

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 527**

5 (SENATOR PALUMBO, CANN AND MCCABE, *original sponsors*)

6 _____
7 [Passed April 13, 2013; in effect ninety days from passage.]
8 _____
9

10
11 AN ACT to repeal §3-10-4a of the Code of West Virginia, 1931, as
12 amended; to amend and reenact §3-10-1, §3-10-2, §3-10-3, §3-
13 10-3a, §3-10-4, §3-10-5, §3-10-6, §3-10-7 and §3-10-8 of said
14 code; and to amend said code by adding thereto a new section,
15 designated §3-10-9, all relating to filling vacancies of
16 certain elected offices; defining terms; setting procedures
17 for appointing persons to fill certain vacancies; requiring
18 certain appointments within a certain period of time; listing
19 time periods and certain offices where elections must be held
20 to fill certain vacancies; setting special requirements for
21 filling vacancies in certain offices; setting procedures for
22 certain special elections; setting requirements for special
23 filing periods, where necessary; requiring certain notice be
24 given regarding elections to fill vacancies; providing for
25 payment of costs if a new election is necessary; allowing
26 nomination of certain persons without party affiliation;

1 allowing emergency orders by the Secretary of State in certain
2 circumstances; removing and repealing certain language
3 relating to previous elections; clarifying method used to fill
4 vacancies in the Office of Governor; permitting meeting of the
5 Judicial Vacancy Advisory Commission upon certain formal
6 announcements of retirement or resignation; adjusting method
7 to fill vacancies in certain statewide, legislative and
8 judicial offices such that the timing for all are consistent;
9 adjusting method to fill vacancies in United States Congress;
10 requiring most elections to fill vacancies be held in
11 conjunction with regularly scheduled elections; clarifying
12 method used to fill vacancies in certain county offices;
13 permitting vacancies in certain county offices to be filled by
14 temporary replacements for no more than thirty days; and
15 updating language regarding filling vacancies in certain
16 elected offices.

17 *Be it enacted by the Legislature of West Virginia:*

18 That §3-10-4a of the Code of West Virginia, 1931, as amended,
19 be repealed; and that §3-10-1, §3-10-2, §3-10-3, §3-10-3a, §3-10-4,
20 §3-10-5, §3-10-6, §3-10-7 and §3-10-8 of said code be amended and
21 reenacted; and that said code be amended by adding thereto a new
22 section, designated §3-10-9, all to read as follows:

23 **ARTICLE 10. FILLING VACANCIES.**

24 **§3-10-1. Elections to fill vacancies.**

25 (a) When a vacancy occurs in an elected office of the state or
26 county, it shall be filled according to the processes set forth in

1 this article. As used in this article, unless otherwise indicated
2 by the context:

3 (1) "General cutoff date" means the eighty-fourth day before
4 the general election that immediately precedes the general election
5 where the office would be on the ballot for election if there were
6 not a vacancy; and

7 (2) "Primary cutoff date" means the eighty-fourth day before
8 the primary election that immediately precedes the general cutoff
9 date.

10 (b) When this article requires an appointment to fill a
11 vacancy in an elected office, the appointment shall be made within
12 thirty days of the vacancy, unless this code specifically states a
13 different time period for the specific office. The term that the
14 appointee holds the office shall depend on when the vacancy occurs,
15 as follows:

16 (1) If the vacancy occurs after the primary cutoff date, then
17 that appointee shall hold the office until the end of the term of
18 office: *Provided*, That if the vacancy for any county office or
19 United States Senate occurs during the window after the primary
20 cutoff date, but before the general cutoff date, the process
21 contained in sections four, six, seven and eight of this article,
22 depending on the specific office vacated, shall be followed; or

23 (2) If the vacancy occurs on or before the primary cutoff
24 date, then the office shall be filled at the following regular
25 primary and subsequent general election pursuant to this article
26 and the appointee shall hold the office until a qualified

1 replacement is elected and certified at that general election. The
2 elected replacement shall hold the office until the end of the
3 original term of office.

4 (c) If an election is required to fill the vacancy by
5 subsection (b) of this section and the other provisions of this
6 article, the election shall proceed depending on when the vacancy
7 occurs and in which office it occurs. Elections to fill vacancies
8 shall be held at the same places, and superintended, conducted and
9 returned, and the result ascertained, certified and declared, in
10 the same manner, and by the same officers, as in general elections,
11 unless otherwise stated in this article.

