WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

ENROLLED
COMMITEE SUBSTITUTE
FOR
Senate Bill No. 557
(SENATORS KESSLER, OLIVERIO,
D. FACEMIRE AND MINARD, original sponsors)

[Passed March 13, 2010; in effect ninety days from passage.]
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COMMITTEE SUBSTITUTE

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(SENATORS KESSLER, OLIVERIO, D. FACEMIRE
AND MINARD, original sponsors)

[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, clarifying the procedures for the filling of vacancies in the State Legislature.

Be it enacted by the Legislature of West Virginia:

That §3-10-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 10. FILLING VACANCIES.

§3-10-5. Vacancies in State Legislature.

1 (a) Any vacancy in the office of State Senator or member of the House of Delegates shall be filled by appointment by the Governor, from a list of three legally qualified persons submitted by the party executive committee of the party with which the person holding the office immediately preceding the vacancy was affiliated. Such list of qualified persons to fill the vacancy shall be submitted to the Governor within fifteen days after the vacancy occurs...
and the Governor shall duly make his or her appointment
to fill the vacancy from the list of legally qualified person
within five days after the list is received. If the list is not
submitted to the Governor within the fifteen day period,
the Governor shall appoint within five days thereafter a
legally qualified person of the same political party as the
person vacating the office.

(b) In the case of a member of the House of Delegates,
the list shall be submitted by the party executive commit-
tee of the delegate district in which the vacating member
resided at the time of his or her election or appointment.
The appointment to fill a vacancy in the House of Dele-
gates is for the unexpired term.

c) In the case of a State Senator, the list shall be sub-
mitted by the party executive committee of the state
senatorial district in which the vacating senator resided at
the time of his or her election or appointment. If the
unexpired term in the office of the State Senator will be
for less than two years and two months, the appointment
is for the unexpired term. If the unexpired term will be for
a period equal to or longer than two years and two
months, the appointment is until the next general election
and until the election and qualification of a successor to
the person appointed, at which general election the
vacancy shall be filled by election for the unexpired term.
Notice of an election to fill a vacancy in the office of State
Senator shall be given by the Governor by proclamation
and shall be published before the election as a Class II-0
legal advertisement in compliance with the provisions of
article three, chapter fifty-nine of this code, and the
publication area for the publication shall be each county
in the senatorial district. Nominations for candidates to
fill a vacancy shall be made in the manner prescribed for
nominating a candidate to fill a vacancy in the office of
Governor to be voted for at a general election. The state
senatorial district executive committee of the political
party shall discharge the duties incident to State Senator
nominations devolving upon the party state executive
committee in nominating a candidate for a state office.
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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

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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 2nd Day of ........................................, 2010.

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Governor
PRESENTED TO THE GOVERNOR

APR 01 2010

Time 4:10 pm