

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5625

By Delegate Crouse

[Introduced February 12, 2024; Referred to the
Committee on Education]

1 A BILL to amend and reenact §3-1-9 of the Code of West Virginia, 1931, as amended, and to
 2 amend and reenact §18B-2A-1 of said code, all relating to relating to updating names of
 3 institutions of higher education and nondiscrimination in leadership positions.

Be it enacted by the Legislature of West Virginia:

CHAPTER 3. ELECTIONS.

ARTICLE 3. 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 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 committee:
 15 *Provided, however*, That if it chooses to do so, the committee may, by motion or resolution and in
 16 accordance with party rules, expand the voting membership of the committee. When senatorial
 17 districts are realigned following a decennial census, members of the state executive committee
 18 previously elected or appointed shall continue in office until the expiration of their terms.

19 Appointments made to fill vacancies on the committee until the next election of executive
20 committee members shall be selected from the previously established districts. At the first election
21 of executive committee members following the realignment of senatorial districts, members shall
22 be elected from the newly established districts.

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

45 committee districts, there shall be elected ~~two male and two female~~ four members of the party's
46 executive committee from each magisterial or executive committee district. Upon completion of
47 the canvass, the clerk of the county commission from each county shall send the results of the
48 election of members of the county executive committee of each party along with the certificates of
49 announcement to the Secretary of State. Upon certification of the election results, the Secretary of
50 State shall make known to each state executive committee the members elected to the county
51 committee and the vacancies, if any. Upon receipt, the state executive committee shall make
52 known any vacancies to the applicable county executive committee for the purpose of filling said
53 vacancies as provided 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 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 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 of

71 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 that
80 usually appertain to his or her office. The organizational meeting may be conducted prior to July 1,
81 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 the
85 end of July of each year. Vacancies in any executive committee shall be filled by the appropriate
86 executive committee as provided in subsection (f) of this section no later than 60 days after the
87 vacancy occurs. The chair of each executive committee shall submit an updated committee list to
88 the Secretary of State within 10 days of a change occurring. Executive committee membership
89 lists shall include at least the member's name, full address, employer, telephone number and term
90 information. An appointment to fill a vacancy does not take effect if the executive committee does
91 not submit the updated list to the Secretary of State within the allotted time period. If the executive
92 committee fails to submit the updated list within the allotted time period, it must make another
93 appointment pursuant to the provisions of this section and resubmit the updated list in a timely
94 manner. If a vacancy on an executive committee is not filled within the 60-day period prescribed by
95 this section, the chair of the appropriate executive committee, as provided in subsection (f) of this
96 section, shall name someone to fill the vacancy. If the chair of a county executive committee fails to

97 fill a vacancy in a congressional district, state senatorial district or delegate district executive
98 committee, and the failure to fill such vacancy prohibits said committee from conducting official
99 business, the chair of the party's state executive committee shall fill such vacancy.

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

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.

**§18B-2A-1. Findings; composition of boards; terms and qualifications of members;
vacancies; eligibility for reappointment.**

1 (a) Findings.-The Legislature finds that the State of West Virginia is served best when the
2 membership of each governing board includes the following:

3 (1) The academic expertise and institutional experience of faculty members and a student
4 of the institution governed by the board;

5 (2) The technical or professional expertise and institutional experience of a classified
6 employee or, as appropriate, nonclassified employee of the institution governed by the board;

7 (3) An awareness and understanding of the issues facing the institution governed by the
8 board; and

9 (4) ~~The diverse Diverse perspectives that arise from a membership that is balanced in~~
10 ~~terms of gender and varied in terms of race and ethnic heritage.~~

11 (b) Boards of governors established.-~~(~~

12 A board of governors is continued at each of the following institutions: Bluefield State
13 ~~College~~ University, Blue Ridge Community and Technical College, ~~Bridgemont~~ Bridge Valley
14 Community and Technical College, Concord University, Eastern West Virginia Community and

15 Technical College, Fairmont State University, Glenville State ~~College~~ University, ~~Kanawha Valley~~
16 ~~Community and Technical College~~, Mountwest Community and Technical College, Marshall
17 University, New River Community and Technical College, Pierpont Community and Technical
18 College, Shepherd University, Southern West Virginia Community and Technical College, West
19 Liberty University, West Virginia Northern Community and Technical College, the West Virginia
20 School of Osteopathic Medicine, West Virginia State University, West Virginia University and West
21 Virginia University at Parkersburg.