12 (1) For a vacancy in the Office of Governor, the times for the
13 special elections contained in section two of this article shall
14 control. The proclamation entered pursuant to section two of this
15 article by the person acting as Governor shall include the dates
16 for the special candidate filing period, if necessary, and shall
17 follow the requirements set forth in this section. All aspects of
18 this section, where not in conflict with section two of this
19 article, shall also be followed. If a regularly scheduled primary
20 or general election fits within the times for the special elections
21 contained in section two of this article, the special elections
22 shall be conducted in conjunction with the regularly scheduled
23 election or elections. If a special election is required by
24 section two of this article and it cannot be held in conjunction
25 with the regular election dates, then the compensation of election
26 officers shall be reimbursed pursuant to section nine of this

1 article.

2 (2) For a vacancy in the offices of United States House of
3 Representatives or United States Senate, the times for the special
4 election, if necessary, contained in section four of this article
5 shall control. All aspects of this section, where not in conflict
6 with section four of this article, shall also be followed.

7 (A) With regard to United States House of Representatives, the
8 proclamation entered pursuant to section four of this article by
9 the Governor shall include the dates for the special candidate
10 filing period, if necessary, and shall follow the requirements set
11 forth in this section. If a regularly scheduled primary or general
12 election fits within the times for the special elections contained
13 in section four of this article, the special elections shall be
14 conducted in conjunction with the regularly scheduled election or
15 elections. If a special election is required by section two of
16 this article and it cannot be held in conjunction with the regular
17 election dates, then the compensation of election officers shall be
18 reimbursed pursuant to section nine of this article.

19 (B) With regard to United States Senate, if a special general
20 election following the regular general election is required by
21 section four of this article, and it cannot be held in conjunction
22 with the regular election dates, then the compensation of election
23 officers shall be reimbursed pursuant to section nine of this
24 article.

25 (3) For all other offices, the Governor, or other person
26 granted authority by this article, shall issue a proclamation

1 stating that the office will appear on the next regular primary
2 election and subsequent general election, in order to fill the
3 vacancy: *Provided*, That if the vacancy for any county office occurs
4 during the window after the primary cutoff date, but before the
5 general cutoff date, the process contained in sections six, seven
6 and eight of this article shall be followed. If the candidate
7 filing period for the next regular primary election has closed or
8 has less than one week remaining, the proclamation shall provide
9 for a special primary candidate filing period. If there are less
10 than eighty-four days between the vacancy and the next regular
11 primary election, then the proclamation shall state that the office
12 will appear on the subsequent regular primary election and
13 corresponding general election following the next regular primary
14 election.

15 (d) (1) If a special candidate filing period is necessary, it
16 shall begin no sooner than the day after the proclamation and shall
17 close no earlier than close of business on the fourteenth day
18 following the proclamation. A notarized declaration of candidacy
19 and filing fee provided by section seven, article five of this
20 chapter shall be filed either in person, by United States mail,
21 electronic means or any other means authorized by the Secretary of
22 State and received by the appropriate office before the close of
23 the filing period. For petition in lieu of payment of filing fees,
24 a candidate seeking nomination for the vacancy may utilize the
25 process set forth in section eight-a, article five of this chapter:
26 *Provided*, That the minimum number of signatures required is

1 equivalent to one qualified signature per one whole dollar of the
2 filing fee for that office.

3 (2) If a primary election is required by the provisions of
4 this article:

5 (A) For all statewide, multicounty and legislative elections,
6 drawing for the primary election ballot position will take place at
7 the Secretary of State's office twenty-four hours after the end of
8 the filing period. For each major political party on the ballot,
9 a single drawing by lot shall determine the candidate ballot
10 position for ballots statewide. This drawing shall be witnessed by
11 four clerks of the county commission chosen by the West Virginia
12 Association of County Clerks, with no more than two clerks
13 representing a single political party.

14 (B) For county elections, drawing for the primary election
15 ballot position will take place at the county clerk's office
16 twenty-four hours after the end of the filing period. For each
17 major political party on the ballot, a single drawing by lot shall
18 determine the candidate ballot position for ballots statewide.
19 This drawing shall be witnessed by the chairperson of the county
20 democratic and republican executive committees or their designee,
21 and the president of the county commission or his or her designee.

