WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975

ENROLLED
Committee Substitute for
HOUSE BILL No. 653

(By Mr. )

PASSED March 8, 1975

In Effect ninety days from Passage
AN ACT to amend and reenact section five, article ten, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to imposing of mandatory time limits for filling of vacancies in state Legislature.

Be it enacted by the Legislature of West Virginia:

That section five, article ten, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 10. FILLING VACANCIES.

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

Any vacancy in the office of state senator or member of the House of Delegates shall be filled by appointment by the governor, in each instance from a list of three legally qualified persons submitted by the party executive committee of the delegate district in the case of a member of the House of Delegates, and by the party executive committee of the state senatorial district in the case of a state senator, of the party with which the person holding the office immediately preceding the vacancy was affiliated, and of the county or state senatorial district.
respectively, in which he resided at the time of his election or appointment. If the vacating member of the House of Delegates resided in a county only a portion of which is included in his delegate district, all three of the qualified persons submitted shall be residents of that portion of the county in which the vacating delegate resided at the time of his election or appointment to the House of Delegates. The appointment to fill a vacancy in the House of Delegates shall be for the unexpired term. Such list of legally qualified persons to fill the vacancy shall be submitted to the governor within fifteen days after such vacancy occurs and the governor shall duly make his appointment to fill such vacancy from such list of legally qualified persons within five days after same is received. If such list is not submitted to the governor within the fifteen day period, the governor shall appoint within five days thereafter a legally qualified person of the political party of the person vacant the office. If the unexpired term in the office of the state senator be for less than two years and two months, the appointment shall be for the unexpired term. If the unexpired term be for a period longer than two years and two months, the appointment shall be until the next general election and until the election and qualification of a successor to the person appointed, at which general election the vacancy shall be filled by election for the unexpired term. Notice of an election to fill a vacancy in the office of State senator shall be given by the governor by proclamation and shall be published prior to such election as a Class II-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be each county in the senatorial district. Nominations for candidates to fill such vacancy shall be made in the manner prescribed for nominating a candidate to fill a vacancy in the office of governor to be voted for at a general election. The state senatorial district executive committee of the political party shall discharge the duties incident to state senator nominations devolving upon the party state executive committee in nominating a candidate for a state office.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ________________________________ this the _______________________

day of ________________________, 1975.

Governor
PRESENTED TO THE GOVERNOR

Date: 3/18/25
Time: 4:15 p.m.