WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED
SENATE BILL NO. 486

(By Mr. )

PASSED March 13, 1976

In Effect ______

FILED IN THE OFFICE OF SECRETARY OF STATE OF WEST VIRGINIA

THIS DATE 3/29/76
ENROLLED

Senate Bill No. 486
(By Mr. Susman and Mr. McGraw)

[Passed March 13, 1976; in effect ninety days from passage.]

AN ACT to amend and reenact section seven, article ten, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to filling vacancies in offices of county commissioner or clerk of the county commission.

Be it enacted by the Legislature of West Virginia:

That section seven, 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.

§3-10-7. Vacancies in offices of county commissioner, clerk of county commission.

1 Any vacancy in the office of county commissioner or clerk of county commission shall be filled by the county commission of the county, unless the number of vacancies in a county commission deprive that body of a quorum, in which case the governor of the state shall fill any vacancy in such county commission necessary to create a quorum thereof, until the next general election, at which election every such vacancy shall be filled by election for the unexpired term: Provided, That in the event a quorum of the county commission cannot agree upon a person to fill a vacancy in the office of county commissioner until the next general election, it shall be the mandatory, nondiscretionary duty of each such county commissioner, within sixty days from the date such vacancy occurs, to submit in person
to the judge of the circuit court of such county the name
of one person who is a member of the same political
party as was the person whose vacancy is being filled
and was such a member for at least one year next pre-
ceding the filling of such vacancy and who is legally
qualified and willing to fill such vacancy. The judge shall
thereupon, in the presence of the quorum of the county
commision, cause each name to be written on a separate
piece of paper, shall fold or roll up the pieces of paper
so as to resemble each other and so that the name
written thereon shall not be visible on the outside, and
shall deposit the pieces of paper in a box from which
one of the county commissioners, selected by lot under
the supervision of such judge, shall, in the presence
of each other and the judge, draw one of the names
and the person whose name is so drawn shall be the
county commission's choice to fill such vacancy. The
circuit court shall have jurisdiction to compel compliance
with the provisions of this proviso.

Notice of such election as aforesaid shall be given by
order of the county commission and published as pre-
scribed in section six of this article. Nomination of can-
didates to fill the office for an unexpired term in the
office of county commission or clerk of the county com-
mision shall be made in the manner prescribed for
making nominations to fill a vacancy in the office of the
clerk of the circuit court.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

The within ______________________ this the 26th day of March, 1976

Goveror
PRESENTED TO THE GOVERNOR

Date 3/22/76

Time 11:40 a.m.