasons:

- * disqualification or incapacity of candidate;
- * withdrawal for extenuating circumstances, if approved by State Election Commission;
- * death of incumbent in office not on ballot (except high offices and judges)

August 18, 2010
(Deadline for chair)

(Not later than two days following the deadline for the executive committee)

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

If appropriate political executive committee has not already filled vacancies in its primary nominations, according to the provisions of this section such vacancies may be filled by the committee's chairman by filing with the proper officer.

(§ 3-5-19, 3-10-1 et. seq.)

August 18-24, 2010

Secretary of State Certifies Names

(Between last day to fill vacancies in nomination and drawing to determine ballot order)

Secretary of State certifies to each county clerk the names of each political party's nominees entitled to be placed on the general election ballot.

(§ 3-5-18, 3-5-19, 3-6-2)

August 23, 2010
(Approximate Deadline)

Candidate Name Removed from Ballot Due to Death

(Before the ballots are printed)

Upon request of the candidate's family, the board of ballot commissioners may remove the name of a candidate who dies if the death occurs before the ballots are printed.

(§ 3-5-11, 3-6-2)

August 24, 2010
at 9:00 a.m.

Drawing for Order of Names on Ballot

(On the seventieth day next preceding the date of the general election)

For all ballot systems, drawing by lot shall be conducted at 9 a.m. in the office of the county clerk to determine the order of names of candidates for any office or division for which more than one is to be elected.

(§ 3-6-2)

August 24, 2010
(Deadline)

Estimate Number of Absentee Ballots

(Not less than seventy days prior to the general election)

County clerk estimates number of official absent voters' ballots required.

(§ 3-3-11)

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

August 24, 2010

Election Official Nominations Filed

(Law changed from fifty-sixth day to no later than seventieth day before the election)

Each county executive committee, or its chairman or secretary on its behalf, shall file in writing with the county commission a list of persons nominated by a majority vote of the committee at a duly called meeting, as election officials and the positions for which they are designated, and those persons nominated as alternates.

(§ 3-1-30)

September 3, 2010
(Deadline)

Emergency Order to Change Precincts

(No later than sixty days before the general election)

Last day for county commission, in case of emergency and with permission of the Secretary of State, to enter an order to consolidate, divide or change the boundaries of any precinct within a county. Within 15 days after such order is issued, the county commission shall publish the order as Class II-0 legal advertisement.

(§ 3-1-7, 59-3-1 et. seq.)

September 7, 2010

Notice of Number of Sets of Emergency Absentee Voting Commissioners Needed

(On or before the fifty-sixth day preceding the election)

The county clerk, shall notify the county commission of the number of sets of emergency absentee ballot commissioners which he or she deems necessary to perform the duties.

(§ 3-3-5c(b))

September 8, 2010
(Deadline)

Complete Corrections of Voter Registration

(Within 120 days following primary election)

County clerk shall, as evidenced by the presence or absence of signatures on the poll books from the primary election, correct any errors or omissions on the voter registration

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

records resulting from the poll clerks erroneously checking or failing to check the registration records; or shall enter the voting records into the state uniform data system if the precinct books have been replaced with printed registration books.

(§ 3-1-34, 3-2-18(d), 3-2-21)

September 14, 2010
(Deadline)

Election Officials and Alternates Appointed

(No later than the forty-ninth day before the election)

The county commission shall appoint the election officials for each designated election board as follows: (1) eligible persons nominated and timely filed by the executive committees as poll clerks, election commissioners; (2) the additional persons selected by the county commission to serve as election commissioners; (3) persons to fill any positions for which no nominations were filed. The county commission shall also appoint emergency absentee voting commissioners. *At the same meeting or at a subsequent meeting*, the county commission shall appoint the alternates nominated by the executive committees, appoint additional alternates and determine the number of persons who may be instructed to attend training as alternates.

(§ 3-1-30, 3-4-13, 3-4A-14, 3-3-5c)

September 14 - November 2,
2010

County Clerks Fill Vacancies of Election Officials

(From date of notification through day of general election)

When a vacancy of any election official occurs the county clerk must work to fill that vacancy.

