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OFFICE OF
SECRETARY OF STATE
CHARLOTTE, WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976



ENROLLED

SENATE BILL NO. 486

(By Mr. Sullivan & J. J. Yeaw)



PASSED March 13, 1976

In Effect ninety days from Passage



FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/29/76

Handwritten scribbles and numbers, including '486' and '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
2 clerk of county commission shall be filled by the
3 county commission of the county, unless the number
4 of vacancies in a county commission deprive that body
5 of a quorum, in which case the governor of the state
6 shall fill any vacancy in such county commission
7 necessary to create a quorum thereof, until the next
8 general election, at which election every such vacancy
9 shall be filled by election for the unexpired term:
10 *Provided*, That in the event a quorum of the county
11 commission cannot agree upon a person to fill a vacancy
12 in the office of county commissioner until the next general
13 election, it shall be the mandatory, nondiscretionary
14 duty of each such county commissioner, within sixty days
15 from the date such vacancy occurs, to submit in person

16 to the judge of the circuit court of such county the name
17 of one person who is a member of the same political
18 party as was the person whose vacancy is being filled
19 and was such a member for at least one year next pre-
20 ceding the filling of such vacancy and who is legally
21 qualified and willing to fill such vacancy. The judge shall
22 thereupon, in the presence of the quorum of the county
23 commission, cause each name to be written on a separate
24 piece of paper, shall fold or roll up the pieces of paper
25 so as to resemble each other and so that the name
26 written thereon shall not be visible on the outside, and
27 shall deposit the pieces of paper in a box from which
28 one of the county commissioners, selected by lot under
29 the supervision of such judge, shall, in the presence
30 of each other and the judge, draw one of the names
31 and the person whose name is so drawn shall be the
32 county commission's choice to fill such vacancy. The
33 circuit court shall have jurisdiction to compel compliance
34 with the provisions of this proviso.

35 Notice of such election as aforesaid shall be given by
36 order of the county commission and published as pre-
37 scribed in section six of this article. Nomination of can-
38 didates to fill the office for an unexpired term in the
39 office of county commission^{er}, or clerk of the county com-
40 mission shall be made in the manner prescribed for
41 making nominations to fill a vacancy in the office of the
42 clerk of the circuit court.

OK.
J.C.D.

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

James L. Davis
Chairman Senate Committee

Clarence C. Christy
Chairman House Committee

Originated in the Senate.

In effect ninety days from pas^sage. *OK. JCD.*

Jocelyn J.
Clerk of the Senate

CA Blankenship
Clerk of the House of Delegates

W. B. Robertson Jr.
President of the Senate

Lewis F. McManis
Speaker House of Delegates

The within *approved* this the *26th*
day of *March*, 1976

Arthur Rouse J.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/22/76

Time 11:40 a.m.