

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 550

By Senator Woelfel

[Introduced January 21, 2026; referred

to the Committee on the Judiciary]

1 A BILL to amend and reenact §3-5-7, §3-5-13, §3-5-13a, §3-10-3, and §24-1-3 of the Code of
2 West Virginia, 1931, as amended; and to amend the code by adding two new sections,
3 designated §3-5-6f and §24-1-3a, relating to the Public Service Commission of West
4 Virginia; eliminating appointment process and providing for nonpartisan election of
5 commission members; authorizing appointed commissioners to complete existing terms;
6 setting requirements for candidates for office of commissioner; providing for election of
7 commission chair; providing for initial, staggered elections of three commissioners to five
8 and one-half year terms; providing for subsequent regular elections of commissioners to
9 six-year terms; establishing election procedures; and providing for process to fill
10 commission vacancies.

Be it enacted by the Legislature of West Virginia:

CHAPTER 3. ELECTIONS.

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-6f. Election of members of Public Service Commission.

1 (a) An election for the purpose of electing a member of the Public Service Commission
2 shall be held on the same date as the primary election, as provided by law, upon a nonpartisan
3 ballot printed for this purpose. Each commissioner shall be elected at large from the entire state.
4 (b) In case of a tie vote under this section, §3-6-12 of this code controls in breaking the tie
5 vote.

§3-5-7. Filing certificates of announcements of candidacies; requirements; withdrawal of

candidates	when	section	applicable.
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1 (a) Any person who is eligible and seeks to hold an office or political party position to be
2 filled by election in any primary or general election held under the provisions of this chapter shall
3 file a certificate of announcement declaring his or her candidacy for the nomination or election to
4 the office.

(b) The certificate of announcement shall be filed as follows:

(1) Candidates for the House of Delegates, the State Senate, circuit judge, family court and any other office or political position to be filled by the voters of more than one county shall file a certificate of announcement with the Secretary of State.

(2) Candidates for an office or political position to be filled by the voters of a single county subdivision of a county, except for candidates for the House of Delegates, State Senate, judge or family court judge, shall file a certificate of announcement with the clerk of the commission.

(3) Candidates for an office to be filled by the voters of a municipality shall file a certificate of nomination with the recorder or city clerk.

(c) The certificate of announcement shall be filed with the proper officer not earlier than the Monday in January before the primary election day and not later than the last Saturday in January before the primary election day and must be received before midnight, eastern standard time, of that day or, if mailed, shall be postmarked by the United States Postal Service before that time. This includes the offices of Justice of the Supreme Court of Appeals, Judge of the Intermediate Court of Appeals, circuit court judge, family court judge and magistrate, which are to be elected on a nonpartisan and division basis at the primary election, as well as the office of member

of the Public Service Commission, which is to be filled on a nonpartisan basis at the primary election: *Provided*, That on the final day of a political filing period, the office of the Secretary of State shall be open from 9:00 a.m. until 11:59 p.m. The offices of the County Clerk in all counties of the state shall be open on that final day of a political filing period from 9:00 a.m. until 12:00 p.m.

(d) The certificate of announcement shall be on a form prescribed by the Secretary of State which the candidate shall make a sworn statement before a notary public or other officer authorized to administer oaths, containing the following information:

(1) The date of the election in which the candidate seeks to appear on the ballot:

(2) The name of the office sought; the district, if any; and the division, if any;

31 (3) The legal name of the candidate and the exact name the candidate desires to appear
32 on the ballot, subject to limitations prescribed in §3-5-13 of this code;

33 (4) The county of residence and a statement that the candidate is a legally qualified voter of
34 that county; and the magisterial district of residence for candidates elected from magisterial
35 districts or under magisterial district limitations;

36 (5) The specific address designating the location at which the candidate resides at the time
37 of filing, including number and street or rural route and box number and city, state, and zip code;

38 (6) For partisan elections, the name of the candidate's political party on the date the
39 certificate of announcement is submitted and a statement that the candidate: (A) Is a member of
40 and affiliated with that political party as evidenced by the candidate's current registration as a voter
41 affiliated with that party; and (B) has not been registered as a voter affiliated with any other political
42 party for a period of 60 days before the date of filing the announcement;

43 (7) For candidates for delegate to national convention, the name of the presidential
44 candidate to be listed on the ballot as the preference of the candidate on the first convention ballot;
45 or a statement that the candidate prefers to remain "uncommitted";

46 (8) A statement that the person filing the certificate of announcement is a candidate for the
47 office in good faith;

48 (9) The words "subscribed and sworn to before me this _____ day of _____,
49 20____" and a space for the signature of the officer giving the oath.

