

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4386

BY DELEGATE HIGGINBOTHAM, ELLINGTON, HOWELL,

HAMRICK, TONEY AND HANNA

[Introduced January 16, 2020; Referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §3-1-9 of the Code of West Virginia, 1931, as amended, relating to
2 political party committees; establishing that any elected state representative in the West
3 Virginia House of Delegates or the West Virginia State Senate are members of the political
4 party upon election or appointment; permitting all elected or appointed officials to remain
5 a member for the duration of their time in office; and permitting any elected or appointed
6 representative to be elected as an officer for the political party committee.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-9. Political party committees; how composed; organization.

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
8 of residence. Upon completion of the canvass, the clerk of the county commission from each
9 county 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, may expand the voting membership of the
17 committee. When senatorial districts are realigned following a decennial census, members of the

18 state executive committee previously elected or appointed shall continue in office until the
19 expiration of their terms. Appointments made to fill vacancies on the committee until the next
20 election of executive committee members shall be selected from the previously established
21 districts. At the first election of executive committee members following the realignment of
22 senatorial districts, 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
34 as 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
52 to the applicable county executive committee for the purpose of filling said vacancies as provided
53 in 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
64 within 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 in the year 2010 will begin on
68 July 1, following the primary election and continue for four years thereafter, except as provided in
69 subsection (g) of this section. Vacancies in the state executive committee shall be filled by the

70 members of the committee for the unexpired term. Vacancies in the party's executive committee
71 of a congressional district, state senatorial district, delegate district or county shall be filled by the
72 party's executive committee of the county in which the vacancy exists for the unexpired term.

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

96 subsection (f) of this section, shall name someone to fill the vacancy. If the chair of a county
97 executive committee fails to fill a vacancy in a congressional district, state senatorial district or
98 delegate district executive committee, and the failure to fill such vacancy prohibits said committee
99 from conducting official business, the chair of the party's state executive committee shall fill such
100 vacancy.

101 (h) Any meeting of any political party executive committee shall be held only after public
102 notice and notice to each member is given according to party rules and shall be open to all
103 members affiliated with the party. Meetings shall be conducted according to party rules, all official
104 actions shall be made by voice vote and minutes shall be maintained and shall be open to
105 inspection by members affiliated with the party.

106 (i) Upon passage of this subsection in the 2020 legislative session, all duly elected or
107 appointed state representatives, defined as a Delegate in the West Virginia House of Delegates
108 or a Senator in the West Virginia State Senate, are considered affiliated members of their
109 respective political party's state party executive committee. Newly elected state representatives
110 will be considered members of their respective political party's state party executive committee
111 upon being sworn in to begin their duties. State representatives will remain affiliated members of
112 their respective political party's state party executive committee for the duration of their time in
113 office, including any reelections. Any state representative may be elected to serve as an officer
114 within their respective political party's state party executive committee, as prescribed in this
115 section. Nothing in this section prevents a state senator or delegate from having multiple votes
116 on a state executive committee, including as a county chair, officer, or elected member of the
117 state executive committee.

NOTE: The purpose of this bill is to permit any elected or appointed state representative in the West Virginia House of Delegates or the West Virginia State Senate to be members of the political party upon election or appointment for the duration of their time in office and permitting any elected or appointed representative to be elected as an officer for the political party committee.

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