

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 144

BY SENATOR SYPOLT

[Introduced January 10, 2018; Referred
to the Committee on Government Organization; and then
to the Committee on the Judiciary]

1 A BILL to amend and reenact §3-1-17 of the Code of West Virginia, 1931, as amended; to amend
2 and reenact §3-4A-11a of said code; to amend and reenact §3-5-13 and §3-5-13a of said
3 code; to amend and reenact §3-10-1 and §3-10-8 of said code; and to amend said code
4 by adding thereto a new section, designated §3-10-8a, all relating to providing for the
5 nonpartisan election of county surveyors; providing that county surveyors are to be elected
6 on a nonpartisan basis beginning with the general election of 2020; clarifying ballot
7 placement for nonpartisan election for county surveyor; clarifying ballot heading for
8 nonpartisan election for county surveyor; and specifying manner of appointment of a
9 successor when an elected county surveyor vacates office.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-17. Election of circuit judges; county and district officers; magistrates.

1 (a) There shall be elected, at the time of the primary election to be held in 2016, and every
2 eighth year thereafter, one judge of the circuit court of every judicial circuit entitled to one judge,
3 and one judge for each numbered division of the judicial circuit in those judicial circuits entitled to
4 two or more circuit judges; and at the time of the primary election to be held in 2016, and in every
5 fourth year thereafter, the number of magistrates prescribed by law for the county. Beginning with
6 the election held in the year 2016, an election for the purpose of electing judges of the circuit
7 court, or an election for the purpose of electing magistrates, shall be upon a nonpartisan ballot
8 printed for the purpose.

9 (b) There shall be elected, at the general election to be held in 1992, and every fourth year
10 thereafter, a sheriff, prosecuting attorney, surveyor of lands and the number of assessors
11 prescribed by law for the county; at the general election to be held in 1990, and every second
12 year thereafter, a commissioner of the county commission for each county; and at the general
13 election to be held in 1992, and every sixth year thereafter, a clerk of the county commission and
14 a clerk of the circuit court for each county.

15 (c) Effective with the primary election of 2016, all elections for judge of the circuit courts in
16 the respective circuits and magistrates in each county will be elected on a nonpartisan basis and
17 by division as set forth more fully in §3-5-1 *et seq.* of this code.

18 (d) Effective with the general election of 2020, all elections for surveyor of lands will be
19 on a nonpartisan basis.

ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.

§3-4A-11a. Ballots tabulated electronically; arrangement, quantity to be printed, ballot stub numbers.

1 (a) The board of ballot commissioners in counties using ballots upon which votes may be
2 recorded by means of marking with electronically sensible ink or pencil and which marks are
3 tabulated electronically shall cause the ballots to be printed or displayed upon the screens of the
4 electronic voting system for use in elections.

5 (b)(1) For the primary election, the heading of the ballot, the type faces, the names and
6 arrangement of offices and the printing of names and arrangement of candidates within each
7 office are to conform as nearly as possible to §3-5-13 and §3-5-13a of this code.

8 (2) For the general election, the heading of the ballot, the type faces, the names and
9 arrangement of offices and the printing of names and the arrangement of candidates within each
10 office are to conform as nearly as possible to §3-6-2 of this code, except as otherwise provided
11 in this article.

12 (3) Effective with the primary election held in 2016, and thereafter, the following
13 nonpartisan elections are to be separated from the partisan ballot and separately headed in
14 display type with a title clearly identifying the purpose of the election and constituting a separate
15 ballot wherever a separate ballot is required under this chapter:

16 (A) Nonpartisan elections for judicial offices, by division, of:

17 (i) Justice of the Supreme Court of Appeals;

18 (ii) Judge of the circuit court;

19 (iii) Family court judge; and

20 (iv) Magistrate;

21 (B) Nonpartisan elections for Board of Education;

22 (C) Nonpartisan election for county surveyor; and

23 ~~(D)~~ (D) Any question to be voted upon.

24 (4) Both the face and the reverse side of the ballot may contain the names of candidates
25 only if means to ensure the secrecy of the ballot are provided and lines for the signatures of the
26 poll clerks on the ballot are printed on a portion of the ballot which is deposited in the ballot box
27 and upon which marks do not interfere with the proper tabulation of the votes.

