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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975



ENROLLED

Committee Substitute for
HOUSE BILL No. 683

(By Mr. *Godwin*.....)



PASSED *March 8,*..... 1975

In Effect *ninety days from*..... Passage



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ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 683

(By MR. GOODWIN)

[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.

1 Any vacancy in the office of state senator or member of
2 the House of Delegates shall be filled by appointment by the
3 governor, in each instance from a list of three legally qualified
4 persons submitted by the party executive committee of the dele-
5 gate district in the case of a member of the House of Delegates,
6 and by the party executive committee of the state senatorial
7 district in the case of a state senator, of the party with which
8 the person holding the office immediately preceding the vacancy
9 was affiliated, and of the county or state senatorial district,

10 respectively, in which he resided at the time of his election or
11 appointment. If the vacating member of the House of Delegates
12 resided in a county only a portion of which is included in his
13 delegate district, all three of the qualified persons submitted
14 shall be residents of that portion of the county in which the
15 vacating delegate resided at the time of his election or appoint-
16 ment to the House of Delegates. The appointment to fill a
17 vacancy in the House of Delegates shall be for the unexpired
18 term. Such list of legally qualified persons to fill the vacancy
19 shall be submitted to the governor within fifteen days after such
20 vacancy occurs and the governor shall duly make his appoint-
21 ment to fill such vacancy from such list of legally qualified per-
22 sons within five days after same is received. If such list is not
23 submitted to the governor within the fifteen day period, the
24 governor shall appoint within five days thereafter a legally
25 qualified person of the political party of the person vacating the
26 office. If the unexpired term in the office of the state senator be
27 for less than two years and two months, the appointment shall
28 be for the unexpired term. If the unexpired term be for a period
29 longer than two years and two months, the appointment shall be
30 until the next general election and until the election and qualifi-
31 cation of a successor to the person appointed, at which general
32 election the vacancy shall be filled by election for the unex-
33 pired term. Notice of an election to fill a vacancy in the
34 office of State senator shall be given by the governor by pro-
35 clamations and shall be published prior to such election as
36 a Class II-0 legal advertisement in compliance with the
37 provisions of article three, chapter fifty-nine of this code,
38 and the publication area for such publication shall be each
39 county in the senatorial district. Nominations for candidates to
40 fill such vacancy shall be made in the manner prescribed for
41 nominating a candidate to fill a vacancy in the office of
42 governor to be voted for at a general election. The state
43 senatorial district executive committee of the political party
44 shall discharge the duties incident to state senator nominations
45 devolving upon the party state executive committee in nomin-
46 ating a candidate for a state office.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence C. Christian Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. C. Wilson, Jr.
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

W. B. Battle
President of the Senate

Levin R. Harris
Speaker House of Delegates

The within approved this the 24th
day of March, 1975.

Anna. Phares
Governor

PRESENTED TO THE
GOVERNOR

Date 3/18/75

Time 4:15 P.M.