50 (e) The Secretary of State or the board of ballot commissioners, as the case may be, may
51 refuse to certify the candidacy or may remove the certification of the candidacy upon receipt of a
52 certified copy of the voter's registration record of the candidate showing that the candidate was
53 registered as a voter in a party other than the one named in the certificate of announcement during
54 the 60 days immediately preceding the filing of the certificate: *Provided*, That unless a signed
55 formal complaint of violation of this section and the certified copy of the voter's registration record
56 of the candidate are filed with the officer receiving that candidate's certificate of announcement no

57 later than 10 days following the close of the filing period, the candidate may not be refused
58 certification for this reason: *Provided, however,* That prior to accepting a Certificate of
59 Announcement for filing for an office which is elected in a partisan election, the Secretary of
60 State's Office, clerk of the county commission, recorder or city clerk shall electronically verify a
61 candidate's current party affiliation as subscribed and sworn to by the candidate. If a candidate's
62 current party affiliation is not as stated on the Certificate of Announcement, the filing shall be
63 refused.

64 (f) The certificate of announcement shall be subscribed and sworn to by the candidate
65 before some officer qualified to administer oaths, who shall certify the same. Any person who
66 knowingly provides false information on the certificate is guilty of false swearing and shall be
67 punished in accordance with §3-9-3 of this code.

68 (g) Any candidate for delegate to a national convention may change his or her statement of
69 presidential preference by notifying the Secretary of State by letter received by the Secretary of
70 State no later than the third Tuesday following the close of candidate filing. When the rules of the
71 political party allow each presidential candidate to approve or reject candidates for delegate to
72 convention who may appear on the ballot as committed to that presidential candidate, the
73 presidential candidate or the candidate's committee on his or her behalf may file a list of approved
74 or rejected candidates for delegate and the Secretary of State shall list as "uncommitted" any
75 candidate for delegate who is disapproved by the presidential candidate.

76 (h) A person may not be a candidate for more than one office or office division at any
77 election: *Provided,* That a candidate for an office may also be a candidate for President of the
78 United States, for membership on political party executive committees or for delegate to a political
79 party national convention: *Provided, however,* That an unsuccessful candidate for a nonpartisan
80 office in an election held concurrently with the primary election may be appointed under the
81 provisions of section nineteen of this article to fill a vacancy on the general ballot.

82 (i) A candidate who files a certificate of announcement for more than one office or division

83 and does not withdraw, as provided by §3-5-11 of this code, from all but one office prior to the close
84 of the filing period may not be certified by the Secretary of State or placed on the ballot for any
85 office by the board of ballot commissioners.

86 (j) The amendments to this section enacted by the Legislature in the 2024 Regular Session
87 are effective January 1, 2025.

§3-5-13. Form and contents of ballots.

1 The following provisions apply to the form and contents of election ballots:

2 (1) The face of every primary election ballot shall conform as nearly as practicable to that
3 used at the general election.

4 (2) The heading of every ballot is to be printed in display type. The heading is to contain a
5 ballot title, the name of the county, the state, the words "Primary Election" and the month, day and
6 year of the election. The ballot title of the political party ballots is to contain the words "Official
7 Ballot of the (Name) Party" and the official symbol of the political party may be included in the
8 heading.

9 (A) The ballot title of any separate paper ballot or portion of any electronic or voting
10 machine ballot for all judicial officers shall commence with the words "Nonpartisan Ballot of
11 Election of Judicial Officers" and each such office shall be listed in the following order:

12 (i) The ballot title of any separate paper ballot or portion of any electronic or voting machine
13 ballot for all justices of the Supreme Court of Appeals shall contain the words "Nonpartisan Ballot
14 of Election of Justice(s) of the Supreme Court of Appeals of West Virginia". The names of the
15 candidates for the Supreme Court of Appeals shall be printed by division without references to
16 political party affiliation or registration.

