

1 SB420 SUB1

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 420**

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

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7 [Originating in the Committee on Government Organization;  
8 reported February 16, 2011.]  
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11 A BILL to amend and reenact §7-1-1b of the Code of West Virginia,  
12 1931, as amended, relating to residency requirements for  
13 county commissioners; and clarifying that a person reside in  
14 the magisterial district for which he or she is seeking  
15 election and from which he or she is appointed or elected.

16 *Be it enacted by the Legislature of West Virginia:*

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

19 **ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

20 **§7-1-1b. Legislative findings; qualifications for county**  
21 **commissioners.**

22 (a) The Legislature finds that:

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

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

28 (3) It is imperative that this issue be permanently resolved

1 at the time of filing to ensure the citizens have a choice on the  
2 ballot;

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

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

7 (b) A candidate for the office of county commissioner shall be  
8 a resident from the magisterial district for which he or she is  
9 seeking election:

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

13 (2) At the time of his or her appointment by the county  
14 executive committee or the chairperson of the county executive  
15 committee.

16 (c) A person shall be a resident of the magisterial district  
17 for which he or she is seeking election as county commissioner and  
18 from which he or she is appointed or elected county commissioner.  
19 If a candidate for the office of county commissioner no longer  
20 resides in the magisterial district, after satisfying the  
21 requirements of subsection (b) of this section, he or she is  
22 immediately ineligible for election and shall be removed from the  
23 ballot. If a county commissioner no longer resides in the  
24 magisterial district for which he or she was elected or appointed  
25 to represent, his or her seat is immediately vacated.