22 (3) Ballot position for a general election required by this
23 article shall be determined pursuant to subdivision (3), subsection
24 (c), section two, article six of this chapter. If a general
25 election required by this article occurs in conjunction with a
26 regularly scheduled primary election, the general election shall be

1 listed along with the nonpartisan portion of each ballot in the
2 order of offices provided for regular ballots in this chapter.

3 (e) When an election is required to fill a vacancy, the date
4 of the election and offices to be elected, as well as any other
5 information required in the proclamation, shall be published prior
6 to such election as a Class I-O legal advertisement in compliance
7 with the provisions of article three, chapter fifty-nine of this
8 code, and the publication area for such publication shall be each
9 county of the state that is eligible to vote in the election for
10 those offices.

11 (f) If an election is required by this article, citizens
12 having no party organization or affiliation may nominate candidates
13 as provided by sections twenty-three and twenty-four, article five
14 of this chapter: *Provided*, That when an election is required by the
15 provisions of this article to be held at some time other than with
16 a regularly scheduled election, all certificates nominating
17 candidates shall be filed with the appropriate official no later
18 than ninety days before the election.

19 (g) The persons elected, having first duly qualified, shall
20 enter upon the duties of their respective offices. The elected
21 replacement shall hold the office until the end of the original
22 term of office.

23 **§3-10-2. Vacancy in Office of Governor.**

24 (a) In case of the death, conviction on impeachment, failure
25 to qualify, resignation or other disability of the Governor, the

1 President of the Senate shall act as Governor until the vacancy is
2 filled or the disability removed; and if the President of the
3 Senate, for any of the above-named causes, shall be or become
4 incapable of performing the duties of Governor, the same shall
5 devolve upon the Speaker of the House of Delegates; and in all
6 other cases where there is no one to act as Governor, one shall be
7 chosen by the joint vote of the Legislature. Whenever a vacancy
8 shall occur in the Office of Governor before the first three years
9 of the term shall have expired, a new election for Governor shall
10 take place to fill the vacancy.

11 (b) The new election shall consist of a special primary
12 election and a special general election, and shall occur at such
13 time as will permit the person elected as Governor in the new
14 election to assume office within one year of the date the vacancy
15 occurred: *Provided*, That the special general election provided in
16 this section may not apply to section eight, article one of this
17 chapter. Within thirty days from the date the vacancy occurs, the
18 person acting as Governor pursuant to the State Constitution shall
19 issue a proclamation fixing the time for a statewide election to
20 fill the vacancy in the Office of Governor. The special primary
21 election to fill a vacancy in the Office of Governor shall take
22 place no less than ninety days after the proclamation and no later
23 than one hundred forty days from the date that the vacancy in the
24 office occurs. The proclamation issued by the person acting as
25 Governor pursuant to the State Constitution shall also provide for
26 a special general election to take place no sooner than ninety days

1 after the special primary election and no later than two hundred
2 eighty days from the date that the vacancy in the office occurs.

3 (c) The election shall follow the requirements of section one
4 of this article that are not in conflict with this section.

5 **§3-10-3. Vacancies in offices of state officials, United States**
6 **Senators and judges.**

7 Any vacancy occurring in the offices of Secretary of State,
8 Auditor, Treasurer, Attorney General, Commissioner of Agriculture,
9 Justice of the Supreme Court of Appeals or in any office created or
10 made elective to be filled by the voters of the entire state, judge
11 of a circuit court or judge of a family court is filled by the
12 Governor of the state by appointment and subsequent election to
13 fill the remainder of the term, if required by section one of this
14 article.

15 **§3-10-3a. Judicial Vacancy Advisory Commission.**

16 (a) The Judicial Vacancy Advisory Commission shall assist the
17 Governor in filling judicial vacancies. The commission shall meet
18 and submit a list of no more than five nor less than two best
19 qualified persons to the Governor within ninety days of the
20 occurrence of a vacancy, or the formal announcement of the justice
21 or judge by letter to the Governor of an upcoming resignation or
22 retirement that will result in the occurrence of a vacancy, in the
23 office of justice of the Supreme Court of Appeals, judge of a
24 circuit court or judge of a family court. The Governor shall make
25 the appointment to fill the vacancy, as required by this article,

1 within thirty days following the receipt of the list of qualified
2 candidates or within thirty days following the vacancy, whichever
3 occurs later.

