

WEST VIRGINIA -ELECTION CONNECTION-

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

Issue 49 – September 25, 2012

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6 Weeks Until Election Day!

On Tuesday, September 25, there will be exactly 6 weeks until the November 6 General Election!

By special request of the ladies in the Pendleton County Clerk's Office, here it is another way:

From 6:30AM on September 25 to 6:30AM on November 6 there are 1,008 hours. There are 60,480 minutes. There are 3,628,800 seconds.

The point is, Election Day will be here before you know it!

Congressional Districts Supreme Court Decision

On appeal, the United States Supreme Court has overturned a lower court ruling concerning West Virginia's congressional redistricting plan (S.B. 1008, 2011).

The U.S. District Court for the Southern District of West Virginia had ruled the legislature's congressional redistricting plan unconstitutional. The Supreme Court ruling today reversed that decision ensuring that the congressional district map passed by the legislature in August 2011 is in effect for this election. The Supreme Court directed the lower court to consider other issues not ruled upon in the initial District Court ruling. Those issues allege the redistricting plan violates the West Virginia Constitution in equality of district population and compactness.

The decision can be read here:

<http://www.supremecourt.gov/orders/courtorders/092512zr5bc9.pdf>

Poll Worker Training Videos

The new poll worker training videos will be completed this week. If you wish to request a new DVD, please email Jake Glance at jglance@wvsos.com.

Special thanks to the handful of election officials from around the state who contributed to the production of the videos, either through fine tuning the scripts or allowing our office to borrow materials such as ballot boxes and poll books.

Please specify which DVD you want. There are four different training videos: Paper Ballots and iVotronic, Optical Scan and iVotronic, iVotronic, and Automark and M100. County clerks can also request a copy of the script to print out to give to poll workers during the training session so they may take notes.

Important Dates Coming Up

- **September 21 – October 31, 2012 (November 1 for applications received October 31, 2012):** Mail Absentee Ballots (Within one day after the clerk has both the completed application and the ballot. Ballots delivered at least 46 days before election and applications due no later than sixth day before election)
 - o 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 clerk gives notice that the ballot will be provisional. (§ 3-3-5)
- **September 24-28: First General Report** (Not earlier than forty-three days or four business days thereafter preceding the general election)
 - o 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, CSR 146-3-8)
- **September 25 (Deadline, depending on date of appointment):** Notice Mailed to Election Officials (Within seven days following appointment)
 - o County commission notifies, by first-class mail, all election commissioners, poll clerks and alternates of their appointment, including a response form.(§ 3-1-30)
- **October 2 (Deadline, depending on date of appointment):** Election Officials Respond to Notification from Clerk (Within fourteen days following the date of appointment)
 - o 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)
- **October 9:** Instructional Program for Election Officials (Within thirty days prior to election)
 - o 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(c), 3-4A-14)
- **October 9 (Deadline):** Paper Ballots and Supplies Delivered to County Clerk (Not later twenty-eight days before general election)
 - o All official paper ballots, ballot cards and voting machine labels shall be delivered to the county clerk of the appropriate county. The number of

regular official ballots shall equal 80% the number of active registered voters eligible to vote the ballot. (§ 3-1-21(c) & (e))

- **October 11-17:** Publish Sample Ballot for Early Voting (Not more than twenty-six nor less than twenty days preceding the general election)
 - o 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 the qualified newspaper having largest circulation. (§ 3-6-3, 59-3-1 et. seq.)
- **October 12 (Deadline):** Vacancy Caused by Death of Candidate (No later than twenty-five days before the general election.)
 - o 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(a)(7))
- **October 16:** Public 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.)
 - o Clerk of the county commission places a Class I-0 legal advertisement announcing the time and place of inspection of AutoMark (§3-4A-13)
- **October 16 – November 2:** Public Notice of Time and Place of Test for Automatic Tabulating Equipment (ERM) for Election Day (Ivo,650,M100) (Not less than 48 hours or more than 2 weeks prior to the testing of such equipment.)
 - o 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. (§ 3-4A-26, 59-3-1 et. seq.)
- **October 16:** Fill Vacancy of Deceased Candidate (Committee may fill vacancy of deceased candidate twenty – five days before general election.)
 - o 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 no later than twenty-two days before the general election, whichever date occurs first. (§3-5-19(a)(7))
- **October 16:** 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.)
 - o 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)

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.