

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 829**

[Introduced February 16, 2024; referred  
to the Committee on Government Organization]

1 A BILL to amend and reenact §3-1-9 and §3-1-11 of the Code of West Virginia, 1931, as amended,  
 2 all relating to political party committee organization, vacancy filling procedures, and  
 3 political party internal governance.

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

**ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.**

**§3-1-9. Political party committees; how composed; organization. Is amended to the following:**

1 (a) Every fourth year at the primary election, the voters of each political party in each state  
 2 senatorial district shall elect four members consisting of two male members and two female  
 3 members of the state executive committee of the party. ~~In state senatorial districts containing two~~  
 4 ~~or more counties, not more than two elected committee members shall be residents of the same~~  
 5 ~~county: *Provided*, That at each election the votes shall be tallied from highest to lowest without~~  
 6 ~~regard to gender or county of residence. The two candidates with the highest votes shall be~~  
 7 ~~elected first and the other candidates shall be qualified based on vote tallies, gender, and county of~~  
 8 ~~residence~~ Upon completion of the canvass, the clerk of the county commission from each county  
 9 shall send the results of the election of members of each state executive committee and  
 10 certificates of announcement, if any, to the Secretary of State. Upon certification of the election  
 11 results, the Secretary of State shall make known to each state executive committee the members  
 12 elected to such committee and the vacancies, if any. ~~The committee, when convened and~~  
 13 ~~organized as herein provided, shall appoint three additional members of the committee from the~~  
 14 ~~state at large which shall constitute the entire voting membership of the state executive~~  
 15 ~~committee: *Provided, however*, That if it chooses to do so, the committee may, by motion or~~  
 16 ~~resolution and in accordance with party rules, expand the voting membership of the committee~~  
 17 When senatorial districts are realigned following a decennial census, members of the state  
 18 executive committee previously elected or appointed shall continue in office until the expiration of  
 19 their terms. ~~Appointments made to fill vacancies on the committee until the next election of~~

20 ~~executive committee members shall be selected from the previously established districts~~ At the  
21 first election of executive committee members following the realignment of senatorial districts,  
22 members shall be elected from the newly established districts.

23 (b) At the primary election, the voters of each political party in each county shall elect one  
24 male and one female member of the party's executive committee of the congressional district, of  
25 the state senatorial district and of the delegate district in which the county is situated, if the county  
26 is situated in a multicounty state senatorial or delegate district. Upon completion of the canvass,  
27 the clerk of the county commission from each county shall send the results of the election of  
28 members of each congressional district, state senatorial district and delegate district executive  
29 committee of each party to the Secretary of State. Upon certification of the election results, the  
30 Secretary of State shall make known to each state executive committee the members elected to  
31 each congressional district, state senatorial district and delegate district executive committee and  
32 the vacancies, if any. Upon receipt, the state executive committee shall make known any  
33 vacancies to the applicable county executive committee for the purpose of filling said vacancies as  
34 provided in subsection (f) of this section. When districts are realigned following a decennial  
35 census, members of an executive committee previously elected in a county to represent that  
36 county in a congressional or multicounty senatorial or delegate district executive committee shall  
37 continue to represent that county in the appropriate newly constituted multicounty district until the  
38 expiration of their terms: *Provided*, That the county executive committee of the political party shall  
39 determine which previously elected members will represent the county if the number of  
40 multicounty state senatorial or delegate districts in the county is decreased; and shall appoint  
41 members to complete the remainder of the term if the number of districts is increased.

42 (c) At the same time the voters of the county in each magisterial district or executive  
43 committee district, as the case may be, shall elect one male and one female member of the party's  
44 county executive committee except that in counties having three executive committee districts,  
45 there shall be elected two male and two female members of the party's executive committee from

46 each magisterial or executive committee district. Upon completion of the canvass, the clerk of the  
47 county commission from each county shall send the results of the election of members of the  
48 county executive committee of each party along with the certificates of announcement to the  
49 Secretary of State. Upon certification of the election results, the Secretary of State shall make  
50 known to each state executive committee the members elected to the county committee and the  
51 vacancies, if any. Upon receipt, the state executive committee shall make known any vacancies to  
52 the applicable county executive committee for the purpose of filling said vacancies as provided in  
53 subsection (f) of this section.

54 (d) For the purpose of complying with the provisions of this section, the county commission  
55 shall create the executive committee districts. The districts shall not be fewer than the number of  
56 magisterial districts in the county, nor shall they exceed in number the following: Forty for counties  
57 having a population of 100,000 persons or more; 30 for counties having a population of 50,000 to  
58 100,000; 20 for counties having a population of 20,000 to 50,000; and the districts in counties  
59 having a population of less than 20,000 persons shall be coextensive with the magisterial districts.

60 (e) The executive committee districts shall be as nearly equal in population as practicable  
61 and shall each be composed of compact, contiguous territory. The county commissions shall  
62 change the territorial boundaries of the districts as required by the increase or decrease in the  
63 population of the districts as determined by a decennial census. The changes must be made within  
64 two years following the census.

