WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1991

ENROLLED

HOUSE BILL No. 2628...

(By Mr. Ashley F. Bureau)

Passed March 8, 1991

In Effect 90 Days From Passage
ENROLLED

H. B. 2628

(By Delegates Ashley and Brum)

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

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.

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

(b) Any vendor authorized to do business in West Virginia and in good standing may apply for a certificate of authorization to print ballots for elections in this state: Provided, That any individual, partnership, association or corporation who does not qualify as a resident vendor pursuant to the provisions of section
Enr. H. B. 2628] 2

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

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

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

(3) Upon receipt of the completed application, the
secretary of state shall issue a certificate of authoriza-
tion to print ballots, which certificate shall remain in
effect for two years from the date of issuance and may
be renewed upon application therefor: Provided, That
the secretary of state may deny the application to issue
or renew the certificate of authorization, or may suspend
or revoke the certificate of authorization upon a
determination that the vendor has not substantially
complied with the printing, packaging and delivery
specifications in the printing of ballots for any state,
county or municipal election, or that the vendor is not
eligible or is no longer eligible to print ballots pursuant
to the provisions of this section. The secretary of state
shall give written notice of any such determination by
certified mail, return receipt requested, to the vendor
setting forth the reason for the suspension, revocation or
the denial of the application or the denial of the renewal
thereof. The applicant may, within sixty days of the
receipt of such denial, file a written appeal with the
state election commission. The state election commission shall promulgate rules establishing a hearing process for such appeals.

(d) On or before the second Monday of January of each year, the secretary of state shall provide a list of all vendors authorized to print ballots for state, county and municipal elections to the clerk of each circuit court of this state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

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

Governor