4 (b) The commission shall consist of eight appointed members.
5 Four public members shall be appointed by the Governor for six-year
6 terms, except for the initial appointments which shall be staggered
7 in accordance with subsection (c) of this section. Four attorney
8 members shall be appointed by the Governor for six-year terms,
9 except as provided in subsection (c) of this section, from a list
10 of nominees provided by the Board of Governors of the West Virginia
11 State Bar. The Board of Governors of the West Virginia State Bar
12 shall nominate no more than twenty nor less than ten best qualified
13 attorneys for appointment to the commission whenever there is a
14 vacancy in the membership of the commission reserved for attorney
15 members. The commission shall choose one of its appointed members
16 to serve as chair for a three-year term. No more than four
17 appointed members of the commission shall belong to the same
18 political party. No more than three appointed members of the
19 commission shall be residents of the same congressional district.
20 All members of the commission shall be citizens of this state.
21 Public members of the commission may not be licensed to practice
22 law in West Virginia or any other jurisdiction.

23 (c) Of the initial appointments made to the commission, two
24 public members and two attorney members shall be appointed for a
25 term ending two years after the effective date of this section, one
26 public member and one attorney member shall be appointed for a term

1 ending four years after the effective date of this section, and one
2 public member and one attorney member shall be appointed for a term
3 ending six years after the effective date of this section.

4 (d) The Governor, or his or her designee, the President of the
5 West Virginia State Bar and the Dean of the West Virginia
6 University College of Law shall serve as *ex officio* members of the
7 commission.

8 (e) Members of the commission shall serve without
9 compensation, except that commission members are entitled to
10 reimbursement of travel and other necessary expenses actually
11 incurred while engaged in official commission activities in
12 accordance with the guidelines of the Travel Management Office of
13 the Department of Administration, or its successor entity. The
14 Governor's Office shall cooperate with the commission to ensure
15 that all resources necessary to carrying out the official duties of
16 the commission are provided, including staff assistance, equipment
17 and materials.

18 (f) The commission shall adopt written policies that formalize
19 and standardize all operating procedures and ethical practices of
20 its members including, but not limited to, procedures for training
21 commission members, publishing notice of judicial vacancies,
22 recruiting qualified individuals for consideration by the
23 commission, receiving applications from qualified individuals,
24 notifying the public of judicial vacancies, notifying state or
25 local groups and organizations of judicial vacancies and soliciting
26 public comment on judicial vacancies. The written policies of the

1 commission are not subject to the provisions of chapter twenty-
2 nine-a of this code, but shall be filed with the Secretary of
3 State.

4 (g) A majority of the commission plus one shall constitute a
5 quorum to do business.

6 (h) All organizational meetings of the commission shall be
7 open to the public and subject to the requirements of article
8 nine-a, chapter six of this code. An "organizational meeting"
9 means an initial meeting to discuss the commission's procedures and
10 requirements for a judicial vacancy. The commission shall hold at
11 least one organizational meeting upon the occurrence of a judicial
12 vacancy. All other meetings of the commission are exempt from
13 article nine-a, chapter six of this code.

14 (i) The commission shall make available to the public copies
15 of any applications and any letters of recommendation written on
16 behalf of any applicants. All other documents or materials created
17 or received by the commission shall be confidential and exempt from
18 the provisions of chapter twenty-nine-b of this code, except for
19 the list of best-qualified persons or accompanying memoranda
20 submitted to the Governor in accordance with the provisions of
21 subsection (j) of this section, which shall be available for public
22 inspection, and the written policies required to be filed with the
23 Secretary of State in accordance with subsection (f) of this
24 section.

25 (j) The commission shall submit its list of best-qualified
26 persons to the Governor in alphabetical order. A memorandum may

1 accompany the list of best-qualified persons and state facts
2 concerning each of the persons listed. The commission shall make
3 copies of any list of best-qualified persons and accompanying
4 memoranda it submits to the Governor available for public
5 inspection.

6 **§3-10-4. Vacancies in representation in United States Congress.**

7 (a) (1) If there is a vacancy in the representation from this
8 state in the House of Representatives in the Congress of the United
9 States, the Governor shall, within five days after the fact comes
10 to his or her knowledge, issue a proclamation setting dates for a
11 special general election that is not less than eighty-four nor more
12 than one hundred twenty days from the date of the vacancy and
13 requiring nomination of candidates as provided in subdivision (2)
14 of this subsection: *Provided*, That no such proclamation may be made
15 nor may a special election be held if the vacancy occurs after the
16 eighty-fourth day prior to the regularly scheduled general election
17 for a new full term of the office. The election shall follow the
18 requirements of section one of this article that are not in
19 conflict with this section.

