WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Senate Bill 591

BY SENATOR TRUMP

[Pas sed March 09, 2022; in effect 90 days from passage]
ENROLLED

Senate Bill 591

By Senator Trump

[Passed March 09, 2022; in effect 90 days from passage]
AN ACT to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, relating
to the process for filling vacancies in the state Legislature; clarifying the process for filling
a vacancy if the member was elected to a multi-county senatorial or delegate district; and
authorizing the county executive committee of single-county senatorial or delegate district
to fill vacancies.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. FILLING VACANCIES.

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

(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 same political party with which the person holding the
office immediately preceding the vacancy was affiliated at the time the vacancy occurred. The list
of qualified persons to fill the vacancy shall be submitted to the Governor within 15 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 persons within five days after the list is received. If the list is not
submitted to the Governor within the 15-day period, the Governor shall appoint within five days
thereafter a legally qualified person of the same political party with which the person holding the
office immediately preceding the vacancy was affiliated at the time the vacancy occurred.

(b) In the case of a member of the House of Delegates, if the member was elected to a
multi-county delegate district the list shall be submitted by the party executive committee of the
delegate district in which the vacating member resided at the time of his or her election or
appointment. If the member was elected to a delegate district situated entirely within a single
county, the list shall be submitted by the county executive committee 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 Delegates is for the unexpired term.
(c) In the case of a state senator, if the member was elected to a multi-county senatorial district the list shall be submitted 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 member was elected to a senatorial district situated entirely within a single county, the list shall be submitted by the county executive committee in which the vacating member resided at the time of his or her election or appointment. The appointment to fill a vacancy in the state Senate is for the unexpired term, unless §3-10-1 of this code requires a subsequent election to fill the remainder of the term, which shall follow the procedure set forth in said section.
Enr SB 591

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 90 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 23rd Day of March, 2022.

Governor