WEST VIRGINIA CODE: §5-2-3

§5-2-3. Retention and preservation of records of the secretary of state; destruction of records.

(a) The Secretary of State shall provide for the storage and retention of those essential records, as defined in section four, article eight, chapter five-a of this code, filed in the office of the Secretary of State for the period specified by law or legislative rule. The Secretary of State shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code identifying the essential records and providing for the minimum retention period.

(b) Where a preservation duplicate, as defined in section three, article eight, chapter five-a of this code, is made of a record filed with the Secretary of State by photography, microphotography, digital imaging or other electronic means which accurately reproduces and preserves the record on microfilm, microfiche, optical disks or other unalterable electronic storage medium which complies with national standards or nationally accepted practice for permanent archival storage, the Secretary of State may provide for the destruction of the original paper copy when the following conditions are met:

(1) The preservation duplicate has been created, reviewed for quality, indexed in a reasonable manner as provided by the Secretary of State and determined to be accessible by means of the index;

(2) An additional archive copy of the preservation duplicate has been created and stored in a fireproof, secure storage location; and

(3) The original paper copy has been preserved for at least three months following the creation of the preservation duplicate.

(c) The original copies of the papers of the Governor, including executive orders, proclamations, appointments, pardons and other documents signed by the Governor, shall be retained permanently, regardless of whether a preservation duplicate has been created.

(d) The Secretary of State shall have authority to determine the retention period for nonessential records.

(e) The Secretary of State may, upon mutual agreement with the director of the division of archives and history, transfer to the division of archives and history those records of the Secretary of State as may be identified as having primarily historic value in order to make those records more available for purposes of research.

(f) Following the expiration of the required retention period, the destruction of confidential original records shall be conducted in a manner designed to protect the secrecy of those

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records.

(g) Nothing in this section shall be deemed to require the Secretary of State to destroy original records immediately upon the expiration of the retention period.

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