1 **H. B. 4123**

2

3 (By Delegates Kump, Folk, Faircloth, Rowan,
4 Canterbury and Romine)
5
6 [Introduced January 9, 2014; referred to the

7 Committee on Political Subdivisions then the Judiciary.]

8

9

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, all relating to electing members

13 of 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19 repealed; and that said code be amended by adding thereto a new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, all 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.**

24 (a) An election for the purpose of electing members of the

1 county board of education shall be held on the same date as the

2 general elections, as provided by law, but upon a nonpartisan

3 ballot printed for the purpose.

4   (b) No more than two members may be elected or serve from the

5 same magisterial district. The eligibility of candidates to be

6 declared elected for full terms of four years and for unexpired

7 terms of two or more years based on this limitation shall be

8 determined at the time of certification of the election.

9   (1) The eligibility shall be based on the magisterial district

10 residence of incumbent members of the board whose terms will

11 continue beyond December 1, following the general election.

12   (A) No person is eligible to be declared elected who resides

13 in a district that has two incumbent members.

14   (B) No more than one candidate is eligible to be declared

15 elected who resides in a district that has one incumbent member.

16   (C) A person with the highest number of votes may be declared

17 elected to an unexpired term notwithstanding the fact that the

18 person's magisterial district has two representatives serving on

19 the board at the time of the election: *Provided,* That the number

20 of representatives from that magisterial district will be less than

21 two as of December 1, following the general election.

22   (2) The person declared elected to an unexpired term shall

23 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 the election.

14   (e) In case of a tie vote for a seat on a county board of

15 education in any general election, section twelve, article six of

16 this chapter shall control in breaking the tie.

17   (f) Members of county boards of education who were previously

18 elected in primary elections shall continue to serve until the time

19 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 and 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.

§3-6-13 is new; therefore, it has been completely underscored.