20 (2) The party executive committees for the congressional
21 district for which there is a vacancy shall each, within thirty
22 days of the Governor's proclamation, nominate a candidate to stand
23 at the general election required by subdivision (1) of this
24 subsection.

1 (b) If there is a vacancy in the representation from this
2 state in the Senate of the United States Congress, the vacancy
3 shall be filled by the Governor of the state by appointment and:

4 (1) If the vacancy occurs on or before the primary cutoff
5 date, then an election shall be held pursuant to section one of
6 this article; or

7 (2) If the vacancy occurs after the primary cutoff date, but
8 on or before the general cutoff date, then the Governor shall issue
9 a proclamation providing for: (A) A special filing period; (B) a
10 special primary election to be held in conjunction with the
11 upcoming general election; and (C) a special general election to be
12 held not less than eighty-four nor more than one hundred twenty
13 days following the date of the special primary election. Each
14 election shall follow the requirements of section one of this
15 article that are not in conflict with this section.

16 **§3-10-5. Vacancies in State Legislature.**

17 (a) Any vacancy in the office of State Senator or member of
18 the House of Delegates shall be filled by appointment by the
19 Governor, from a list of three legally qualified persons submitted
20 by the party executive committee of the party with which the person
21 holding the office immediately preceding the vacancy was
22 affiliated. The list of qualified persons to fill the vacancy
23 shall be submitted to the Governor within fifteen days after the
24 vacancy occurs and the Governor shall duly make his or her
25 appointment to fill the vacancy from the list of legally qualified
26 persons within five days after the list is received. If the list

1 is not submitted to the Governor within the fifteen-day period, the
2 Governor shall appoint within five days thereafter a legally
3 qualified person of the same political party as the person vacating
4 the office.

5 (b) In the case of a member of the House of Delegates, the
6 list shall be submitted by the party executive committee of the
7 delegate district in which the vacating member resided at the time
8 of his or her election or appointment. The appointment to fill a
9 vacancy in the House of Delegates is for the unexpired term.

10 (c) In the case of a State Senator, the list shall be
11 submitted by the party executive committee of the state senatorial
12 district in which the vacating senator resided at the time of his
13 or her election or appointment. The appointment to fill a vacancy
14 in the State Senate is for the unexpired term, unless section one
15 of this article requires a subsequent election to fill the
16 remainder of the term, which shall follow the procedure set forth
17 in section one of this article.

18 **§3-10-6. Vacancy in office of circuit court clerk.**

19 (a) When a vacancy occurs in the office of clerk of the
20 circuit court, the circuit court by a majority vote of the judges
21 shall fill the same within thirty days of the vacancy by
22 appointment of a person of the same political party as the
23 officeholder vacating the office for the period required by section
24 one of this article.

25 (b) Notwithstanding any code provision to the contrary, the
26 chief judge may appoint a temporary successor to the office of

1 clerk of the circuit court until the requirements of this section
2 have been met. The temporary successor may serve no more than
3 thirty days from the date of the vacancy.

4 (c) If an election is necessary, the circuit court, or the
5 chief judge thereof in vacation, is responsible for the proper
6 proclamation, by order and notice required by section one of this
7 article.

8 (d) Section one of this article shall be followed with respect
9 to any election needed to fill a vacancy, except that if the
10 vacancy occurs after the primary cutoff date but not later than the
11 general cutoff date, candidates to fill the vacancy shall be
12 nominated by the county executive committee in the manner provided
13 in section nineteen, article five of this chapter, as in the case
14 of filling vacancies in nominations, and the names of the persons,
15 so nominated and certified to the clerk of the county commission of
16 the county, shall be placed upon the ballot to be voted at the next
17 general election.

