

SB 607 S

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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.]

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COMMITTEE SUBSTITUTE

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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

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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.

1 (a) Every fourth year at the primary election, the
2 voters of each political party in each state senatorial
3 district shall elect four members consisting of two male
4 members and two female members of the state executive
5 committee of the party. In state senatorial districts
6 containing two or more counties, not more than two
7 elected committee members shall be residents of the
8 same county: *Provided*, That at each election the votes
9 shall be tallied from highest to lowest without regard to
10 gender or county of residence. The two candidates with
11 the highest votes shall be elected first and the other
12 candidates shall be qualified based on vote tallies,
13 gender and county of residence. Upon completion of the
14 canvass, the clerk of the county commission from each
15 county shall send the results of the election of members
16 of each state executive committee and certificates of
17 announcement, if any, to the Secretary of State. Upon
18 certification of the election results, the Secretary of
19 State shall make known to each state executive

20 committee the members elected to such committee and
21 the vacancies, if any. The committee, when convened
22 and organized as herein provided, shall appoint three
23 additional members of the committee from the state at
24 large which shall constitute the entire voting
25 membership of the state executive committee: *Provided,*
26 *however,* That if it chooses to do so, the committee may
27 by motion or resolution and in accordance with party
28 rules, may expand the voting membership of the
29 committee. When senatorial districts are realigned
30 following a decennial census, members of the state
31 executive committee previously elected or appointed
32 shall continue in office until the expiration of their
33 terms. Appointments made to fill vacancies on the
34 committee until the next election of executive
35 committee members shall be selected from the
36 previously established districts. At the first election of
37 executive committee members following the
38 realignment of senatorial districts, members shall be
39 elected from the newly established districts.

40 (b) At the primary election, the voters of each political
41 party in each county shall elect one male and one female
42 member of the party's executive committee of the
43 congressional district, of the state senatorial district and
44 of the delegate district in which the county is situated,
45 if the county is situated in a multicounty state
46 senatorial or delegate district. Upon completion of the
47 canvass, the clerk of the county commission from each
48 county shall send the results of the election of members
49 of each congressional district, state senatorial district
50 and delegate district executive committee of each party
51 to the Secretary of State. Upon certification of the
52 election results, the Secretary of State shall make
53 known to each state executive committee the members

54 elected to each congressional district, state senatorial
55 district and delegate district executive committee and
56 the vacancies, if any. Upon receipt, the state executive
57 committee shall make known any vacancies to the
58 applicable county executive committee for the purpose
59 of filling said vacancies as provided in subsection (f) of
60 this section. When districts are realigned following a
61 decennial census, members of an executive committee
62 previously elected in a county to represent that county
63 in a congressional or multicounty senatorial or delegate
64 district executive committee shall continue to represent
65 that county in the appropriate newly constituted
66 multicounty district until the expiration of their terms:
67 *Provided*, That the county executive committee of the
68 political party shall determine which previously elected
69 members will represent the county if the number of
70 multicounty state senatorial or delegate districts in the
71 county is decreased; and shall appoint members to
72 complete the remainder of the term if the number of
73 districts is increased.

74 (c) At the same time the voters of the county in each
75 magisterial district or executive committee district, as
76 the case may be, shall elect one male and one female
77 member of the party's county executive committee
78 except that in counties having three executive
79 committee districts, there shall be elected two male and
80 two female members of the party's executive committee
81 from each magisterial or executive committee district.
82 Upon completion of the canvass, the clerk of the county
83 commission from each county shall send the results of
84 the election of members of the county executive
85 committee of each party along with the certificates of
86 announcement to the Secretary of State. Upon
87 certification of the election results, the Secretary of

88 State shall make known to each state executive
89 committee the members elected to the county committee
90 and the vacancies, if any. Upon receipt, the state
91 executive committee shall make known any vacancies to
92 the applicable county executive committee for the
93 purpose of filling said vacancies as provided in
94 subsection (f) of this section.

