WEST VIRGINIA CODE CHAPTER 5 ARTICLE 2

WV Legislature

§5-2-1. General duties.

The Secretary of State shall be the keeper of the seals of the state, keep a journal of executive proceedings, arrange and preserve all records and papers belonging to the executive department, be charged with the clerical duties of that department, and render to the Governor, in the dispatch of the executive business, such service as he may require.

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§5-2-2. Authority to administer oaths.

Where any oath may lawfully be taken within the state, it may be administered by the Secretary of State, unless otherwise provided by law.

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§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 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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§5-2-4. Accessible county records; required information.

(a) The Secretary of State shall maintain a website with certain county information. The website shall be updated annually.

(b) On or before January 31, 2018, the county officer information website shall be updated by the Secretary of State.

(c) The website shall contain the following minimum information regarding county officials:

(1) The official title and name of each county office holder;

(2) The contact information for each county office holder, including telephone number, facsimile number, office location and mailing address;

(3) The electronic mail address of each elected county office holder where available; and

(4) The website of each county commission, where available.

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