22 (c) Board membership.—

23 (1) An appointment to fill a vacancy on the board or reappointment of a member who is
24 eligible to serve an additional term is made in accordance with the provisions of this section.

25 (2) The Board of Governors for Marshall University consists of sixteen persons. The Board
26 of Governors for West Virginia University consists of seventeen persons. The boards of governors
27 of the other state institutions of higher education consist of twelve persons.

28 (3) Each board of governors includes the following members:

29 (A) A full-time member of the faculty with the rank of instructor or above duly elected by the
30 faculty of the respective institution;

31 (B) A member of the student body in good academic standing, enrolled for college credit
32 work and duly elected by the student body of the respective institution; and

33 (C) A member from the institutional classified employees duly elected by the classified
34 employees of the respective institution or, if the respective institution does not have classified
35 employees, a member from the institutional nonclassified employees duly elected by the
36 nonclassified employees of the respective institution.

37 (4) For the Board of Governors at Marshall University, thirteen lay members appointed by
38 the Governor, by and with the advice and consent of the Senate, pursuant to this section;

39 (5) For the Board of Governors at West Virginia University, twelve lay members appointed
40 by the Governor, by and with the advice and consent of the Senate, pursuant to this section, and

41 additionally:

42 (A) The Chairperson of the Board of Visitors of West Virginia University Institute of
43 Technology;

44 (B) A full-time faculty member representing the extension service at the institution or a full-
45 time faculty member representing the health sciences, selected by the faculty senate.

46 (6) For each board of governors of the other state institutions of higher education, nine lay
47 members appointed by the Governor, by and with the advice and consent of the Senate, pursuant
48 to this section.

49 (A) Of the nine members appointed by the Governor, no more than five may be of the same
50 political party. Of the thirteen members appointed by the Governor to the governing board of
51 Marshall University, no more than eight may be of the same political party. Of the twelve members
52 appointed by the Governor to the governing board of West Virginia University, no more than seven
53 may be of the same political party.

54 (B) Of the nine members appointed by the Governor, at least five shall be residents of the
55 state. Of the thirteen members appointed by the Governor to the governing board of Marshall
56 University, at least eight shall be residents of the state. Of the twelve members appointed by the
57 Governor to the governing board of West Virginia University, at least seven shall be residents of
58 the state.

59 (7) In making lay appointments, the Governor shall consider the institutional mission and
60 membership characteristics including the following:

61 (A) The need for individual skills, knowledge and experience relevant to governing the
62 institution;

63 (B) The need for awareness and understanding of institutional problems and priorities,
64 including those related to research, teaching and outreach; and

65 (C) The value of ~~gender, racial and ethnic~~ viewpoint diversity. ~~and~~

66 (D) ~~The value of achieving balance in gender and diversity in the racial and ethnic~~

67 ~~characteristics of the lay membership of each board.~~

68 (d) Board member terms.-{

69 (1) The student member serves for a term of one year. Each term begins on July 1.

70 (2) The faculty member serves for a term of two years. Each term begins on July 1. Faculty
71 members are eligible to succeed themselves for three additional terms, not to exceed a total of
72 eight consecutive years.

73 (3) The member representing classified employees or, as appropriate, nonclassified
74 employees serves for a term of two years. Each term begins on July 1. Members representing
75 classified employees or, as appropriate, nonclassified employees are eligible to succeed
76 themselves for three additional terms, not to exceed a total of eight consecutive years.