(§ 3-1-30)

September 20 - 24, 2010

First General Report

(Not earlier than forty-three days or four business days thereafter preceding the general election)

Candidates, agents, treasurers file with the Secretary of State or clerk of the county commission, as required, a detailed itemized statement setting forth all contributions received and expenditures made which exceed \$500 or whenever loans are outstanding subsequent to the previous statement.

(§ 3-8-5, 3-8-5a, 3-8-5e, CSR 146-3-8)

Candidates, agents, treasurers and persons making independent expenditures file with the Secretary of State or clerk of the county commission, as required, a detailed itemized statement setting forth all expenditures made subsequent to any previous statement filed.

(§ 3-8-2, 3-8-5, CSR 146-3-8)

September 21, 2010
(Deadline)

Delivery of Absentee Ballots to County Clerk

(Not less than forty-two days prior to general election)

Last day for board of ballot commissioners to have printed and delivered to county clerk the official absent voters' ballots.

(§ 3-3-11)

September 21, 2010

Write-In Candidate Filing Deadline for General Election

(Received no later than the close of business on the forty-second day before the election at which the office is to be filled)

Eligible person who seeks to be elected by write-in votes to an office which is to be filled in the general election shall file a write-in candidate's certificate of announcement. A filing fee is no longer required of official write-in candidates.

(§3-6-4a)

September 21 - October 27,
2010

Mail Absentee Ballots

October 28 for applications
received October 27, 2010

(Within one day after the clerk has both the completed application and the ballot. Ballots delivered at least 42 days before election and applications due no later than sixth day before election)

Upon acceptance of a completed application, the county clerk determines whether the requirements have been met and mails official absent voter's ballot(s), envelopes, instructions, and any other supplies required for voting the ballot. If the clerk determines the requirements have not been met, the

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

clerk gives notice that the ballot will be provisional.

(§ 3-3-5, 3-4A-21)

September 21, 2010
(Deadline)
(depending on date of
appointment)

Notice Mailed to Election Officials

(Within seven days following appointment)

County commission notifies, by first-class mail, all election commissioners, poll clerks and alternates of their appointment, including a response form.

(§ 3-1-30)

September 22 - October 4,
2010 (approx.)

Public Notice of Time and Place of Test for Automatic Tabulating Equipment for Early Voting (Ivo,650,M100)

(Not less than 48 hours or more than 2 weeks prior to the testing of such equipment.

Clerk of the county commission places a Class I - O legal advertisement announcing time and place for testing of **automatic tabulating equipment.**

Notification to the county commission at same time. Early voting begins October 13, 2010

(§ 3-4A-26, 59-3-1 et. seq.)

September 28, 2010
(depending on date
of appointment)

Election Officials Respond to Notification from Clerk

(Within fourteen days following the date of appointment)

When an election official or alternate fails to return the response notice or otherwise confirm to the county clerk his or her agreement to serve within the required time, the position shall be considered vacant and the clerks shall proceed to fill the vacancies.

(§ 3-1-30)

Oct 4 - 26, 2010

Instructional Program for Election Officials

(After appointment and notice but not less than seven days before general election)

Clerk of county commission conducts instructional program showing training film produced by Secretary of State, to all election officials, explaining and illustrating procedures for conducting elections, duties of the various election officials and methods of voting.

(§ 3-1-46, 3-4-13, 3-4A-14)

October 5, 2010
(approx.)

Public Notice of Inspection of AutoMark for Early Voting

(Not later than 3 days prior to the date of inspection. Inspection shall be not less than 5 days prior to election. Clerk of the county commission places a Class I-0 legal advertisement announcing the time and place of inspection of AutoMark

October 5, 2010
(Deadline)

Paper Ballots and Supplies Delivered to County Clerk

(Not later twenty-eight days before general election)

All official paper ballots, ballot cards and voting machine labels shall be delivered to the county clerk of the appropriate county. The number of voting machine labels shall equal one and one-half times the number of voting machines used; the number of regular official ballots shall equal one and one-twentieth times the number of active registered voters eligible to vote the ballot.

(§ 3-1-21, 3-4-10, 3-4A-12)

October 6, 2010

Public Test of Electronic Tabulation Equipment for Early Voting (Ivo, 650, M-100)

(In counties using automatic tabulating, one week prior to the start of the count of the votes)

County commission in counties with automatic tabulating equipment and immediately send certified copy of program deck or disk to State Election Commission. Public notice given no more than two weeks and not less than 48 hours before test by publication of Class I-O legal advertisement. (Sept. 22 - Oct. 4, 2010)

(§ 3-4A-26, 59-3-1 et. seq.)

