

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5639

By Delegate Green

[Introduced February 17, 2026; 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 filling vacancies to magisterial district or executive committee districts.

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 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 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 as
34 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) (1) 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. The required positions for each magisterial
47 district or executive committee district shall first be filled by the candidates of each sex receiving

48 the greatest number of votes cast within that district.

49 (2) If a district does not have a sufficient number of candidates of one or both sexes to fill
50 the required positions, any unfilled positions shall be redesignated as at-large seats for the
51 remainder of the term of that election cycle. At-large seats shall be filled by the remaining
52 candidates for county executive committee from any district within the county who did not
53 otherwise secure election, selected solely on the basis of the greatest number of votes received
54 countywide, without regard to sex or district of candidacy. At-large seats created under this
55 subsection shall revert to district-based, gender-designated seats at the next regularly scheduled
56 four-year primary election.

57 (3) For purposes of the application of political party rules, bylaws, and internal procedures,
58 an at-large seat created pursuant to this subsection shall be treated in the same manner as a
59 district-based seat, except that the county shall be deemed the district for the duration of the term
60 for which the at-large seat is created.

61 (4) A member elected to a district-based, gender-designated seat shall maintain residence
62 within the magisterial district. A change in residence outside that district shall create a vacancy,
63 which shall be filled by a qualified person of the same sex and district for the remainder of the term
64 in accordance with subsection (f) of this section. A member elected or appointed to an at-large
65 seat shall maintain residence within the county for the duration of the term and shall not be
66 disqualified by a change in residence between magisterial districts within the county. If a member
67 holding an at-large seat ceases to reside within the county, the seat shall be deemed vacant and
68 may be filled by appointment of any qualified person residing within the county, without regard to
69 sex or district, in accordance with subsection (f) of this section.

70 (5) Upon completion of the canvass, the clerk of the county commission from each county
71 shall send the results of the election of members of the county executive committee of each party
72 along with the certificates of announcement to the Secretary of State. ~~Upon certification of the~~
73 ~~election results, the Secretary of State shall make known to each state executive committee the~~

74 ~~members elected to the county committee and the vacancies, if any.~~ Upon certification of the
75 election results and application of the procedures set forth in this subsection, the Secretary of
76 State shall make known to each state executive committee the members elected to the county
77 committee, the designation of any at-large seats, and any remaining vacancies, if any. Upon
78 receipt, the state executive committee shall make known any vacancies to the applicable county
79 executive committee for the purpose of filling said vacancies as provided in subsection (f) of this
80 section.

81 (d) For the purpose of complying with the provisions of this section, the county commission
82 shall create the executive committee districts. The districts shall not be fewer than the number of
83 magisterial districts in the county, nor shall they exceed in number the following: Forty for counties
84 having a population of 100,000 persons or more; 30 for counties having a population of 50,000 to
85 100,000; 20 for counties having a population of 20,000 to 50,000; and the districts in counties
86 having a population of less than 20,000 persons shall be coextensive with the magisterial districts.

87 (e) The executive committee districts shall be as nearly equal in population as practicable
88 and shall each be composed of compact, contiguous territory. The county commissions shall
89 change the territorial boundaries of the districts as required by the increase or decrease in the
90 population of the districts as determined by a decennial census. The changes must be made within
91 two years following the census.

92 (f) All members of executive committees, selected for each political division as herein
93 provided, shall reside within the county or district from which chosen. ~~The term of office of all~~
94 ~~members of executive committees elected at the primary election in the year 2010 will begin on~~
95 ~~July 1, following the primary election and continue for four years thereafter, except as provided in~~
96 ~~subsection (g) of this section.~~ Vacancies in a county executive committee shall not be deemed to
97 exist for purposes of appointment until the procedures set forth in subsection (c) of this section
98 have been fully applied, including the designation and filling of any at-large seats. Vacancies in the
99 state executive committee shall be filled by the members of the committee for the unexpired term.

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

103 (g) As soon as possible after the certification of the election of the new executive
104 committees, as herein provided, the newly elected executive committee shall convene an
105 organizational meeting within their respective political divisions, on the call of the chair of the
106 corresponding outgoing executive committee or by any member of the new executive committee
107 in the event there is no corresponding outgoing executive committee. During the first meeting the
108 new executive committee shall select a chair, a treasurer and a secretary and other officers as
109 they may desire. Each of the officers shall, for their respective committees, perform the duties that
110 usually appertain to his or her office. The organizational meeting may be conducted prior to July 1,
111 but must occur after the certification of the election of the new executive committees. If the
112 organizational meeting is conducted prior to July 1, the new committee shall serve out the
113 remainder of the outgoing committee's term and is authorized to conduct official business. A
114 current listing of all executive committees' members shall be filed with the Secretary of State by
115 the end of July of each year. Vacancies in any executive committee shall be filled by the
116 appropriate executive committee as provided in subsection (f) of this section no later than 60 days
117 after the vacancy occurs. The chair of each executive committee shall submit an updated
118 committee list to the Secretary of State within 10 days of a change occurring. Executive committee
119 membership lists shall include at least the member's name, full address, employer, telephone
120 number and term information. An appointment to fill a vacancy does not take effect if the executive
121 committee does not submit the updated list to the Secretary of State within the allotted time period.
122 If the executive committee fails to submit the updated list within the allotted time period, it must
123 make another appointment pursuant to the provisions of this section and resubmit the updated list
124 in a timely manner. If a vacancy on an executive committee is not filled within the 60-day period
125 prescribed by this section, the chair of the appropriate executive committee, as provided in

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

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

NOTE: The purpose of this bill is to address when district and gender designated seats cannot be filled during elections or when vacancies occur.

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