

COMMITTEE SUBSTITUTE

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## **Senate Bill No. 420**

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

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

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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.**

1 (a) The Legislature finds that:

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

5 (2) The Supreme Court has discussed the residency require-  
6 ment in several cases and has conflicting interpretations;

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

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

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

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

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

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

24 (c) A person shall be a resident of the magisterial district  
25 from which he or she is seeking election as county commis-  
26 sioner and from which he or she was appointed or elected  
27 county commissioner. When a candidate for the office of  
28 county commissioner no longer resides in the magisterial  
29 district, after satisfying the requirements of subsection (b) of  
30 this section, he or she is deemed ineligible for election. When  
31 a county commissioner no longer resides in the magisterial  
32 district for which he or she was elected or appointed to  
33 represent, his or her seat is deemed vacant: *Provided, That*  
34 should boundaries of a magisterial district be changed  
35 during the term of a commissioner which results in him or  
36 her no longer residing in the magisterial district from which  
37 he or she was elected, the commissioner may serve out the  
38 remainder of his or her term.