October 6, 2010
(Deadline)

Notification of Ballots and AutoMark Readiness for Early Voting

(Not later than 7 days before the election)

County clerk shall notify the county commission that the ballots and AutoMark are ready for use.

(3-4A-13)

October 7 - 13, 2010

Publish Sample Ballot

(Not more than twenty-six nor less than twenty days preceding the general election)

Ballot commissioners publish sample official General ballot for each party, nonpartisan candidates, and public questions as follows: (1) for counties in which two or more qualified newspapers publish a daily newspaper, publish a Class I-0 legal advertisement in the two qualified daily newspapers of different political parties within the county having the largest circulation; (2) for counties having no more than one daily newspaper, or having only one or more qualified weekly newspapers, publish sample as Class I legal advertisement in qualified newspaper having largest circulation.

(§ 3-6-3, 59-3-1 et. seq.)

October 8, 2010
(Deadline)

Vacancy Caused by Death of Candidate

(No later than twenty-five days before the general election.)

Last day of the occurrence of the death of a nominee for which an appointment to fill the vacancy on the ballot can be made.

(§ 3-5-19)

October 8, 2010

Public Inspection of Vote Recording Devices and Ballots AutoMark for Early Voting

(Five days prior to voting)

County commissioners and ballot commissioners convene to inspect the devices and the ballots to determine if all applicable provisions of law are met.

(3-4A-13)

October 12-22, 2010
(approx.)

Public Notice of Time and Place of Test for Automatic Tabulating Equipment for Election Day (Ivo,650,M100)

(Not less than 48 hours or more than 2 weeks prior to the testing of such equipment.

Clerk of the county commission places a Class I - O legal advertisement announcing time and place for testing of **automatic tabulating equipment.**

Notification to the county commission at same time. Early voting begins October 13, 2010

(§ 3-4A-26, 59-3-1 et. seq.)

October 12, 2010

Fill Vacancy of Deceased Candidate

(Committee may fill vacancy of deceased candidate twenty – five days before general election.)

If a vacancy in nomination is caused by the death of a candidate occurring no later than twenty-five days before the general election, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than twenty-one days following the date of death or

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

no later than twenty-two days before the general election, whichever date occurs first.

(§3-5-19(a)(3))

October 12, 2010
(Deadline)

Voter Registration Deadline

(Voter registration for an election shall close on the twenty-first day before the election, or on the first day thereafter which is not a Saturday, Sunday or legal holiday.)

Completed application of eligible voter for registration, transfer, change of political party or other change submitted by the close of voter registration will be effective for any subsequent election, if:

- * received at office of clerk of the county commission, no later than the hour of the close of registration;
- * accepted by a designated agency or motor vehicle licensing office no later than the hour of the close of registration;
- * accepted through a registration outreach program no later than the close of registration;
- * addressed to the appropriate clerk of the county commission and postmarked by the postal service no later than the close of registration.

(§ 3-2-6, 3-2-7)

Vacancy occurring
October 12 - 28, 2010
Write-in filing by
October 28, 2010

Write-In Candidate Filing Deadline in Case of Death or Disqualification of Candidate

(Vacancy occurs no earlier than the twenty-first day and no later than the fifth day before the general election, the certificate shall be received no later than the close of business on the fifth day before the election, or the close of business on the day following the occurrence of the vacancy, whichever is later.)

Write-in candidate files certificate of announcement to become certified write-in candidate in case of death of nominee or death of incumbent in office excluding certain federal, statewide and judicial offices not on ballot.

(§ 3-6-4a)

October 13 - 30, 2010

Early Voting in Person Conducted

(Beginning on the twentieth day and continuing through the Saturday before the Tuesday general election)

Voter may apply for and vote an absentee ballot at the county clerk's office, during regular business hours and on the last day before the general election.

(§ 3-3-1, 3-3-3, 3-3-3a)

October 13 - 18, 2010

Correct Incomplete Applications for Voter Registration

(Within four business days after the close of registration)

County clerk may correct applications for voter registration containing incomplete information if applicant provides the required information.