17 (ii) The ballot title of any separate paper ballot or portion of any electronic or voting
18 machine ballot for all judges of the Intermediate Court of Appeals shall contain the words
19 "Nonpartisan Ballot of Election of Judge(s) of the Intermediate Court of Appeals". The names of
20 the candidates for the Intermediate Court of Appeals shall be printed by division without

21 references to political party affiliation or registration.

22 (iii) The ballot title of any separate paper ballot or portion of any electronic or voting
23 machine ballot for all circuit court judges in the respective circuits shall contain the words
24 "Nonpartisan Ballot of Election of Circuit Court Judge(s)". The names of the candidates for the
25 respective circuit court judge office shall be printed by division without references to political party
26 affiliation or registration.

27 (iv) The ballot title of any separate paper ballot or portion of any electronic or voting
28 machine ballot for all family court judges in the respective circuits shall contain the words
29 "Nonpartisan Ballot of Election of Family Court Judge(s)". The names of the candidates for the
30 respective family court judge office shall be printed by division without references to political party
31 affiliation or registration.

32 (v) The ballot title of any separate paper ballot or portion of any electronic or voting
33 machine ballot for all magistrates in the respective circuits shall contain the words "Nonpartisan
34 Ballot of Election of Magistrate(s)". The names of the candidates for the respective magistrate
35 office shall be printed by division without references to political party affiliation or registration.

36 (B) The ballot title of any separate paper ballot or portion of any electronic or voting
37 machine ballot for the Board of Education is to contain the words "Nonpartisan Ballot of Election of
38 Members of the _____ County Board of Education". The districts for which fewer than
39 two candidates may be elected and the number of available seats are to be specified and the
40 names of the candidates are to be printed without reference to political party affiliation and without
41 designation as to a particular term of office.

42 (C) The ballot title of any separate paper ballot or portion or portion of any electronic or
43 voting machine ballot for the Public Service Commission is to contain the words "Nonpartisan
44 Ballot of Election of Member(s) of the Public Service Commission of West Virginia". The name of
45 the candidate shall be printed without reference to political party affiliation or registration.

46 (C) (D) Any other ballot or portion of a ballot on a question is to have a heading which

47 clearly states the purpose of the election according to the statutory requirements for that question.

48 (3) (A) For paper ballots, the heading of the ballot is to be separated from the rest of the
49 ballot by heavy lines and the offices shall be arranged in columns with the following headings, from
50 left to right across the ballot: "National Ticket", "State Ticket", "Nonpartisan Judicial Ballot",
51 "County Ticket", "Nonpartisan Ballot" in a nonpresidential election year, "District Ticket" or, in a
52 presidential election year, "National Convention". The columns are to be separated by heavy lines.

53 Within the columns, the offices are to be arranged in the order prescribed in §3-5-13a of this code.

54 (B) For voting machines, electronic voting devices and any ballot tabulated by electronic
55 means, the offices are to appear in the same sequence as prescribed in §3-5-13a of this code and
56 under the same headings as prescribed in paragraph (A) of this subdivision. The number of pages,
57 columns or rows, where applicable, may be modified to meet the limitations of ballot size and
58 composition requirements subject to approval by the Secretary of State.

59 (C) The title of each office is to be separated from preceding offices or candidates by a line
60 and is to be printed in bold type no smaller than eight point. Below the office is to be printed the
61 number of the district, if any, the number of the division, if any, and the words "Vote for _____"
62 with the number to be nominated or elected or "Vote For Not More Than _____" in
63 multicandidate elections. For offices in which there are limitations relating to the number of
64 candidates which may be nominated, elected or appointed to or hold office at one time from a
65 political subdivision within the district or county in which they are elected, there is to be a clear
66 explanation of the limitation, as prescribed by the Secretary of State, printed in bold type
67 immediately preceding the names of the candidates for those offices on the ballot in every voting
68 system. For counties in which the number of county commissioners exceeds three and the total
69 number of members of the county commission is equal to the number of magisterial districts within
70 the county, the office of county commission is to be listed separately for each district to be filled
71 with the name of the magisterial district and the words "Vote for One" printed below the name of
72 the office: *Provided*, That the office title and applicable instructions may span the width of the ballot

73 so as it is centered among the respective columns.

