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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991



# ENROLLED

HOUSE BILL No. 2628

(By ~~Mr.~~ Del. Ashley + Brum )



Passed March 8, 1991

In Effect 90 Days From Passage

**ENROLLED**  
**H. B. 2628**

(By DELEGATES ASHLEY AND BRUM)

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[Passed March 8, 1991; in effect ninety days from passage.]

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AN ACT to amend article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-one-a, relating to vendors authorized to print ballots; eligibility, application and certificate of authorization; and denial, suspension and revocation of authorization.

*Be it enacted by the Legislature of West Virginia:*

That article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-one-a, to read as follows:

**§3-1-21a. Vendors authorized to print ballots; eligibility; application and certification; denial, suspension and revocation of authorization; appeal.**

1       (a) The printing of ballots for any election to be held  
2       pursuant to the provisions of this chapter shall be  
3       contracted for with a vendor authorized in accordance  
4       with the provisions of this section.

5       (b) Any vendor authorized to do business in West  
6       Virginia and in good standing may apply for a certifi-  
7       cate of authorization to print ballots for elections in this  
8       state: *Provided*, That any individual, partnership,  
9       association or corporation who does not qualify as a  
10      resident vendor pursuant to the provisions of section

11 thirty-seven-a, article three, chapter five-a of this code  
12 or who prints the ballots in a state which prohibits that  
13 state or any of its political subdivisions from contracting  
14 with West Virginia resident vendors for the printing of  
15 ballots or which prohibits the printing of ballots outside  
16 of such state, is not eligible to obtain a certificate of  
17 authorization.

18 (c) (1) Every vendor desiring to print ballots for  
19 elections held pursuant to the provisions of this chapter  
20 shall, prior to the execution of any contract for the  
21 printing of ballots with any state, county, or municipal  
22 government, obtain a certificate of authorization to print  
23 ballots.

24 (2) A certificate of authorization may be obtained by  
25 application to the secretary of state, upon a form  
26 prescribed by the secretary of state, which form shall  
27 include a statement that all printing, packaging and  
28 delivery specifications for ballots set forth in this  
29 chapter will be substantially met, and that the vendor  
30 applying for certification is eligible in accordance with  
31 the provisions of this section.

32 (3) Upon receipt of the completed application, the  
33 secretary of state shall issue a certificate of authoriza-  
34 tion to print ballots, which certificate shall remain in  
35 effect for two years from the date of issuance and may  
36 be renewed upon application therefor: *Provided*, That  
37 the secretary of state may deny the application to issue  
38 or renew the certificate of authorization, or may suspend  
39 or revoke the certificate of authorization upon a  
40 determination that the vendor has not substantially  
41 complied with the printing, packaging and delivery  
42 specifications in the printing of ballots for any state,  
43 county or municipal election, or that the vendor is not  
44 eligible or is no longer eligible to print ballots pursuant  
45 to the provisions of this section. The secretary of state  
46 shall give written notice of any such determination by  
47 certified mail, return receipt requested, to the vendor  
48 setting forth the reason for the suspension, revocation or  
49 the denial of the application or the denial of the renewal  
50 thereof. The applicant may, within sixty days of the  
51 receipt of such denial, file a written appeal with the

52 state election commission. The state election commission  
53 shall promulgate rules establishing a hearing process  
54 for such appeals.

55 (d) On or before the second Monday of January of  
56 each year, the secretary of state shall provide a list of  
57 all vendors authorized to print ballots for state, county  
58 and municipal elections to the clerk of each circuit court  
59 of this state.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Homer Duck*  
-----  
Chairman Senate Committee

*Ernest C. Moore*  
-----  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Harrell B. Nabors*  
-----  
Clerk of the Senate

*Donald G. Kopp*  
-----  
Clerk of the House of Delegates

*Keith Buntline*  
-----  
President of the Senate

*Bill Barber*  
-----  
Speaker of the House of Delegates

The within *is approved* this the *1st*  
day of *April* 1991.

*Yaston Caperton*  
-----  
Governor

PRESENTED TO THE

GOVERNOR,

Date 3/28/91

Time 10:15 am