

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 670

By Senator Maynard

[Introduced February 17, 2023; referred
to the Committee on the Judiciary]

17 adequate public notice of such vacancy and that there are at least 72 hours between the time that
18 such notice is posted publicly and the time that the application period closes.

19 (d) The nomination of such candidates for a vacancy under this section shall occur in the
20 following manner:

21 (1) If there are three candidates who have applied, the vacancy committee need not
22 convene unless called to do so by the state chairman, the district vacancy chairman, or upon the
23 application of 33 percent of the members of the district vacancy committee. If there are only three
24 candidates, and the committee is not called, the state chairman of the party for which the vacancy
25 occurred, shall certify those three names to the Governor and shall provide a copy to the Secretary
26 of State.

27 (2) If there are less than three candidates, the district vacancy committee shall convene
28 and fill the remaining slots from a list of registered candidates who are constitutionally eligible to
29 hold such office and are registered to vote in and reside in the district from which the vacancy
30 occurred.

31 (3) If there are more than three candidates who apply for such office, interviews of all
32 eligible candidates shall be conducted in person at a location in the district or by virtual means.
33 The interviews shall also be conducted with the state party chairman, state party secretary, and
34 the district executive committee members present, unless the district is entirely within a county,
35 wherein the county party executive committee chairman and county party executive committee
36 secretary will be present at the interview process. All interviews will be uniform, and no candidate
37 shall be questioned by individual committee members or be given more or less time than another
38 candidate. At the conclusion of the interviews, the district vacancy committee shall deliberate in
39 private and choose three candidates to submit to the Governor.

40 (A) The district vacancy committee shall vote by blank ballot and no name shall be placed
41 on the list submitted to the Governor unless they receive a majority of votes cast. The members of
42 the district vacancy committee shall vote for up to three candidates on the first round of balloting. If

43 any candidate receives a majority of votes cast, that candidate shall be nominated and his or her
44 name shall be removed from the next round of voting.

45 (B) In succeeding rounds of balloting, the committee members shall only be allowed to vote
46 for the number of slots left to nominate. In each succeeding round of balloting, the candidate
47 receiving the fewest votes shall be eliminated for the next round of balloting, unless there are
48 multiple candidates who receive the fewest amounts of votes. This process shall continue
49 indefinitely until three candidates are nominated.

50 (e) At the conclusion of the committee interviews and action, the state chairman, district
51 vacancy committee chairman, or vice chairman in the absence of the chairman, and district
52 vacancy committee secretary shall certify, by letter on state party committee letterhead, the list of
53 three names for such vacancy. This letter shall be filed by the state party staff within 24 hours of
54 the letter being signed by all three officers. All letters and certification papers shall be filed with the
55 Governor and the Secretary of State.

56 (f) In any case where there is no senate vacancy committee or delegate vacancy
57 committee due to the district being wholly within one county, the delegate district committee will be
58 comprised of county executive committee members that live within that delegate or senate district.

59 (g) The list of qualified persons to fill the vacancy shall be submitted to the Governor within
60 15 days after the vacancy occurs and the Governor shall duly make his or her appointment to fill
61 the vacancy from the list of legally qualified persons within five days after the list is received. If the
62 list is not submitted to the Governor within the 15-day period, the Governor shall appoint within five
63 days thereafter a legally qualified person of the same political party with which the person holding
64 the office immediately preceding the vacancy was affiliated at the time the vacancy occurred.

65 (b) (h) In the case of a member of the House of Delegates, the list shall be submitted by the
66 party executive committee of the delegate district in which the vacating member resided at the
67 time of his or her election or appointment. The appointment to fill a vacancy in the House of
68 Delegates is for the unexpired term.

69 ~~(e)~~ (i) In the case of a state senator, the list shall be submitted by the party executive
70 committee of the state senatorial district in which the vacating senator resided at the time of his or
71 her election or appointment. The appointment to fill a vacancy in the state Senate is for the
72 unexpired term, unless §3-10-1 of this code requires a subsequent election to fill the remainder of
73 the term, which shall follow the procedure set forth in said section.

NOTE: The purpose of this bill is to clarify the responsibility of the Governor to fill a vacancy in the state legislature. The bill provides a process for the selection of three legally qualified persons to fill a vacancy in the office of state senator or House of Delegates, allows for virtual candidate interviews where more than three candidates apply, and clarifies the interview process. It also provides that a party county chairman appoint a subcommittee to act as vacancy committee where a senate or delegate district is wholly within one county.

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