74 (D) The location for indicating the voter's choices on the ballot is to be clearly shown. For
75 paper ballots, other than those tabulated electronically, the official primary ballot is to contain a
76 square formed in dark lines at the left of each name on the ballot, arranged in a perpendicular
77 column of squares before each column of names.

78 (4) (A) The name of every candidate certified by the Secretary of State or the board of
79 ballot commissioners is to be printed in capital letters in no smaller than eight point type on the
80 ballot for the appropriate precincts. Subject to the rules promulgated by the Secretary of State, the
81 name of each candidate is to appear in the form set out by the candidate on the certificate of
82 announcement, but in no case may the name misrepresent the identity of the candidate nor may
83 the name include any title, position, rank, degree, or nickname implying or inferring any status as a
84 member of a class or group or affiliation with any system of belief.

85 (B) The city of residence of every candidate, the state of residence of every candidate
86 residing outside the state, the county of residence of every candidate for an office on the ballot in
87 more than one county and the magisterial district of residence of every candidate for an office
88 subject to magisterial district limitations are to be printed in lower case letters beneath the names
89 of the candidates.

90 (C) The arrangement of names within each office must be determined as prescribed in §3-
91 5-13a of this code.

92 (D) If the number of candidates for an office exceeds the space available on a column or
93 ballot page and requires that candidates for a single office be separated, to the extent possible, the
94 number of candidates for the office on separate columns or pages are to be nearly equal and clear
95 instructions given the voter that the candidates for the office are continued on the following column
96 or page.

97 (5) When an insufficient number of candidates has filed for a party to make the number of
98 nominations allowed for the office or for the voters to elect sufficient members to the Board of

99 Education or to executive committees, the vacant positions on the ballot shall be filled with the
100 words "No Candidate Filed": *Provided*, That in paper ballot systems which allow for write-ins to be
101 made directly on the ballot, a blank line shall be placed in any vacant position in the office of Board
102 of Education or for election to any party executive committee. A line shall separate each candidate
103 from every other candidate for the same office. Notwithstanding any other provision of this code, if
104 there are multiple vacant positions on a ballot for one office, the multiple vacant positions which
105 would otherwise be filled with the words "No Candidate Filed" may be replaced with a brief detailed
106 description, approved by the Secretary of State, indicating that there are no candidates listed for
107 the vacant positions.

108 (6) In presidential election years, the words "For election in accordance with the plan
109 adopted by the party and filed with the Secretary of State" is to be printed following the names of all
110 candidates for delegate to national convention.

111 (7) All paper ballots are to be printed in black ink on paper sufficiently thick so that the
112 printing or marking cannot be discernible from the back: *Provided*, That no paper ballot voted
113 pursuant to the provisions of 42 U. S. C. §1973, *et seq.*, the Uniformed and Overseas Citizens
114 Absentee Voting Act of 1986, or federal write-in absentee ballot may be rejected due to paper type,
115 envelope type, or notarization requirement. Ballot cards and paper for printing ballots using
116 electronically sensible ink are to meet minimum requirements of the tabulating systems and are to
117 conform in size and weight to ensure ease in tabulation.

118 (8) Ballots are to contain perforated tabs at the top of the ballots and are to be printed with
119 unique sequential numbers from one to the highest number representing the total number of
120 ballots printed. On paper ballots, the ballot is to be bordered by a solid line at least one sixteenth of
121 an inch wide and the ballot is to be trimmed to within one-half inch of that border.

122 (9) On the back of every official ballot or ballot card the words "Official Ballot" with the name
123 of the county and the date of the election are to be printed. Beneath the date of the election there
124 are to be two blank lines followed by the words "Poll Clerks".

125 (10) The face of sample paper ballots and sample ballot labels are to be like other official
126 ballots or ballot labels except that the word "sample" is to be prominently printed across the front of
127 the ballot in a manner that ensures the names of candidates are not obscured and the word
128 "sample" may be printed in red ink. No printing may be placed on the back of the sample.

§3-5-13a. Order of offices and candidates on the ballot; uniform drawing date.

5 NATIONAL TICKET: President (and Vice President in the general election), United States
6 Senator, member of the United States House of Representatives.

