WEST virginia legislature

2022 regular session

Introduced

House Bill 4680

By Delegate Haynes

[Introduced February 15, 2022; Referred to the Committee on Political Subdivisions then the Judiciary]

A BILL to amend and reenact §7-1-1b of the Code of West Virginia, 1931 as amended, relating to modifying qualifications for county commissioners.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-1b. ~~Legislative findings; qualifications~~ Qualifications for county commissioners.

~~(a) The Legislature finds that:~~

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

~~(2) The supreme court has discussed the residency requirement in several cases and has conflicting interpretations;~~

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

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

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

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

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

~~(2) At the time of his or her appointment by the county executive committee or the chairperson of the county executive committee~~

(1) At least one year prior to the general election in which he or she would be elected; or

(2) At least one year prior to his or her appointment by the county executive committee or the chairperson of the county executive committee.

NOTE: The purpose of this bill is to modify the qualifications for county commissions.

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