28 (5) The arrangement of candidates within each office is to be determined in the same
29 manner as for other electronic voting systems, as prescribed in this chapter. On the general
30 election ballot for all offices, and on the primary election ballot only for those offices to be filled by
31 election, except delegate to national convention, lines for entering write-in votes are to be
32 provided below the names of candidates for each office, and the number of lines provided for any
33 office shall equal the number of persons to be elected, or three, whichever is fewer. The words
34 "WRITE-IN, IF ANY" are to be printed, where applicable, directly under each line for write-ins. The
35 lines are to be opposite a position to mark the vote.

36 (c) Except for electronic voting systems that utilize screens upon which votes may be
37 recorded by means of a stylus or by means of touch, the primary election ballots are to be printed
38 in the color of ink specified by the Secretary of State for the various political parties, and the
39 general election ballot is to be printed in black ink. For electronic voting systems that utilize
40 screens upon which votes may be recorded by means of a stylus or by means of touch, the
41 primary ballots and the general election ballot are to be printed in black ink. All ballots are to be

42 printed, where applicable, on white paper suitable for automatic tabulation and are to contain a
43 perforated stub at the top or bottom of the ballot, which is to be numbered sequentially in the
44 same manner as provided in §3-5-13 of this code, or are to be displayed on the screens of the
45 electronic voting system upon which votes are recorded by means of a stylus or touch. The
46 number of ballots printed and the packaging of ballots for the precincts are to conform to the
47 requirements for paper ballots provided in this chapter.

48 (d) In addition to the official ballots, the ballot commissioners shall provide all other
49 materials and equipment necessary to the proper conduct of the election.

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-13. Form and contents of ballots.

1 The following provisions apply to the form and contents of election ballots:

2 (1) The face of every primary election ballot shall conform as nearly as practicable to that
3 used at the general election.

4 (2) The heading of every ballot is to be printed in display type. The heading is to contain
5 a ballot title, the name of the county, the state, the words "Primary Election" and the month, day
6 and year of the election. The ballot title of the political party ballots is to contain the words "Official
7 Ballot of the (Name) Party" and the official symbol of the political party may be included in the
8 heading.

9 (A) The ballot title of any separate paper ballot or portion of any electronic or voting
10 machine ballot for all judicial ~~officer~~ officers shall commence with the words "Nonpartisan Ballot
11 of Election of Judicial Officers" and each such office shall be listed in the following order:

12 (i) The ballot title of any separate paper ballot or portion of any electronic or voting machine
13 ballot for all Justices of the Supreme Court of Appeals shall contain the words "Nonpartisan Ballot
14 of Election of Justice(s) of the Supreme Court of Appeals of West Virginia". The names of the

15 candidates for the Supreme Court of Appeals shall be printed by division without references to
16 political party affiliation or registration.

17 (ii) The ballot title of any separate paper ballot or portion of any electronic or voting
18 machine ballot for all circuit court judges in the respective circuits shall contain the words
19 “Nonpartisan Ballot of Election of circuit court Judge(s)”. The names of the candidates for the
20 respective circuit court judge office shall be printed by division without references to political party
21 affiliation or registration.

22 (iii) The ballot title of any separate paper ballot or portion of any electronic or voting
23 machine ballot for all family court judges in the respective circuits shall contain the words
24 “Nonpartisan Ballot of Election of Family Court Judge(s)”. The names of the candidates for the
25 respective family court judge office shall be printed by division without references to political party
26 affiliation or registration.

27 (iv) The ballot title of any separate paper ballot or portion of any electronic or voting
28 machine ballot for all magistrates in the respective circuits shall contain the words “Nonpartisan
29 Ballot of Election of Magistrate(s)”. The names of the candidates for the respective magistrate
30 office shall be printed by division without references to political party affiliation or registration.

31 (B) The ballot title of any separate paper ballot or portion of any electronic or voting
32 machine ballot for the Board of Education is to contain the words “Nonpartisan Ballot of Election
33 of Members of the _____ County Board of Education”. The districts for which less than
34 two candidates may be elected and the number of available seats are to be specified and the
35 names of the candidates are to be printed without reference to political party affiliation and without
36 designation as to a particular term of office.

