1	н. в. 2555
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3	(By Delegates Kump, Faircloth, Folk and Manypenny)
4	[Introduced February 20, 2013; referred to the
5	Committee on Political Subdivisions then the Judiciary.]
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10	A BILL to repeal §3-5-6 of the Code of West Virginia, 1931, as
11	amended; and to amend said code by adding thereto a new
12	section, designated $\$3-6-13$, relating to electing members of
13	county school boards on a nonpartisan basis in general
14	elections only; and providing that members elected in primary
15	elections shall continue on the boards until any new members
16	take office.
17	Be it enacted by the Legislature of West Virginia:
18	That $\$3-5-6$ of the Code of West Virginia, 1931, as amended, be
19	repealed; and that said code be amended by adding thereto a new
20	section, designated $$3-6-13$, to read as follows:
21	ARTICLE 6. CONDUCT AND ADMINISTRATION OF ELECTIONS.
22	§3-6-13. Election of county board of education members at general
23	elections.

- 1 (a) An election for the purpose of electing members of the
- 2 county board of education shall be held on the same date as the
- 3 general elections, as provided by law, but upon a nonpartisan
- 4 ballot printed for the purpose.
- 5 (b) No more than two members may be elected or serve from the
- 6 same magisterial district. The eligibility of candidates to be
- 7 declared elected for full terms of four years and for unexpired
- 8 terms of two or more years based on this limitation shall be
- 9 determined at the time of certification of the election.
- 10 (1) The eligibility shall be based on the magisterial district
- 11 residence of incumbent members of the board whose terms will
- 12 continue beyond December 1, following the general election.
- 13 (A) No person is eligible to be declared elected who resides
- 14 <u>in a district that has two incumbent members.</u>
- 15 (B) No more than one candidate is eligible to be declared
- 16 elected who resides in a district that has one incumbent member.
- 17 (C) A person with the highest number of votes may be declared
- 18 elected to an unexpired term notwithstanding the fact that the
- 19 person's magisterial district has two representatives serving on
- 20 the board at the time of the election: Provided, That the number
- 21 of representatives from that magisterial district will be less than
- 22 two as of December 1, following the general election.
- 23 (2) The person declared elected to an unexpired term shall
- 24 assume the duties of a member of the board of education according

- 1 to section two, article five, chapter eighteen of this code.
- 2 (c) In each nonpartisan election for board of education the
- 3 board of canvassers shall:
- 4 (1) Declare and certify the election of the required number of
- 5 eligible candidates receiving the highest numbers of votes to fill
- 6 any full terms;
- 7 (2) Declare and certify the election of the required number of
- 8 eligible candidates receiving the next highest numbers of votes,
- 9 after all full terms are filled, to fill any unexpired terms.
- 10 (d) It is the intent of this section that any person declared
- 11 to be elected pursuant to this section shall take office as a duly
- 12 elected member or members, even though the person may not have
- 13 received a majority or plurality of all votes cast at such
- 14 election.
- 15 (e) In case of a tie vote for a seat on a county board of
- 16 education in any general election, section twelve, article six of
- 17 this chapter shall control in breaking the tie.
- 18 (f) Members of county boards of education who were previously
- 19 elected in primary elections shall continue to serve until the time
- 20 when any new members elected in general elections take office.

NOTE: The purpose of this bill is to elect members of county school boards on a nonpartisan basis only in general elections. The bill provides that members elected in primary elections shall continue on the boards until any new members take office.

The bill repeals \$3-5-6.

 $\S3-6-13$ is new; therefore, it has been completely underscored.