

Senate Bill No. 420

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

[Introduced February 4, 2011; referred to the Committee on
Government Organization; and then to the Committee on the
Judiciary.]

11 A BILL to amend and reenact §7-1-1b of the Code of West Virginia,
12 1931, as amended, relating to eligibility of county
13 commissioners; and clarifying residency requirement.

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

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

17 **ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

18 **§7-1-1b. Legislative findings; qualifications for county**
19 **commissioners.**

20 (a) The Legislature finds that:

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

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

26 (3) It is imperative that this issue be permanently resolved
27 at the time of filing to ensure the citizens have choice on the

1 ballot;

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

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

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

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

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

15 (c) No person may be a county commissioner who is not a
16 resident within the magisterial district from which he or she is
17 elected. If any candidate for the office of county commissioner no
18 longer resides in the magisterial district for which he or she is
19 seeking election, after satisfying the requirements of subsection
20 (b) of this section, he or she is immediately ineligible for
21 election and shall be removed from the ballot. If a county
22 commissioner no longer resides in the magisterial district for
23 which he or she was elected or appointed to represent, his or her
24 seat is immediately vacated.

NOTE: The purpose of this bill is to clarify that county commissioners must continue to reside in the district they are elected or appointed to represent throughout the entire time they

hold the office.

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