7 STATE TICKET: Governor, Secretary of State, Auditor, Treasurer, Commissioner of
8 Agriculture, Attorney General, State Senator, member of the House of Delegates, any other
9 multicounty office, state executive committee.

NONPARTISAN JUDICIAL BALLOT: Justice of the Supreme Court of Appeals, judge of
the circuit court, family judge, magistrate.

12 COUNTY TICKET: Clerk of the circuit court, county commissioner, clerk of the county
13 commission, prosecuting attorney, sheriff, assessor, surveyor, congressional district executive
14 committee, senatorial district executive committee in multicounty districts, delegate district
15 executive committee in multicounty districts.

16 NONPARTISAN BALLOT: Nonpartisan elections for Public Service Commission, board of
17 education, conservation district supervisor, any question to be voted upon.

18 DISTRICT TICKET: County executive committee.

19 NATIONAL CONVENTION: Delegate to the national convention -- congressional district,
20 delegate to the national convention -- at-large.

21 (b) Except for office divisions in which no more than one person has filed a certificate of

22 announcement, the arrangement of names for all offices shall be determined by lot according to
23 the following provisions:

24 (1) On the fourth Tuesday following the close of the candidate filing, beginning at 9:00 a.m.,
25 a drawing by lot shall be conducted in the office of the clerk of the county commission in each
26 county. Notice of the drawing shall be given on the form for the certificate of announcement and no
27 further notice shall be required. The clerk of the county commission shall superintend and conduct
28 the drawing and the method of conducting the drawing shall be prescribed by the Secretary of
29 State.

30 (2) Except as provided herein, the position of each candidate within each office division
31 shall be determined by the position drawn for that candidate individually: *Provided*, That if fewer
32 candidates file for an office division than the total number to be nominated or elected, the vacant
33 positions shall appear following the names of all candidates for the office.

34 (3) Candidates for delegate to national convention who have filed a commitment to a
35 candidate for president shall be listed alphabetically within the group of candidates committed to
36 the same candidate for president and uncommitted candidates shall be listed alphabetically in an
37 uncommitted category. The position of each group of committed candidates and uncommitted
38 candidates shall be determined by lot by drawing the names of the presidential candidates and for
39 an uncommitted category.

40 (4) A candidate or the candidate's representative may attend the drawings.

ARTICLE 10. FILLING VACANCIES.

§3-10-3. Vacancies in offices of state officials, justices, judges, and magistrates, and

members of Public Service Commission.

1 (a) Any vacancy occurring in the offices of Secretary of State, Auditor, Treasurer, Attorney
2 General, Commissioner of Agriculture, or in any office created or made elective to be filled by the
3 voters of the entire state, is filled by the Governor of the state by appointment and subsequent
4 election to fill the remainder of the term, if required by §3-10-1 of this code. The Governor shall

5 make the appointment from a list of three legally qualified persons submitted by the party
6 executive committee of the same political party with which the person holding the office
7 immediately preceding the vacancy was affiliated at the time of the previous election for that office.
8 The list of qualified persons to fill the vacancy shall be submitted to the Governor within 15 days
9 after the vacancy occurs, and the Governor shall duly make his or her appointment to fill the
10 vacancy from the list of legally qualified persons within five days after the list is received. If the list
11 is not submitted to the Governor within the 15-day period, the Governor shall appoint, within five
12 days thereafter, a legally qualified person of the same political party with which the person holding
13 the office immediately preceding the vacancy was affiliated at the time of the previous election:
14 *Provided*, That any such person appointed by the Governor must have been affiliated with that
15 political party for at least one year prior to the occurrence of the vacancy: *Provided, however*, That
16 the Governor may appoint a temporary acting official in the event of a vacancy in the offices of
17 Secretary of State, Auditor, Treasurer, Attorney General, or Commissioner of Agriculture to carry
18 out the duties of said office until such vacancy is filled by appointment pursuant to this subsection:
19 *Provided further*, That the provisions of this subsection do not apply to §3-10-3(b), §3-10-3(c), §3-
20 10-3(d), and §3-10-3(e) of this code.