77 (4) The appointed lay citizen members serve terms of four years each and are eligible to
78 succeed themselves for no more than one additional term, except that citizen members who are
79 appointed to fill unexpired terms are eligible to succeed themselves for two full terms after
80 completing an unexpired term.

81 (5) A vacancy in an unexpired term of a member shall be filled for the unexpired term within
82 thirty days of the occurrence of the vacancy in the same manner as the original appointment or
83 election. Except in the case of a vacancy, all elections are held and all appointments are made no
84 later than June 30 preceding the commencement of the term. Each board of governors shall elect
85 one of its appointed lay members to be chairperson in June of each year. A member may not serve
86 as chairperson for more than four consecutive years.

87 (6) The appointed members of the boards of governors serve staggered terms of up to four
88 years except that four of the initial appointments to the governing boards of community and
89 technical colleges that became independent July 1, 2008, are for terms of two years and five of the
90 initial appointments are for terms of four years.

91 (e) Board member eligibility, expenses.-{

92 (1) A person is ineligible for appointment to membership on a board of governors of a state

93 institution of higher education under the following conditions:

94 (A) For a baccalaureate institution or university, a person is ineligible for appointment who
95 is an officer, employee or member of any other board of governors within this state; an employee of
96 any institution of higher education within this state; an officer or member of any political party
97 executive committee; the holder of any other public office or public employment under the
98 government of this state or any of its political subdivisions; an employee of any affiliated research
99 corporation created pursuant to article twelve of this chapter; an employee of any affiliated
100 foundation organized and operated in support of one or more state institutions of higher education;
101 or a member of the council or commission: *Provided*, That if an appointee is an employee or board
102 member of an out-of-state higher education institution, there is no apparent conflict of interest
103 caused by the individual serving in both capacities. This subsection does not prevent the
104 representative from the faculty, classified employees or, as appropriate, nonclassified employees,
105 students or the superintendent of a county board of education from being members of the
106 governing boards.

107 (B) For a community and technical college, a person is ineligible for appointment who is an
108 officer, employee or member of any other board of governors within this state; a member of a
109 board of visitors of any public institution of higher education; an employee of any institution of
110 higher education within this state; an officer or member of any political party executive committee;
111 the holder of any other public office, other than an elected county office, or public employment,
112 other than employment by the county board of education, under the government of this state or
113 any of its political subdivisions; an employee of any affiliated research corporation created
114 pursuant to §18B-12-1 *et seq.* of this code; an employee of any affiliated foundation organized and
115 operated in support of one or more state institutions of higher education; or a member of the
116 council or commission: *Provided*, That if an appointee is an employee or board member of an out-
117 of-state higher education institution, there is no apparent conflict of interest caused by the
118 individual serving in both capacities. This subsection does not prevent the representative from the

119 faculty, classified employees or, as appropriate, nonclassified employees or students from being
120 members of the governing boards.

121 (2) Before exercising any authority or performing any duties as a member of a governing
122 board, each member shall qualify as such by taking and subscribing to the oath of office
123 prescribed by section five, article IV of the Constitution of West Virginia and the certificate thereof
124 shall be filed with the Secretary of State.

125 (3) A member of a governing board appointed by the Governor may not be removed from
126 office by the Governor except for official misconduct, incompetence, neglect of duty or gross
127 immorality and then only in the manner prescribed by law for the removal of the state elective
128 officers by the Governor.

129 (4) The members of the board of governors serve without compensation, but are
130 reimbursed for all reasonable and necessary expenses actually incurred in the performance of
131 official duties under this article upon presentation of an itemized sworn statement of expenses.

132 (5) The president of the institution shall make available resources of the institution for
133 conducting the business of its board of governors. All expenses incurred by the board of governors
134 and the institution under this section are paid from funds allocated to the institution for that
135 purpose.

NOTE: The purpose of this bill is to prevent discrimination at institutions of higher education
at West Virginia postsecondary institutions.

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