WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED
Committee Substitute for
Senate Bill No. 607

(Senator Kessler, original sponsor)

[Passed March 6, 2007; in effect ninety days from passage.]
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 607

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[Passed March 6, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §3-1-9 of the Code of West Virginia, 1931, as amended, relating to political party executive committees; requiring clerk of county commission to report election of members of and vacancies on executive committees; establishing definite terms of office for executive committee members; providing time after election of executive committee members for holding organizational meeting; changing time to fill vacancies on executive committees; setting time for submission of
changes in executive committee membership to the Secretary of State; removing deadline for chair of executive committee to fill vacancies; and providing for chair of state executive committee to fill vacancy on district executive committee where chair of county executive committee fails to fill vacancy.

Be it enacted by the Legislature of West Virginia:

That §3-1-9 of the Code of West Virginia, 1931, 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.

(a) Every fourth year at the primary election, the voters of each political party in each state senatorial district shall elect four members consisting of two male members and two female members of the state executive committee of the party. In state senatorial districts containing two or more counties, not more than two elected committee members shall be residents of the same county: Provided, That at each election the votes shall be tallied from highest to lowest without regard to gender or county of residence. The two candidates with the highest votes shall be elected first and the other candidates shall be qualified based on vote tallies, gender and county of residence. Upon completion of the canvass, the clerk of the county commission from each county shall send the results of the election of members of each state executive committee and certificates of announcement, if any, to the Secretary of State. Upon certification of the election results, the Secretary of State shall make known to each state executive
committee the members elected to such committee and
the vacancies, if any. The committee, when convened
and organized as herein provided, shall appoint three
additional members of the committee from the state at
large which shall constitute the entire voting
membership of the state executive committee: Provided,
however, That if it chooses to do so, the committee may
by motion or resolution and in accordance with party
rules, may expand the voting membership of the
committee. 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. 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.

(b) At the 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 state senatorial district and
of the delegate district in which the county is situated,
if the county is situated in a multicounty state
senatorial or delegate district. Upon completion of the
canvass, the clerk of the county commission from each
county shall send the results of the election of members
of each congressional district, state senatorial district
and delegate district executive committee of each party
to the Secretary of State. Upon certification of the
election results, the Secretary of State shall make
known to each state executive committee the members
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54 elected to each congressional district, state senatorial
district and delegate district executive committee and
the vacancies, if any. upon receipt, the state executive
committee shall make known any vacancies to the
applicable county executive committee for the purpose
of filling said vacancies as provided in subsection (f) of
this section. when districts are realigned following a
decennial census, members of an executive committee
previously elected in a county to represent that county
in a congressional or multicounty senatorial or delegate
district executive committee shall continue to represent
that county in the appropriate newly constituted
multicounty district until the expiration of their terms:

provided, that the county executive committee of the
political party shall determine which previously elected
members will represent the county if the number of
multicounty state senatorial or delegate districts in the
county is decreased; and shall appoint members to
complete the remainder of the term if the number of
districts is increased.

(c) at the same time the voters of the county in each
magisterial 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 committee
from each magisterial or executive committee district.
upon completion of the canvass, the clerk of the county
commission from each county shall send the results of
the election of members of the county executive
committee of each party along with the certificates of
announcement to the secretary of state. upon
certification of the election results, the secretary of
State shall make known to each state executive committee the members elected to the county committee and the vacancies, if any. Upon receipt, the state executive committee shall make known any vacancies to the applicable county executive committee for the purpose of filling said vacancies as provided in subsection (f) of this section.

(d) For the purpose of complying with the provisions of this section, the county commission shall create the executive committee districts. The districts shall not be fewer than the number of magisterial districts in the county, 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 the districts in counties having a population of less than twenty thousand persons shall be coextensive with the magisterial districts.

(e) 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 the districts as required by the increase or decrease in the population of the districts as determined by a decennial census. The changes must be made within two years following the census.

(f) 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
120 elected at the primary election in the year two thousand
121 ten will begin on the first day of July, following the
122 primary election and continue for four years thereafter,
123 except as provided in subsection (g) of this section.
124 Vacancies in the state executive committee shall be
125 filled by the members of the committee for the
126 unexpired term. Vacancies in the party's executive
127 committee of a congressional district, state senatorial
128 district, delegate district or county shall be filled by the
129 party's executive committee of the county in which the
130 vacancy exists for the unexpired term.

(g) As soon as possible after the certification of the
131 election of the new executive committees, as herein
132 provided, the newly elected executive committee shall
133 convene an organizational meeting within their
134 respective political divisions, on the call of the chair of
135 the corresponding outgoing executive committee or by
136 any member of the new executive committee in the
137 event there is no corresponding outgoing executive
138 committee. During the first meeting the new executive
139 committee shall select a chair, a treasurer and a
140 secretary and other officers as they may desire. Each of
141 the officers shall, for their respective committees,
142 perform the duties that usually appertain to his or her
143 office. The organizational meeting may be conducted
144 prior to the first day of July, but must occur after the
145 certification of the election of the new executive
146 committees. If the organizational meeting is conducted
147 prior to the first day of July, the new committee shall
148 serve out the remainder of the outgoing committee's
149 term and is authorized to conduct official business. A
150 current listing of all executive committees' members
151 shall be filed with the Secretary of State by the end of
152 July of each year. Vacancies in any executive
committee shall be filled by the appropriate executive committee as provided in subsection (f) of this section no later than sixty days after the vacancy occurs. The chair of each executive committee shall submit an updated committee list to the Secretary of State within ten days of a change occurring. Executive committee membership lists shall include at least the member's name, full address, employer, telephone number and term information. An appointment to fill a vacancy does not take effect if the executive committee does not submit the updated list to the Secretary of State within the allotted time period. If the executive committee fails to submit the updated list within the allotted time period, it must make another appointment pursuant to the provisions of this section and resubmit the updated list in a timely manner. If a vacancy on an executive committee is not filled within the sixty-day period prescribed by this section; the chair of the appropriate executive committee, as provided in subsection (f) of this section, shall name someone to fill the vacancy. If the chair of a county executive committee fails to fill a vacancy in a congressional district, state senatorial district or delegate district executive committee, and the failure to fill such vacancy prohibits said committee from conducting official business, the chair of the party's state executive committee shall fill such vacancy.

(h) 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 the 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 the party.
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.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this
the 3rd Day of April, 2007.

Governor