21 (b) Any vacancy occurring in the offices of Justice of the Supreme Court of Appeals, judge
22 of the Intermediate Court of Appeals, judge of a circuit court, or judge of a family court, or member
23 of the Public Service Commission is filled by the Governor of the state by appointment and, if the
24 unexpired term be for a period of more than three years, by a subsequent election to fill the
25 remainder of the term, as required by §3-10-3(d) of this code. If an election is required under §3-
26 10-3(d) of this code, the Governor, circuit court, or the chief judge thereof in vacation, is
27 responsible for the proper proclamation by order and notice required by §3-10-1 of this code. The
28 amendments to this subsection enacted during the regular session of the Legislature in the year
29 2022 shall be applicable to any vacancy existing at the date of passage of such amendments.

30 (c) Any vacancy in the office of magistrate is appointed according to the provisions of §50-

31 1-6 of this code, and, if the unexpired term be for a period of more than two years, by a subsequent
32 nonpartisan judicial election held concurrently with the primary or general election, whichever
33 occurs first, to fill the remainder of the term.

34 (d)(1) When the vacancy in the office of Justice of the Supreme Court of Appeals, judge of
35 the Intermediate Court of Appeals, judge of the circuit court, ~~or~~ judge of a family court, or member
36 of the Public Service Commission occurs after the 84th day before a general election, and the
37 affected term of office ends on December 31 following the succeeding general election two years
38 later, the person appointed to fill the vacancy shall continue in office until the completion of the
39 term.

40 (2) When the vacancy occurs before the close of the candidate filing period for the primary
41 election, and if the unexpired term be for a period of greater than three years, the vacancy shall be
42 filled by election in the nonpartisan judicial election held concurrently with the primary election and
43 the appointment shall continue until a successor is elected and certified.

44 (3) When the vacancy occurs after the close of candidate filing for the primary election and
45 not later than 84 days before the general election, and if the unexpired term be for a period of
46 greater than three years, the vacancy shall be filled by election in a nonpartisan judicial election
47 held concurrently with the general election, and the appointment shall continue until a successor is
48 elected and certified: *Provided*, That the provisions of this subsection (d) do not apply to a vacancy
49 in the office of magistrate.

50 (e) When an election to fill a vacancy is required to be held at the general election,
51 according to the provisions of §3-10-3(d) of this code, a special candidate filing period shall be
52 established. Candidates seeking election to any unexpired term for Justice of the Supreme Court
53 of Appeals, judge of the Intermediate Court of Appeals, judge of a circuit court, judge of the family
54 court, ~~or~~ magistrate, or member of the Public Service Commission shall file a certificate of
55 announcement and pay the filing fee no earlier than the first Monday in August and no later than 77
56 days before the general election.

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 1. GENERAL PROVISIONS.

§24-1-3. Commission continued; membership; chairman; compensation; quorum.

1 (a) The Public Service Commission of West Virginia is continued and directed as provided
2 by this chapter, Chapter 24A, Chapter 24B, and Chapter 24D of this code. The Public Service
3 Commission may sue and be sued by that name.

4 (b) The Public Service Commission shall consist of three members who shall be appointed
5 ~~by the Governor, with the advice and consent of the Senate. The commissioners shall be citizens~~
6 ~~and residents of this state and at least one of them shall be duly licensed to practice law in West~~
7 ~~Virginia, with not less than ten years' actual work experience in the legal profession as a member~~
8 ~~of a State Bar elected by the qualified voters of the state in statewide, nonpartisan elections as set~~
9 ~~forth in §24-1-3a of this code: Provided, That the three commissioners holding office as of the~~
10 ~~effective date of the amendments to this article enacted during the regular session of the~~
11 ~~Legislature, 2026, may continue to serve for the remainder of their respective appointed terms,~~
12 ~~and may be candidates for the initial elections to fill the subsequent terms.~~

13 (c) ~~No more than two of the commissioners shall be members of the same political party~~
14 ~~Each commissioner shall be qualified to vote in this state and shall have been a citizen and~~
15 ~~resident of this state for at least five years preceding his or her election.~~

16 (d) Each commissioner shall, before entering upon the duties of his or her office, take and
17 subscribe to the oath provided by section five, article IV of the Constitution of West Virginia. The
18 oath shall be filed in the office of the Secretary of State.