65 (f) All members of executive committees, selected for each political division as herein  
66 provided, shall reside within the county or district from which chosen. The term of office of all  
67 members of executive committees elected at the primary election shall begin upon certification of  
68 their election in accordance with the rules of the state executive committee of that political party  
69 and shall continue until death, disqualification, resignation, or removal, or until their successor is  
70 chosen and qualified in accordance with the rules of the state executive committee of that political  
71 party in the year 2010 will begin on July 1, following the primary election and continue for four

72 ~~years thereafter, except as provided in subsection (g) of this section.~~ Vacancies in the state  
73 executive committee shall be filled by the members of the committee for the unexpired term.  
74 Vacancies in the party's executive committee of a congressional district, state senatorial district,  
75 delegate district or county shall be filled by the party's executive committee of the county in which  
76 the vacancy exists for the unexpired term.

77 (g) The election of county, district, or state political party officers, such as chair, vice chair,  
78 treasurer, secretary, or national committee members, shall be conducted according to the rules of  
79 that state executive committee of that political party. ~~As soon as possible after the certification of~~  
80 ~~the election of the new executive committees, as herein provided, the newly elected executive~~  
81 ~~committee shall convene an organizational meeting within their respective political divisions, on~~  
82 ~~the call of the chair of the corresponding outgoing executive committee or by any member of the~~  
83 ~~new executive committee in the event there is no corresponding outgoing executive committee.~~  
84 ~~During the first meeting the new executive committee shall select a chair, a treasurer and a~~  
85 ~~secretary and other officers as they may desire. Each of the officers shall, for their respective~~  
86 ~~committees, perform the duties that usually appertain to his or her office. The organizational~~  
87 ~~meeting may be conducted prior to July 1, but must occur after the certification of the election of~~  
88 ~~the new executive committees. If the organizational meeting is conducted prior to July 1, the new~~  
89 ~~committee shall serve out the remainder of the outgoing committee's term and is authorized to~~  
90 ~~conduct official business. A current listing of all executive committees' members shall be filed with~~  
91 ~~the Secretary of State by the end of July of each year. Vacancies in any executive committee shall~~  
92 ~~be filled by the appropriate executive committee as provided in subsection (f) of this section no~~  
93 ~~later than 60 days after the vacancy occurs. The chair of each executive committee shall submit an~~  
94 ~~updated committee list to the Secretary of State within 10 days of a change occurring. Executive~~  
95 ~~committee membership lists shall include at least the member's name, full address, employer,~~  
96 ~~telephone number and term information. An appointment to fill a vacancy does not take effect if the~~  
97 ~~executive committee does not submit the updated list to the Secretary of State within the allotted~~

98 ~~time period. If the executive committee fails to submit the updated list within the allotted time~~  
99 ~~period, it must make another appointment pursuant to the provisions of this section and resubmit~~  
100 ~~the updated list in a timely manner. If a vacancy on an executive committee is not filled within the~~  
101 ~~60-day period prescribed by this section, the chair of the appropriate executive committee, as~~  
102 ~~provided in subsection (f) of this section, shall name someone to fill the vacancy. If the chair of a~~  
103 ~~county executive committee fails to fill a vacancy in a congressional district, state senatorial district~~  
104 ~~or delegate district executive committee, and the failure to fill such vacancy prohibits said~~  
105 ~~committee from conducting official business, the chair of the party's state executive committee~~  
106 ~~shall fill such vacancy.~~

107 (h) Any meeting of any political party executive committee shall be held only after public  
108 notice and notice to each member is given according to party rules and shall be open to all  
109 members affiliated with the party. Meetings shall be conducted according to party rule and minutes  
110 shall be maintained and shall be open to inspection by members affiliated with the party.

**§3-1-11. Powers of the state executive committee; central or subcommittees; party emblems.**

1 The state executive committee of each party may make such rules for the government of  
2 such party, ~~not inconsistent with law, as may be deemed expedient; and it may also revoke, alter,~~  
3 ~~or amend, in any manner not inconsistent with law, any present or future rules of such party. All~~  
4 ~~acts of such state or other committees may be reviewable by the courts. Any party executive~~  
5 ~~committee may create and appoint subcommittees, campaign, or central committees, and~~  
6 ~~delegate to them such powers and authority in the executive and administrative work of the~~  
7 ~~committee as they shall deem advisable; but no power or authority shall be delegated to such~~  
8 ~~subcommittee, campaign committee, or central committee, in contravention of any law of the~~  
9 ~~state.~~ The state executive committee shall adopt a party emblem or device for the party to  
10 distinguish and identify the party ticket, and shall certify the same to the ballot commissioners, and  
11 it shall be printed on the party ticket. The device or emblem of no two parties shall be similar or of

- 12 such a nature as to mislead or confuse the voter. If two or more parties seek the same device, or  
13 similar devices, preference shall be given to the party polling the largest number of votes for the  
14 candidate for Governor at the last election for such office.

NOTE: The purpose of this bill is to revise and modify political party committee organization, vacancy filling procedures, and political party internal governance.

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