18 **§3-10-7. Vacancies in offices of county commissioner and clerk of**
19 **county commission.**

20 (a) Any vacancy in the office of county commissioner or clerk
21 of county commission shall be filled by the county commission of
22 the county, unless the number of vacancies in a county commission
23 deprive that body of a quorum, in which case the Governor of the
24 state shall fill any vacancy in the county commission necessary to
25 create a quorum thereof. Persons appointed shall be of the same
26 political party as the officeholder vacating the office for the

1 period stated by section one of this article. If a quorum of the
2 county commission cannot agree upon a person to fill a vacancy in
3 the office of county commissioner within thirty days of the date
4 the vacancy first occurred, the county executive committee of the
5 vacating county commissioner's political party shall select and
6 name a person to fill the vacancy from the membership of the
7 vacating county commissioner's political party. The clerk shall be
8 appointed within thirty days of the vacancy.

9 (b) Notwithstanding any code provision to the contrary, a
10 county commission may appoint a temporary successor to the office
11 of clerk of the county commission until the requirements of this
12 section have been met. The temporary successor may serve no more
13 than thirty days from the date of the vacancy.

14 (c) If an election is necessary under section one of this
15 article, the county commission, or the president thereof in
16 vacation, shall be responsible for the proper proclamation, by
17 order, and notice required by section one of this article.

18 (d) Section one of this article shall be followed with respect
19 to any election needed to fill a vacancy, except that if the
20 vacancy occurs after the primary cutoff date but not later than the
21 general cutoff date, candidates to fill the vacancy shall be
22 nominated by the county executive committee in the manner provided
23 in section nineteen, article five of this chapter, as in the case
24 of filling vacancies in nominations, and the names of the persons,
25 so nominated and certified to the clerk of the county commission of

1 the county, shall be placed upon the ballot to be voted at the next
2 general election.

3 (e) If the election for an unexpired term is held at the same
4 time as the election for a full term for county commissioner, the
5 full term shall be counted first and the unexpired term shall be
6 counted second. If the candidate with the highest number of votes
7 for the unexpired term resides in the same magisterial district as
8 the candidate with the highest number of votes for the full term,
9 the candidate for the full term shall be seated. The candidate
10 with the next highest number of votes for the unexpired term
11 residing in a different magisterial district shall be seated for
12 the unexpired term.

13 **§3-10-8. Vacancies in offices of prosecuting attorney, sheriff,**
14 **assessor and surveyor.**

15 (a) Any vacancy occurring in the office of prosecuting
16 attorney, sheriff, assessor or county surveyor shall be filled by
17 the county commission within thirty days of the vacancy by
18 appointment of a person of the same political party as the
19 officeholder vacating the office. The appointed person shall hold
20 the office for the period stated by section one of this article.

21 (b) Notwithstanding any code provision to the contrary, a
22 county commission may appoint a temporary successor to the office
23 of prosecuting attorney, sheriff, assessor or county surveyor until
24 the requirements of this section have been met. The temporary
25 successor may serve no more than thirty days from the date of the
26 vacancy.

1 (c) If an election is necessary under section one of this
2 article, the county commission, or the president thereof in
3 vacation, shall be responsible for the proper proclamation, by
4 order, and notice required by section one of this article.

5 (d) Section one of this article shall be followed with respect
6 to any election needed to fill a vacancy, except that if the
7 vacancy occurs after the primary cutoff date but not later than the
8 general cutoff date, candidates to fill the vacancy shall be
9 nominated by the county executive committee in the manner provided
10 in section nineteen, article five of this chapter, as in the case
11 of filling vacancies in nominations, and the names of the persons,
12 so nominated and certified to the clerk of the county commission of
13 the county, shall be placed upon the ballot to be voted at the next
14 general election.

15 **§3-10-9. Costs of special elections paid by state.**

16 If an election as required by section two or four of this
17 article cannot be held in conjunction with the regular election
18 dates, then the cost of printing ballots and all other reasonable
19 and necessary expenses in holding and making the return of the new
20 election to fill a vacancy are obligations of the state incurred by
21 the ballot commissioners, clerks of the county commissions and
22 county commissions of the various counties as agents of the state.
23 All expenses of the new election are to be audited by the Secretary
24 of State. The Secretary of State shall prepare and transmit to the
25 county commissions forms on which the county commissions shall
26 certify all expenses of the new election to the Secretary of State.

1 If satisfied that the expenses as certified by the county
2 commissions are reasonable and were necessarily incurred, the
3 Secretary of State shall requisition the necessary warrants from
4 the Auditor of the state to be drawn on the State Treasurer and
5 shall mail the warrants directly to the vendors of the new election
6 services, supplies and facilities.