

FILED

2007 MAR 20 PM 4: 55

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2007

—●—
ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2875**

(By Delegates Webster, Proudfoot, Moore, Hatfield,
Caputo, DeLong, Hrutkay, Fragale and Perdue)

—●—
Passed March 9, 2007

In Effect Ninety Days from Passage

HB 2875
5/8/07
GWH

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COMMITTEE SUBSTITUTE

FOR

OFFICE WEST VIRGINIA
SECRETARY OF STATE

H. B. 2875

(BY DELEGATES WEBSTER, PROUDFOOT, MOORE, HATFIELD,
CAPUTO, DELONG, HRUTKAY, FRAGALE AND PERDUE)

[Passed March 8, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §3-10-7 of the Code of West Virginia, 1931, as amended, relating to amending the procedure by which a vacancy on a county commission is filled in the event the remaining commissioners cannot agree on a person to fill the vacancy.

Be it enacted by the Legislature of West Virginia:

That §3-10-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 10. FILLING VACANCIES.

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


1 Any vacancy in the office of county commissioner or
2 clerk of county commission shall be filled by the county
3 commission of the county, unless the number of vacancies in
4 a county commission deprive that body of a quorum, in
5 which case the Governor of the state shall fill any vacancy in
6 the county commission necessary to create a quorum thereof.
7 Persons appointed shall be of the same political party as the

8 officeholder vacating the office and shall continue in office
9 until the next general election is certified, or until the
10 completion of the term if the term ends on the thirty-first day
11 of December following the next general election: *Provided,*
12 That in the event a quorum of the county commission cannot
13 agree upon a person to fill a vacancy in the office of county
14 commissioner within thirty days of the date the vacancy first
15 occurred, the county executive committee of the vacating
16 county commissioner's political party shall select and name
17 a person to fill the vacancy from the membership of the
18 vacating county commissioner's political party.

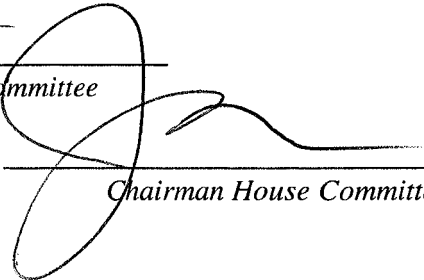
19 Notice of the election shall be given by order of the
20 county commission and published as prescribed in section six
21 of this article. Nomination of candidates to fill the office for
22 an unexpired term in the office of county commissioner or
23 clerk of the county commission shall be made in the manner
24 prescribed for making nominations to fill a vacancy in the
25 office of the clerk of the circuit court.

26 In the event that the election for an unexpired term is held
27 at the same time as the election for a full term for county
28 commissioner, the full term shall be counted first and the
29 unexpired term shall be counted second. If the candidate
30 with the highest number of votes for the unexpired term
31 resides in the same magisterial district as the candidate with
32 the highest number of votes for the full term, the candidate
33 for the full term shall be seated. The candidate with the next
34 highest number of votes for the unexpired term residing in a
35 different magisterial district shall be seated for the unexpired
36 term.

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



Chairman Senate Committee



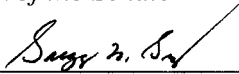
Chairman House Committee

Originating in the House.

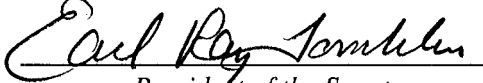
In effect ninety days from passage.



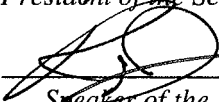
Clerk of the Senate



Clerk of the House of Delegates

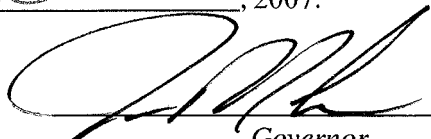


President of the Senate



Speaker of the House of Delegates

The within is approved this the 20th
day of March, 2007.



Governor

PRESENTED TO THE
GOVERNOR

MAR 15 2007

Time 3:50 pm