## WEST VIRGINIA LEGISLATURE 2024 REGULAR SESSION

## Introduced

## **Senate Bill 830**

[Introduced February 16, 2024; referred

to the Committee on Government Organization]

Intr SB 2024R3741

A BILL to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, relating to the procedures for filling vacancies in state Legislature.

Be it enacted by the Legislature of West Virginia:

ARTICLE §3-10-5.	10. Vacancies	FILLING		VACANCIES.
		in	state	Legislature.

- (a) Any vacancy in the office of state senator or member of the House of Delegates shall be filled by appointment by the Governor, from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred. The list of qualified persons to fill the vacancy shall be submitted to the Governor within 15 days after the vacancy occurs and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified persons within five days after the list is received. If the list is not submitted to the Governor within the 15-day period, the Governor shall appoint within five days thereafter a legally qualified person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred. The process to compose and submit the list submitted by the political party of the person holding the office immediately preceding the vacancy shall be governed by the rules of the state executive committee of that political party.
- (b) In the case of a member of the House of Delegates, if the member was elected to a multi-county delegate district the list shall be submitted by the party executive committee of the delegate district in which the vacating member resided at the time of his or her election or appointment. If the member was elected to a delegate district situated entirely within a single county, the list shall be submitted by the county executive committee in which the vacating member resided at the time of his or her election or appointment. The appointment to fill a vacancy in the House of Delegates is for the unexpired term.
  - (c) In the case of a state senator, if the member was elected to a multi-county senatorial

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

NOTE: The purpose of this bill is to amend the procedures for filling vacancies in state legislature.

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