

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **Senate Bill 591**

BY SENATOR TRUMP

[Introduced February 07, 2022; referred to  
the Committee on the Judiciary]



1 A BILL to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, relating  
2 to the process for filling vacancies in the state Legislature; clarifying the process for filling  
3 a vacancy if the member was elected to a multi-county senatorial or delegate district; and  
4 authorizing the county executive committee of single-county senatorial or delegate district  
5 to fill vacancies.

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

**ARTICLE 10. FILLING VACANCIES.**

**§3-10-5. Vacancies in state Legislature.**

1 (a) Any vacancy in the office of state senator or member of the House of Delegates shall  
2 be filled by appointment by the Governor, from a list of three legally qualified persons submitted  
3 by the party executive committee of the same political party with which the person holding the  
4 office immediately preceding the vacancy was affiliated at the time the vacancy occurred. The list  
5 of qualified persons to fill the vacancy shall be submitted to the Governor within 15 days after the  
6 vacancy occurs and the Governor shall duly make his or her appointment to fill the vacancy from  
7 the list of legally qualified persons within five days after the list is received. If the list is not  
8 submitted to the Governor within the 15-day period, the Governor shall appoint within five days  
9 thereafter a legally qualified person of the same political party with which the person holding the  
10 office immediately preceding the vacancy was affiliated at the time the vacancy occurred.

11 (b) In the case of a member of the House of Delegates, if the member was elected to a  
12 multi-county delegate district the list shall be submitted by the party executive committee of the  
13 delegate district in which the vacating member resided at the time of his or her election or  
14 appointment. If the member was elected to a delegate district situated entirely within a single  
15 county, the list shall be submitted by the county executive committee in which the vacating  
16 member resided at the time of his or her election or appointment. The appointment to fill a vacancy  
17 in the House of Delegates is for the unexpired term.

18           (c) In the case of a state senator, if the member was elected to a multi-county senatorial  
19 district the list shall be submitted by the party executive committee of the state senatorial district  
20 in which the vacating senator resided at the time of his or her election or appointment. If the  
21 member was elected to a senatorial district situated entirely within a single county, the list shall  
22 be submitted by the county executive committee in which the vacating member resided at the  
23 time of his or her election or appointment. The appointment to fill a vacancy in the state Senate  
24 is for the unexpired term, unless §3-10-1 of this code requires a subsequent election to fill the  
25 remainder of the term, which shall follow the procedure set forth in said section.