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COMMITTEE SUBSTITUTE
FOR
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FOR

Senate Bill No. 420

(By Senators Wills, Foster, Browning, Miller and Beach)

[Originating in the Committee on the Judiciary;
reported February 23, 2011.]

A BILL to amend and reenact §7-1-1b of the Code of West Virginia, 1931, as amended, relating to setting forth residency requirements for county commissioners; clarifying that a person shall reside in the magisterial district from which he or she is seeking election and from which he or she was appointed or elected; and providing that if boundaries of a magisterial district are changed during the term of a county commissioner, he or she may serve out the remainder of the term.

Be it enacted by the Legislature of West Virginia:

That §7-1-1b of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-1b. Legislative findings; qualifications for county commissioners.

(a) The Legislature finds that:

1 (1) There is confusion concerning when a candidate for county
2 commission must be a resident of the magisterial district he or she
3 wants to represent;

4 (2) The Supreme Court has discussed the residency requirement
5 in several cases and has conflicting interpretations;

6 (3) It is imperative that this issue be permanently resolved
7 at the time of filing to ensure the citizens have a choice on the
8 ballot;

9 (4) It is essential the citizens know they are voting for a
10 person who is qualified to be a candidate; and

11 (5) With the expense of holding an election, tax payer moneys
12 should not be wasted ~~of~~ on officials who could never serve.

13 (b) A candidate for the office of county commissioner shall be
14 a resident ~~from~~ of the magisterial district for which he or she is
15 seeking election:

16 (1) By the last day to file a certificate of announcement
17 pursuant to section seven, article five, chapter three of this
18 code; or

19 (2) At the time of his or her appointment by the county
20 executive committee or the chairperson of the county executive
21 committee.

22 (c) A person shall be a resident of the magisterial district
23 from which he or she is seeking election as county commissioner and
24 from which he or she was appointed or elected county commissioner.
25 When a candidate for the office of county commissioner no longer
26 resides in the magisterial district, after satisfying the
27 requirements of subsection (b) of this section, he or she is deemed
28 ineligible for election. When a county commissioner no longer

1 resides in the magisterial district for which he or she was elected
2 or appointed to represent, his or her seat is deemed vacant:
3 Provided, That should boundaries of a magisterial district be
4 changed during the term of a commissioner which results in him or
5 her no longer residing in the magisterial district from which he or
6 she was elected, the commissioner may serve out the remainder of
7 his or her term.