(§ 3-2-6)

October 15, 2010

Accept Postcard Registrations by Mail without Postmark

(No later than the third day following the close of registration)

Last day an application for registration may be accepted if addressed to the appropriate clerk of the county commission and received by mail with the postmark missing or illegible.

(§ 3-2-6)

October 18 - 22, 2010

Pre-General Financial Reports Due

(Fifteen days or within 4 business days thereafter preceding general election)

Candidates, agents, treasurers and persons making independent expenditures file with the Secretary of State or clerk of the county commission a detailed itemized statement setting forth all financial transactions subsequent to last report. *All legislative candidates file campaign finance forms with Secretary of State's office regardless of district.*

(§ 3-8-5, 3-8-5a, CSR 146-3-8)

October 18 - November 1, 2010

"Last Minute" Independent Expenditures Reported

(Expenditure made on or after the fifteenth day but more than twelve hours before the day of any election - report must be filed within 24 hours after the expenditure is made)

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

Independent expenditures in the amount of \$1,000 or more for statewide, legislative or multi-county offices or in the amount of \$500 or more for county, single-county or municipal offices which are made after the eleventh day but more than twelve hours before the day of any election must be reported within 24 hours to the Secretary of State or the clerk of the county commission.

(§ 3-8-2)

October 23, 2010

Early Voting in Person Conducted

(The second Saturday before the general election from 9 a.m. to 5 p.m.)

Additional day to vote an early ballot in person in the county clerk's office.

(§ 3-3-3)

October 25, 2010

Publish Notice of Inspection of AutoMark for Election Day

(Not later than 3 days prior to the date of inspection. Inspection shall be not less than 5 days prior to election.)

Clerk of the county commission places a Class 1-0 legal advertisement announcing the time and place of inspection of AutoMark.

(§ 3-4A-13)

October 26 - November 1,
2010

Instructional Program Make-Up Session

(Within last seven days before election)

County clerk conducts make-up session for election officials unable to attend regular session.

(§ 3-1-46)

October 26, 2010

Notification of Ballots and AutoMark Readiness for Election Day

(Not later than 7 days before the election)

County clerk shall notify the county commission that the ballots and AutoMark are ready for use.

(3-4A-13)

October 26 - November 1,
2010

Publish Official List of Candidates or Sample Ballot for Election Day

(On the last day on which a newspaper is published immediately preceding the general election)

Ballot commissioners publish the official list of candidates and issues as follows: (1) for counties in which two or more qualified newspapers publish a daily newspaper, publish a Class I-O legal advertisement in the two qualified daily newspapers of different political parties within the county having the largest circulation; (2) for counties having no more than one daily newspaper, or having only one or more qualified weekly newspapers, publish sample as Class I legal advertisement in qualified newspapers having largest circulation.

Counties may choose to publish the facsimile ballot for a second time instead of the official list.

(§ 3-6-3, 59-3-1 et seq.)

October 26, 2010

Public Test of Electronic Tabulation Equipment for Election Day (Ivo, 650, M-100)

(In counties using **automatic tabulating**, one week prior to the start of the count of the votes)

County commission in counties with automatic tabulating equipment and immediately send certified copy of program deck or disk to State Election Commission. Public notice given no more than two weeks and not less than 48 hours before test by publication of Class I-O legal advertisement. (April 2-14)

(§ 3-4A-26, 59-3-1 et. seq.)

October 26 - November 2,
2010

Request Emergency Medical Absentee Ballot

(No earlier than the seventh day preceding the election and no later than noon of election day)

Period in which an eligible person (a member of said voter's immediate family or hospital personnel) may request an emergency absent voter ballot. Eligible persons include: (1) a voter who, on election day, is in the hospital or other duly licensed health care facility within the county of their residence (or, provided the county commission has adopted an extension of service, to a health care facility in an adjacent county or within 35 miles of the county seat); or (2) a voter who resides no more than 30 days in a nursing home within the county, provided the county commission has adopted an extension of service to those facilities.

(§ 3-3-1, § 3-3-5c(d))

October 27, 2010
(Deadline)

Deadline for Absentee by Mail Application

(Not later than the sixth day preceding the election)

Last day to receive application for absentee ballot by mail. Ballot shall be mailed no later than following day.

