

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 3227**

By Delegate Pushkin

[Introduced March 07, 2025; referred to the

Committee on the Judiciary]

1 A BILL to amend §3-10-5 of the Code of West Virginia, 1931, as amended, relating to preserving  
2 the will of the voters by requiring the Governor appoint a new member of the House of  
3 Delegates from the same political party from which the elected member vacating the seat  
4 was elected.

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

**ARTICLE 10. FILLING VACANCIES.**

**§3-10-5. Vacancies in state Legislature.**

1 (a) Any vacancy in the office of state senator or member of the House of Delegates shall be  
2 filled by appointment by the Governor, from a list of three legally qualified persons submitted by the  
3 party executive committee of the same political party with which the person holding the office  
4 immediately preceding the vacancy was affiliated at the time the vacancy occurred. The list of  
5 qualified persons to fill the vacancy shall be submitted to the Governor within 15 days after the  
6 vacancy occurs and the Governor shall duly make his or her appointment to fill the vacancy from  
7 the list of legally qualified persons within five days after the list is received. If the list is not  
8 submitted to the Governor within the 15-day period, the Governor shall appoint within five days  
9 thereafter a legally qualified person of the same political party with which the person holding the  
10 office immediately preceding the vacancy was affiliated at the time the vacancy occurred elected.

11 (b) In the case of a member of the House of Delegates, if the member was elected to a  
12 multi-county delegate district the list shall be submitted by the party executive committee of the  
13 delegate district in which the vacating member resided at the time of his or her election or  
14 appointment. If the member was elected to a delegate district situated entirely within a single  
15 county, the list shall be submitted by the county executive committee in which the vacating  
16 member resided at the time of his or her election or appointment. The appointment to fill a vacancy  
17 in the House of Delegates is for the unexpired term.

18 (c) In the case of a state senator, if the member was elected to a multi-county senatorial  
19 district the list shall be submitted by the party executive committee of the state senatorial district in

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

NOTE: The purpose of this bill is to require the Governor appoint a replacement member of the House of Delegates from the same political party from which the person so vacating the office belonged at the time elected.

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