

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5394

By Delegate Dillon

[Introduced February 10, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding three new sections,
 2 designated §3-1-53, §7-1-17, and §18-5-55, relating to providing for the process of a recall
 3 election for elected officials, county commissioners or county board of education officials.

Be it enacted by the Legislature of West Virginia:

CHAPTER 3. ELECTIONS.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-53. Referendum and recall for elected positions.

1 All elected positions in this state shall provide for any or all of the following:

2 (1) The initiation of a recall election by petition bearing the signatures, written in their own
 3 handwriting, of not less than 10% of the qualified voters of such county or counties who voted in
 4 the previous election for this office;

5 (2) The submission to the qualified voters of such county or counties of a proposed recall at
 6 a county commission meeting or to the Secretary of State for multi-county elections upon petition
 7 bearing the signatures, written in their own handwriting, of not less than 10% of the qualified voters
 8 of such county or counties or upon resolution of the governing body of such county or counties;
 9 and

10 (3) The holding of a special municipal election, or the question to be presented in a primary
 11 or general election, to submit to the qualified voters of such county or counties the question of the
 12 recall of an elected officer of the county commission upon petition bearing the signatures, written
 13 in their own handwriting, of not less than 20% of the qualified voters of such county or counties in
 14 multi-county races. Not more than one recall election shall be held with respect to an officer during
 15 his or her term of office.

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-17. Referendum and recall for elected county commission positions.

1 All county commissions in this state shall provide for any or all of the following:

2 (1) The initiation of a recall election by petition bearing the signatures, written in their own
3 handwriting, of not less than 10% of the qualified voters of such county who voted in the previous
4 election for this office;

5 (2) The submission to the qualified voters of such county of a proposed recall at a county
6 commission meeting upon petition bearing the signatures, written in their own handwriting, of not
7 less than 10% of the qualified voters of such county or upon resolution of the governing body of
8 such county; and

9 (3) The holding of a special municipal election, or the question to be presented in a primary
10 or general election, to submit to the qualified voters of such county the question of the recall of an
11 elected officer of the county commission upon petition bearing the signatures, written in their own
12 handwriting, of not less than 20% of the qualified voters of such county. Not more than one recall
13 election shall be held with respect to an officer during his or her term of office.

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-55. Referendum and recall for elected county board of education positions.

1 All county boards of education in this state shall provide for any or all of the following:

2 (1) The initiation of a recall election by petition bearing the signatures, written in their own
3 handwriting, of not less than 10% of the qualified voters of such county who voted in the previous
4 election for this office;

5 (2) The submission to the qualified voters of such county of a proposed recall at a county
6 board of education meeting upon petition bearing the signatures, written in their own handwriting,
7 of not less than 10% of the qualified voters of such county or upon resolution of the governing body
8 of such county; and

9 (3) The holding of a special municipal election, or the question to be presented in a primary

10 or general election, to submit to the qualified voters of such county the question of the recall of an
11 elected officer of the county board of education upon petition bearing the signatures, written in
12 their own handwriting, of not less than 20% of the qualified voters of such county. Not more than
13 one recall election shall be held with respect to an officer during his or her term of office.

NOTE: The purpose of this bill relates to providing for the process of a recall election for elected officials, county commissioners or county board of education officials.

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