

1 or she is a member, to make, amend and rescind such orders and ~~to~~
2 promulgate legislative rules, in accordance with the provisions of
3 chapter twenty-nine-a of this code, as may be necessary to
4 standardize and make effective the provisions of this chapter. All
5 election officials, county commissions, clerks of county
6 commissions, clerks of circuit courts, boards of ballot
7 commissioners, election commissioners and poll clerks shall abide
8 by any orders that may be issued and any legislative rules that may
9 be promulgated by the Secretary of State and the commission.

10 (b) The Secretary of State also ~~shall have authority to~~ may
11 require collection and report of statistical information and ~~to~~
12 require other reports by county commissions, clerks of county
13 commissions and clerks of circuit courts.

14 (c) The Secretary of State shall also advise with election
15 officials; furnish to the election officials a sufficient number of
16 indexed copies of the current election laws of West Virginia and
17 the administrative orders and rules issued or promulgated
18 thereunder; investigate the administration of election laws, frauds
19 and irregularities in any registration or election; report
20 violations of election laws to the appropriate prosecuting
21 officials; and prepare an annual report.

22 (d) The Secretary of State ~~shall also have the power to~~ may
23 administer oaths and affirmations, issue subpoenas for the
24 attendance of witnesses, issue subpoena duces tecum to compel the

1 production of books, papers, records, registration records and
2 other evidence and fix the time and place for hearing any matters
3 relating to the administration and enforcement of this chapter, or
4 the rules promulgated by the State Election Commission or by the
5 Secretary of State as the chief election official of the state. In
6 case of disobedience to a subpoena or subpoena duces tecum, he or
7 she may invoke the aid of any circuit court in requiring the
8 attendance, evidence and testimony of witnesses and the production
9 of papers, books, records, registration records and other evidence.

10 (e) (1) The Secretary of State ~~shall also have the power~~ may,
11 after consultation with the Secretary of the Department of Military
12 Affairs and Public Safety, ~~to~~ implement emergency procedures and
13 rules to ensure that all eligible voters have the opportunity to
14 cast a valid ballot and to uphold the integrity of an election in
15 the ~~event~~ case of an international, national, state, local ,or
16 general emergency, or ~~of~~ natural disaster as declared by the
17 President or his or her designee, the Governor of this state or his
18 or her designee, or a court of competent jurisdiction which renders
19 it impossible or impracticable to follow standard voting procedures
20 in all or part of the state, ~~terrorist attack, war or general~~
21 ~~emergency,~~ if any of which occur during or immediately preceding an
22 election.

23 (2) For purposes of this subsection, a "general emergency"
24 means circumstances preventing the casting of ballots in one or

1 more voting precincts. The chief judge of the circuit court of the
2 county where the casting of ballots is being prevented must declare
3 by order that a general emergency exists.”

4 (3) The Secretary of State may designate alternative methods
5 and procedures to handle absentee voting applications and ballots.
6 The Secretary of State shall take reasonable steps to provide
7 voters covered under the Uniformed and Overseas Voters Absentee
8 Voting Act (42 U.S.C. Section 1973ff et seq.) timely notice of any
9 special procedure or requirement under this section.

10 (f) All powers and duties vested in the Secretary of State
11 pursuant to this article may be exercised by appointees of the
12 Secretary of State at his or her discretion, but the Secretary of
13 State shall be responsible for their acts.

NOTE: The purpose of this bill is to clarify the Secretary of State's authority for emergency procedures in elections in the case of a national emergency and provide notice of any modifications to absentee voters under the Uniformed Overseas Voters Absentee Voting Act.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.