(§ 3-3-5)

October 28, 2010

Public Inspection of Vote Recording Devices and Ballots AutoMark for Election Day

(Five days before the election)

County commissioners and ballot commissioners convene to inspect the devices and the ballots to determine if all applicable provisions of law are met.

(3-4A-13)

October 30, 2010
(Deadline)

Deadline for Early Voting in Person

(Not later than the last Saturday before the general election from 9 am to 5 pm)

Last day to vote an early ballot in person in the county clerk's office.

(§ 3-3-3)

November 1, 2010
(Deadline)

Deadline to Hand-Deliver Absentee Ballots to the County Clerk's Office

(No later than the day preceding the election)

Last day for county clerk to accept hand delivered absentee ballot by mail: Provided, that no person may personally deliver more than two absentee ballots in any election.

(§ 3-3-5)

November 1, 2010
(Deadline)

Election Commissioners Receive Supplies

(Not later than the day before the general election)

Last day on which election commissioners of each precinct, as designated by ballot commissioners, shall receive necessary election supplies from county clerk and county commission.

(§ 3-1-24, 3-4-12, 3-4A-13, 3-5-14)

November 1, 2010
(Deadline)

Failure to Pick Up Supplies

(By close of offices of county clerk and county commission on the day prior to general election)

Board of ballot commissioners, or chairman thereof, forthwith dispatches, by special messenger, election supplies to any election commissioner who has failed to pick up supplies by designated time.

(§ 3-1-25, 3-4-12a, 3-4A-13a)

November 2, 2010

GENERAL ELECTION DAY

(Tuesday after first Monday in November of even years)

Polls open at 6:30 a.m. Polls close at 7:30 p.m.

(§ 3-1-31)

If appointed election official fails to appear at polling place by 5:45 a.m., election officials shall contact county clerk for assistance in filling vacancy.

(§ 3-1-30)

In counties using electronic voting systems, clerk of county commission must deliver vote recording devices to the polling

places not less than one hour prior to polls opening.

(§ 3-4-15, 3-4A-16)

Upon request by or for person eligible to vote emergency absentee voter's ballot made no later than noon of election day, emergency absentee voting commissioners deliver application and ballot to voter in hospital (or nursing home if authorized).

(§ 3-3-5c)

A voter whose registration record lists one address but has since moved to another within the county may update their registration at the polling place and shall vote in the precinct of current residence using a provisional ballot.

(§ 3-2-22, 3-2-31)

A voter whose legal name has changed may update their registration by filing an affidavit of change of legal name at the polling place on election day.

(§ 3-2-22)

Write-in absentee ballot must be received by the county clerk prior to the close of the polls on election day or it may not be counted. Write-in ballot is only for persons outside U.S. who apply for regular absentee ballot at least 30 days before the election, but could not receive and return it within the absentee voting period due to remote location.

(§ 3-3-5c)

Before closing of polls (7:30 p.m.) county clerk, or a messenger, delivers to precinct all absent voter's ballots received for paper ballot systems that had not been picked up by the election commissioner.

(§ 3-1-24, 3-3-7)

November 2, 2010

Post Precinct Returns

(In counties using **paper** ballots, when results for the precinct are received)

The precinct returns shall be posted on the outside of the front door of the polling place.

(§ 3-6-8)

November 3, 2010

Absentee Ballots Without Postmark Accepted

(Day after Election Day)

Absentee ballots without postmark are accepted if delivered by the US Postal Service and received by the county clerk, no later than the day after election day.

(§ 3-3-5)

November 3, 2010

Cancellation of Registration of Voters Made Inactive on February 1, 2006

(Day after 2nd federal general election following mailing of confirmation notice)

Clerk of the county commission cancels registration of voters who were placed on the inactive file on February 1, 2006 and who have NOT responded to confirmation notices, updated their registration or voted in ANY state, county or municipal primary, general or special election held within the county since February 1, 2004.

(§ 3-2-27)

November 4, 2010
(Deadline)

Mail Precinct Returns to Secretary of State

(In counties using **paper** ballots, within 48 hours of receiving precinct returns)

County clerk mails by certified mail a copy of the precinct returns to the secretary of state.

(§ 3-5-15, 3-6-8)

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

November 8, 2010
(Before canvass convenes)

Absentee Ballots Postmarked by Election Day Accepted

(No later than the hour at which the board of canvassers convenes to begin the canvass.)

