

H. B. 2567

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(By Delegates Ihle, Faircloth, Kessinger, Moffatt, McGeehan,
Westfall, Householder, Hill, Folk, Rowan and Canterbury)

[Introduced February 2, 2015; referred to the
Committee on Education then the Judiciary.]

10 A BILL to repeal §3-5-6 of the Code of West Virginia, 1931, as amended; and to amend said code
11 by adding thereto a new section, designated §3-6-13, relating to electing members of county
12 school boards on a nonpartisan basis in general elections only; establishing eligibility of
13 candidates; and providing that members currently serving shall continue on the boards until
14 any new members take office.

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

16 That §3-5-6 of the Code of West Virginia, 1931, as amended, be repealed; and that said code
17 be amended by adding thereto a new section, designated §3-6-13, to read as follows:

18 **ARTICLE 6. CONDUCT AND ADMINISTRATION OF ELECTIONS.**

19 **§3-6-13. Election of county board of education members at general elections.**

20 (a) An election for the purpose of electing members of the county board of education shall
21 be held on the same date as the general elections, as provided by law, but upon a nonpartisan ballot
22 printed for the purpose.

23 (b) No more than two members may be elected or serve from the same magisterial district.

1 The eligibility of candidates to be declared elected for full terms of four years and for unexpired
2 terms of two or more years based on this limitation shall be determined at the time of certification
3 of the election.

4 (1) The eligibility shall be based on the magisterial district residence of incumbent members
5 of the board whose terms will continue beyond December 1, following the general election.

6 (A) No person is eligible to be declared elected who resides in a district that has two
7 incumbent members.

8 (B) No more than one candidate is eligible to be declared elected who resides in a district that
9 has one incumbent member.

10 (C) A person with the highest number of votes may be declared elected to an unexpired term
11 notwithstanding the fact that the person's magisterial district has two representatives serving on the
12 board at the time of the election: *Provided*, That the number of representatives from that magisterial
13 district will be less than two as of December 1, following the general election.

14 (2) The person declared elected to an unexpired term shall assume the duties of a member
15 of the Board of Education according to section two, article five, chapter eighteen of this code.

16 (c) In each nonpartisan election for Board of Education the board of canvassers shall:

17 (1) Declare and certify the election of the required number of eligible candidates receiving
18 the highest numbers of votes to fill any full terms;

19 (2) Declare and certify the election of the required number of eligible candidates receiving
20 the next highest numbers of votes, after all full terms are filled, to fill any unexpired terms.

21 (d) It is the intent of this section that any person declared to be elected pursuant to this section
22 shall take office as a duly elected member or members, even though the person may not have

1 received a majority or plurality of all votes cast at the election.

2 (e) In case of a tie vote for a seat on a county board of education in any general election,
3 section twelve, article six of this chapter shall control in breaking the tie.

4 (f) Members of county boards of education who were previously elected in primary elections
5 shall continue to serve until the time when any new members elected in general elections take office.

NOTE: The purpose of this bill is to elect members of county school boards on a nonpartisan basis and only in general elections. The bill establishes eligibility of candidates. The bill provides that members currently serving shall continue on the boards until any new members take office.

The bill repeals §3-5-6.

§3-6-13 is new; therefore, it has been completely underscored.