

WEST VIRGINIA -ELECTION CONNECTION-

Your source for Election News from Secretary of State Natalie E. Tennant

Issue 30 – May 1, 2012

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1 Week Until the May Primary!

On Tuesday, May 1 there will be exactly one week until the May Primary!

Pre-Election Day Press Conference

Secretary Tennant will be holding a pre-Election Day press conference in Clarksburg on Friday, May 4, 2012. The event will be at the Harrison County Senior Citizens Center on West Main Street at 10:00AM. You can watch the entire press conference live on the Secretary of State's website at www.wvsos.com. There will be a link at the top of the website that you can click to be taken to the webcast page.

Daily Updated Early Voting Totals

The Secretary of State's Office is posting daily updated totals that reflect the number of people who have voted during the early voting period and the number of absentee ballots received by county clerks. These totals are updated by 9:30AM daily. They can be accessed here: <http://tinyurl.com/722uqr8>. These totals will be useful if you have media inquiries about how early voting is going across the state or in counties surrounding your own.

Reporting Election Night Results

Working with ES&S and PCC, we have been able to develop a data transfer process for election night results.

This process will be much simpler and less time-consuming than manually entering the data for each race and candidate. We expect this process to save a lot of needed time and energy on election night.

The entire process will require county assistance. There are two requirements. The first is to add a cross-reference file to ERM; and the second, is the creation and upload of the results files. Instructions are being sent to the counties. Please be on the look-out for them.

Text Alerts From The Secretary of State's Office

On Election Day The Secretary of State's Office will again be hosting live webcasts throughout the day. These webcasts will basically be status reports of the situation statewide – issues, solutions, turnout reports, etc. There will be no set schedule for these webcasts, as it's not known what circumstances will warrant them. However, we will be letting people know a webcast is coming up by sending out text message alerts (you can sign up here: <http://apps.sos.wv.gov/pr/smssubscriptions.aspx>) or by Facebook updates (www.facebook.com/wvsos), and also through conference calls and emails sent to the county clerk addresses. You can watch the webcasts by clicking on the banner that will be at the top of the Secretary of State's website at www.wvsos.com.

Important Dates Coming Up

- **April 23-May 7:** “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 received 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 must be reported within 24 hours to the Secretary of State or the clerk of the county commission.
- **April 24-May 6:** Public Notice of Time and Place of Test for Automatic Tabulating Equipment (ERM) 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 prior to counting 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.).
- **May 1:** Public Test of Automatic Tabulation Equipment (ERM) 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 24 - May 6, 2012) (§ 3-4A-26, 59-3-1 et. seq.)
- **May 1-May 7:** 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 1-May 7:** 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(c), 3-4-13, 3-4A-14)
- **May 1 - Noon, May 8:** 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 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.
- **May 2 (deadline):** Last day to receive application for absentee ballot.
- **May 3:** 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 5 (deadline):** Last day to vote an early ballot in person in the county clerk's office.
- **May 7 (deadline):** 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(k))
- **May 8, PRIMARY ELECTION DAY:** Polls open 6:30 a.m. Polls close 7:30 p.m.
- **May 9:** Absentee ballots without postmark are accepted if delivered by the US Postal Service or other express shipping service and received by the county clerk, no later than the day after election day. (§ 3-3-5)
- **May 11 (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 canvas. (§ 3-3-5, 3-5-17)

- **May 14:** Canvass Returns (Law changed on the fifth day, Sundays excepted, after 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)
- **Deadline depends on date canvass is completed and results are declared:** Recount request must be made within 48 hours of the declaration of results. 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 has been demanded, the board shall have forty-eight hours in which to send notice to all candidates who filed for the office in which a recount has been demanded. Such recount shall be set for no sooner than three days after serving the notice. After the notice is served, candidates so served 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, 3-7-1, 3-7-6)

Have an idea?

Is there something that you want to see addressed in the Election Connection? The goal of this newsletter is to keep everyone up to date about challenges facing election officials in West Virginia and to inform everyone about best practices that are being put into place. If you have an idea for a topic, have a question, or if you think there is a subject that election officials around the state would be interested in, please do not hesitate to contact the Secretary of State's Office. You can contact the Elections Division by email at elections@wvsos.com or (304) 558-6000 or Jake Glance directly at jglance@wvsos.com. Your input is appreciated.