WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2002

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4566

(By Delegates Stalnaker, H. White, Michael, Kominar, G. White, Amores and Douglas)

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Passed March 9, 2002

In Effect Ninety Days from Passage
AN ACT to amend and reenact section nine, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring executive committees to file with the secretary of state a current listing of all members and to require vacancies in any executive committee to be filled no later than four months after the vacancy occurs.

Be it enacted by the Legislature of West Virginia:

That section nine, article one, 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 1. GENERAL PROVISIONS AND DEFINITIONS.
§3-1-9. Political party committees; how composed; organization.

At the primary election in the year one thousand nine hundred ninety-four, and in every fourth year thereafter, the voters of each political party in each senatorial district shall elect two male and two female members of the state executive committee of the party. In senatorial districts containing two or more counties, not more than two such elected committee members shall be residents of the same county. The committee, when convened and organized as herein provided, shall appoint three additional members of the committee from the state at large. When senatorial districts are realigned following a decennial census, members of the state executive committee previously elected or appointed shall continue in office until the expiration of their terms, and appointments made to fill vacancies on the committee until the next election of executive committee members shall be selected from the previously established districts. At the first election of executive committee members following the realignment of senatorial districts, members shall be elected from the newly established districts.

At such primary election, the voters of each political party in each county shall elect one male and one female member of the party’s executive committee of the congressional district, of the senatorial district and of the delegate district in which such county is situated, if such county be situated in a multi-county senatorial or delegate district. When districts are realigned following a decennial census, members of an executive committee previously elected in a county to represent that county to a congressional or multi-county senatorial or delegate district executive committee shall continue to represent that county in the appropriate newly constituted multi-county district until the expiration of their terms: Provided, That the county executive committee of the political party shall determine which previously elected members shall represent the county if the number of multi-county senatorial or delegate
districts in the county is decreased; and shall appoint members to complete the remainder of the term if the number of such
districts is increased.

At the same time such voters of the county in each magister-
ial district or executive committee district, as the case may be,
shall elect one male and one female member of the party’s
county executive committee, except that in counties having
three executive committee districts there shall be elected two
male and two female members of the party’s executive commit-
tee from each magisterial or executive committee district.

For the purpose of complying with the provisions of this
section, the county commission shall create such executive
committee districts as they shall determine, which such districts
shall not be fewer than the number of magisterial districts in
such counties, nor shall they exceed in number the following:
Forty for counties having a population of one hundred thousand
persons or more; thirty for counties having a population of fifty
thousand to one hundred thousand; twenty for counties having
a population of twenty thousand to fifty thousand; and such
districts in counties having a population of less than twenty
thousand persons shall be coextensive with the magisterial
districts.

The executive committee districts shall be as nearly equal
in population as practicable, and shall each be composed of
compact, contiguous territory. The county commissions shall
change the territorial boundaries of such districts as required by
the increase or decrease in the population of such districts as
determined by a decennial census. Such changes must be made
within two years following such census.

All members of executive committees, selected for each
political division as herein provided, shall reside within the
county or district from which chosen. The term of office of all
members of executive committees elected at the primary
election in the year one thousand nine hundred ninety-four shall
begin on the first day of July, following said primary, and shall
continue for four years thereafter and until their successors are
elected and qualified. Vacancies in the state executive commit-
tee shall be filled by the members of the committee for the
unexpired term. Vacancies in the party’s executive committee
of a congressional district, senatorial district, delegate district
or county shall be filled by the party’s executive committee of
the county in which such vacancy exists, and shall be for the
unexpired term.

As soon as possible after the certification of the election of
the new executive committees, as herein provided, they shall
convene an organizational meeting within their respective
political divisions, on the call of the chairman of corresponding
outgoing executive committees, or by any member of the new
executive committee in the event there is no corresponding
outgoing executive committee and proceed to select a chairman,
a treasurer and a secretary, and such other officers as they may
desire, each of which officers shall for their respective commit-
tees perform the duties that usually appertain to such offices.
The organizational meeting may be conducted prior to the
beginning of the term, but no official action other than the
election of officers and the appointment to fill vacancies on the
committee may be made before the first day of July. A current
listing of all executive committees’ members shall be filed with
the secretary of state by the end of July of each year. Vacancies
in any executive committee shall be filled no later than four
months after the vacancy occurs and the chairman of each
executive committee shall submit an updated committee list as
changes occur. Executive committee membership lists shall
include at least the member’s name, full address, employer,
telephone number and term information. If a vacancy on an
executive committee is not filled within the four month period
prescribed by the provisions of this section, the chair of the
executive committee shall name someone to fill the vacancy within ten days of the expiration of the four month period.

Any meeting of any political party executive committee shall be held only after public notice and notice to each member is given according to party rules and shall be open to all members affiliated with such party. Meetings shall be conducted according to party rules, all official actions shall be made by voice vote, and minutes shall be maintained and shall be open to inspection by members affiliated with such party.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 20th day of April, 2002.

Governor