95 (d) For the purpose of complying with the provisions
96 of this section, the county commission shall create the
97 executive committee districts. The districts shall not be
98 fewer than the number of magisterial districts in the
99 county, nor shall they exceed in number the following:
100 Forty for counties having a population of one hundred
101 thousand persons or more; thirty for counties having a
102 population of fifty thousand to one hundred thousand;
103 twenty for counties having a population of twenty
104 thousand to fifty thousand; and the districts in counties
105 having a population of less than twenty thousand
106 persons shall be coextensive with the magisterial
107 districts.

108 (e) The executive committee districts shall be as nearly
109 equal in population as practicable and shall each be
110 composed of compact, contiguous territory. The county
111 commissions shall change the territorial boundaries of
112 the districts as required by the increase or decrease in
113 the population of the districts as determined by a
114 decennial census. The changes must be made within
115 two years following the census.

116 (f) All members of executive committees, selected for
117 each political division as herein provided, shall reside
118 within the county or district from which chosen. The
119 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.

131 (g) As soon as possible after the certification of the
132 election of the new executive committees, as herein
133 provided, the newly elected executive committee shall
134 convene an organizational meeting within their
135 respective political divisions, on the call of the chair of
136 the corresponding outgoing executive committee or by
137 any member of the new executive committee in the
138 event there is no corresponding outgoing executive
139 committee. During the first meeting the new executive
140 committee shall select a chair, a treasurer and a
141 secretary and other officers as they may desire. Each of
142 the officers shall, for their respective committees,
143 perform the duties that usually appertain to his or her
144 office. The organizational meeting may be conducted
145 prior to the first day of July, but must occur after the
146 certification of the election of the new executive
147 committees. If the organizational meeting is conducted
148 prior to the first day of July, the new committee shall
149 serve out the remainder of the outgoing committee's
150 term and is authorized to conduct official business. A
151 current listing of all executive committees' members
152 shall be filed with the Secretary of State by the end of
153 July of each year. Vacancies in any executive

154 committee shall be filled by the appropriate executive
155 committee as provided in subsection (f) of this section
156 no later than sixty days after the vacancy occurs. The
157 chair of each executive committee shall submit an
158 updated committee list to the Secretary of State within
159 ten days of a change occurring. Executive committee
160 membership lists shall include at least the member's
161 name, full address, employer, telephone number and
162 term information. An appointment to fill a vacancy
163 does not take effect if the executive committee does not
164 submit the updated list to the Secretary of State within
165 the allotted time period. If the executive committee
166 fails to submit the updated list within the allotted time
167 period, it must make another appointment pursuant to
168 the provisions of this section and resubmit the updated
169 list in a timely manner. If a vacancy on an executive
170 committee is not filled within the sixty-day period
171 prescribed by this section; the chair of the appropriate
172 executive committee, as provided in subsection (f) of
173 this section, shall name someone to fill the vacancy. If
174 the chair of a county executive committee fails to fill a
175 vacancy in a congressional district, state senatorial
176 district or delegate district executive committee, and the
177 failure to fill such vacancy prohibits said committee
178 from conducting official business, the chair of the
179 party's state executive committee shall fill such
180 vacancy.

181 (h) Any meeting of any political party executive
182 committee shall be held only after public notice and
183 notice to each member is given according to party rules
184 and shall be open to all members affiliated with the
185 party. Meetings shall be conducted according to party
186 rules, all official actions shall be made by voice vote and
187 minutes shall be maintained and shall be open to
inspection by members affiliated with the party.

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


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Chairman Senate Committee


.....
Chairman House Committee

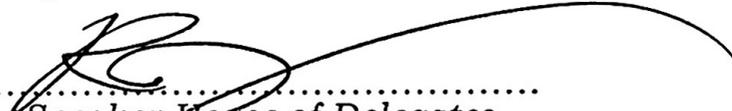
Originated in the Senate.

In effect ninety days from passage.

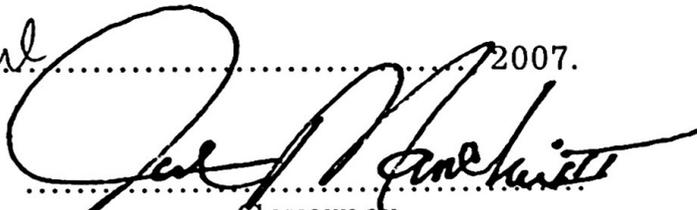

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

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


.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 20 2007 .

Time 4:00