Absentee ballot by mail accepted if ballot bears a postmark of the US Postal Service dated no later than election day and the ballot is received by the county clerk, within the required time.

(§ 3-3-5)

November 8, 2010

Canvass Returns

(On the fifth day, Sundays excepted, after general election)

The county commission, as board of canvassers, meets to canvass general election returns from day to day adjourning no longer than is absolutely necessary until the canvass is complete; publicly declaring the election results by entering an order certifying the election results only after a forty-eight hour period (Saturdays, Sundays and legal holidays excepted) within which any candidate may demand recount; thereafter issuing certificates of results. The canvas is open to the public. However, only those authorized may handle election materials.

(§ 3-6-9, 3-6-10)

Deadline depends on date canvass is completed and results are declared.

Recount

Recount request must be made within 48 hours of the declaration of results. A candidate voted for at the election may demand a recount.

Note: If a recount is demanded, the board shall have an additional twenty-four hours after the end of the forty-eight hour period for the purpose of notifying all candidates who filed for the office in which a recount is demanded. Such recount shall be set for no sooner than three days after serving the notice. Candidates shall then have an additional twenty-four hours in which to demand a recount of precincts not requested to be recounted by candidate originally requesting recount. The recount is open to the public. However, only those authorized may handle election materials.

(§ 3-6-9)

Deadline depends on date of election certification

Contest General Election

(Within ten days after the results of election are certified)

Candidate may contest the general election before the county commission of the county in which any primary procedures, practices or results may be in issue.

(§ 3-5-20, 3-7-6)

November 15 - December 15, 2010

Post-General Reports Due

(New date - thirteen days after each general and within twenty business days after the thirteenth day)

Candidates, agents, treasurers and persons making independent expenditures file with the Secretary of State or clerk of county commission a detailed itemized statement setting forth all financial transactions made subsequent to last report. *All legislative candidates file campaign finance forms with Secretary of State's Office regardless of district.*

(§ 3-8-5, 3-8-5a, CSR 146-3-8)

December 2, 2010

Transmit Certificates of Election Results to Secretary of State

(Within thirty days from the date of the election)

Board of canvassers transmits certificates of election results to Secretary of State for state senators and members of House of Delegates, along with copies of certificates for all other officers. Board of canvassers transmit original certificates of election results to U.S. House of Representatives and U.S. Senate: copies of those certificates to the Secretary of State.

(§ 3-6-11)

January 1, 2011*

Report Failure to File Financial Statement to Prosecuting Attorney

(New date – changed from forty days to sixty days after general election)

*See § 2-2-1, when an act falls on a Saturday, Sunday, legal holiday or designated day off.

Secretary of State and clerk of county commission give notice of any failure of candidates, agents or treasurers to file required, detailed, itemized financial statements of transactions connected with general election to prosecuting attorney where delinquent resides.

(§ 3-8-7)

February 1 - 28, 2011

Voter Registration Data Copied As Permanent Record

(At least once each calendar year, during the month of February)

Counties maintaining in digitized data format the active, inactive, pending, rejected and canceled registration files shall prepare a data format copy of the active, inactive and pending files containing all records maintained in those files as of the date of the copy. The copy shall be stored on tape or disk and clearly labeled with the types of files and the date the copy was made.

(§ 3-2-29)

March 2, 2011

Correct Voter Registration Records

(Within one hundred twenty days following general)

Clerk of county commission shall, as evidenced by the presence or absence of signatures on the poll books [of the general election], correct any errors or omissions on the voter registration records resulting from the poll clerks erroneously checking or failing to check the registration records; or shall enter the voting records into the state uniform data system if the precinct books have been replaced with printed registration books.

(§ 3-1-34, 3-2-18(d))

March 26 - April 1, 2011

Annual Financial Statements

On the last Saturday in March or within six days thereafter, (annually)

Candidates, agents, treasurers file with the Secretary of State or clerk of the county commission a detailed itemized

statement setting forth all contributions received and expenditures exceeding five hundred dollars as of the date of this report, including all transactions subsequent to any previous statement filed. *All legislative candidates file campaign finance forms with Secretary of State's Office regardless of district.*

(§ 3-8-5; CSR 146-3-8)