

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2432

BY DELEGATES KUMP AND HOUSEHOLDER

[Introduced January 15, 2019; Referred
to the Committee on Education then the Judiciary.]

1 A BILL to repeal §3-5-6 of the Code of West Virginia, 1931, as amended; and to amend said code
 2 by adding thereto a new section, designated §3-6-13, all relating to electing members of
 3 county school boards on a nonpartisan basis in general elections only; and providing that
 4 members elected in primary elections shall continue on the boards until any new members
 5 take office.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-6. Election of county board of education members at primary elections.

1 [Repealed]

ARTICLE 6. CONDUCT AND ADMINISTRATION OF ELECTIONS.

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

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

4 (b) No more than two members may be elected or serve from the same magisterial district.
 5 The eligibility of candidates to be declared elected for full terms of four years and for unexpired
 6 terms of two or more years based on this limitation shall be determined at the time of certification
 7 of the election.

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

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

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

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

19 (2) The person declared elected to an unexpired term shall assume the duties of a member
20 of the board of education according to §18-5-2 of this code.

21 (c) In each nonpartisan election for board of education the board of canvassers shall:

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

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

26 (d) It is the intent of this section that any person declared to be elected pursuant to this
27 section shall take office as a duly elected member or members, even though the person may not
28 have received a majority or plurality of all votes cast at the election.

29 (e) In case of a tie vote for a seat on a county board of education in any general election,
30 §3-6-12 of this code controls in breaking the tie.

31 (f) Members of county boards of education who were previously elected in primary
32 elections shall continue to serve until the time when any new members elected in general
33 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 provides that members elected in primary elections shall continue on the boards until any new members take office.

The bill repeals §3-5-6.

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