19 (e) ~~The Governor shall designate one of the commissioners to serve as chairman at the~~
20 ~~Governor's will and pleasure commission shall annually, at its first meeting in each year, or as~~
21 ~~soon thereafter as practicable, elect one of its members as chairman.~~ The chairman shall be the
22 chief administrative officer of the commission.

(f) The Governor may remove any commissioner only for incompetency, neglect of duty, or immorality, malfeasance in office, or violation of subsections (g) and or (h) of this section.

(f) Upon expiration of the terms, appointments are for terms of six years, except that an appointment to fill a vacancy is for the unexpired term only.

27 (g) No person while in the employ of, or holding any official relation to, any public utility
28 subject to the provisions of this chapter or holding any stocks or bonds of a public utility subject to
29 the provisions of this chapter or who is pecuniarily interested in a public utility subject to the
30 provisions of this chapter may serve as a member of the commission or as an employee of the
31 commission.

32 (h) Nor may any commissioner be a candidate for or hold any other public office or be a
33 member of any political committee while acting serving as a commissioner; nor may any
34 commissioner or employee of the commission receive any pass, free transportation or other thing
35 of value, either directly or indirectly, from any public utility or motor carrier subject to the provisions
36 of this chapter. In case any of the commissioners becomes a candidate for any other public office
37 or a member of any political committee, the Governor shall remove him or her from office and shall
38 appoint a new commissioner to fill the vacancy created as provided in §24-1-3a of this code.

39 (i) The annual salary of each commissioner provided in section two-a, article seven,
40 chapter six of this code shall be paid at least twice per month from the special funds in the
41 percentages that follow:

42 (1) From the Public Service Commission Fund collected under the provisions of section
43 ~~six, article three of this chapter~~ §24-3-6 of this code, eighty 80 percent;

44 (2) From the Public Service Commission Motor Carrier Fund collected under the provisions
45 of section six, article six, chapter twenty-four a §24A-6-6 of this code, seventeen 17 percent; and

46 (3) From the Public Service Commission Gas Pipeline Safety Fund collected under the
47 provisions of ~~section three, article five, chapter twenty-four b~~ §24B-5-3 of this code, three percent.

48 (j) In addition to the salary provided for all commissioners in section two-a, article seven,

49 chapter six §6-7-2a of this code, the chairman of the commission shall receive \$5,000 per annum
50 to be paid at least twice per month from the Public Service Commission Fund collected under the
51 provisions of section six, article three of this chapter §24-3-6 of this code.

§24-1-3a. Election of commissioners; vacancies.

1 (a) The three members of the Public Service Commission shall be elected by the qualified
2 voters of the state in statewide, nonpartisan elections to serve six-year terms, subject to the
3 exception for initial elections set forth in subsection (b).

4 (b) *Initial elections.* – The initial election of each of the three members of the Public Service
5 Commission shall occur as follows:

6 (1) One commissioner shall be elected during the 2026 general election to a term
7 beginning July 1, 2027 and set to expire December 31, 2032;

8 (2) One commissioner shall be elected during the 2028 general election to a term
9 beginning July 1, 2029 and set to expire December 31, 2034; and

10 (3) One commissioner shall be elected during the 2030 general election to a term
11 beginning July 1, 2031 and set to expire December 31, 2036.

12 (c) *Regular elections.* – After the initial elections provided for in subsection (b), members of
13 the Public Service Commission shall be elected to six-year terms of office, with one commissioner
14 elected during the primary election in every year during which a sitting commissioner's term will
15 expire, and with the elected commissioner's term to commence on January 1 of the year following,
16 as set forth in §3-5-1 et seq. of this code.

17 (d) *Vacancies.* – If a vacancy occurs on the Public Service Commission and such vacancy
18 is caused by an appointed commissioner whose seat has not yet been filled by the initial elections
19 provided for in subsection (b), the Governor shall fill the vacancy by appointment for the unexpired
20 term. If a vacancy occurs on the commission and such vacancy occurs in a seat which has been
21 filled by the initial elections, the Governor shall fill the vacancy by appointment as provided in §3-
22 10-3 of this code.

NOTE: The purpose of this bill is to have members of the Public Service Commission be elected to six-year terms through statewide, nonpartisan elections.

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