37 (C) The ballot title of any separate paper ballot or portion of any electronic or voting
38 machine ballot for county surveyor is to contain the words “Nonpartisan Ballot of Election of
39 County Surveyor for _____ County”.

40 ~~(C)~~ (D) Any other ballot or portion of a ballot on a question is to have a heading which
41 clearly states the purpose of the election according to the statutory requirements for that question.

42 (3)(A) For paper ballots, the heading of the ballot is to be separated from the rest of the
43 ballot by heavy lines and the offices shall be arranged in columns with the following headings,
44 from left to right across the ballot: "National Ticket", "State Ticket", "County Ticket" and, in a
45 presidential election year, "National Convention" or, in a nonpresidential election year, "District
46 Ticket". The columns are to be separated by heavy lines. Within the columns, the offices are to
47 be arranged in the order prescribed in §3-5-13a of this code.

48 (B) For voting machines, electronic voting devices and any ballot tabulated by electronic
49 means, the offices are to appear in the same sequence as prescribed in §3-5-13a of this code
50 and under the same headings as prescribed in paragraph (A) of this subdivision. The number of
51 pages, columns or rows, where applicable, may be modified to meet the limitations of ballot size
52 and composition requirements subject to approval by the Secretary of State.

53 (C) The title of each office is to be separated from preceding offices or candidates by a
54 line and is to be printed in bold type no smaller than eight point. Below the office is to be printed
55 the number of the district, if any, the number of the division, if any, and the words "Vote for
56 _____" with the number to be nominated or elected or "Vote For Not More Than _____"
57 in multicandidate elections. For offices in which there are limitations relating to the number of
58 candidates which may be nominated, elected or appointed to or hold office at one time from a
59 political subdivision within the district or county in which they are elected, there is to be a clear
60 explanation of the limitation, as prescribed by the Secretary of State, printed in bold type
61 immediately preceding the names of the candidates for those offices on the ballot in every voting
62 system. For counties in which the number of county commissioners exceeds three and the total
63 number of members of the county commission is equal to the number of magisterial districts within
64 the county, the office of county commission is to be listed separately for each district to be filled

65 with the name of the magisterial district and the words "Vote for One" printed below the name of
66 the office: *Provided*, That the office title and applicable instructions may span the width of the
67 ballot so as it is centered among the respective columns.

68 (D) The location for indicating the voter's choices on the ballot is to be clearly shown. For
69 paper ballots, other than those tabulated electronically, the official primary ballot is to contain a
70 square formed in dark lines at the left of each name on the ballot, arranged in a perpendicular
71 column of squares before each column of names.

72 (4)(A) The name of every candidate certified by the Secretary of State or the board of
73 ballot commissioners is to be printed in capital letters in no smaller than eight-point type on the
74 ballot for the appropriate precincts. Subject to the rules promulgated by the Secretary of State,
75 the name of each candidate is to appear in the form set out by the candidate on the certificate of
76 announcement, but in no case may the name misrepresent the identity of the candidate nor may
77 the name include any title, position, rank, degree or nickname implying or inferring any status as
78 a member of a class or group or affiliation with any system of belief.

79 (B) The city of residence of every candidate, the state of residence of every candidate
80 residing outside the state, the county of residence of every candidate for an office on the ballot in
81 more than one county and the magisterial district of residence of every candidate for an office
82 subject to magisterial district limitations are to be printed in lower case letters beneath the names
83 of the candidates.

84 (C) The arrangement of names within each office must be determined as prescribed in
85 §3-5-13a of this code.

86 (D) If the number of candidates for an office exceeds the space available on a column or
87 ballot page and requires that candidates for a single office be separated, to the extent possible,
88 the number of candidates for the office on separate columns or pages are to be nearly equal and
89 clear instructions given the voter that the candidates for the office are continued on the following

90 column or page.

91 (5) When an insufficient number of candidates has filed for a party to make the number of
92 nominations allowed for the office or for the voters to elect sufficient members to the Board of
93 Education or to executive committees, the vacant positions on the ballot shall be filled with the
94 words "No Candidate Filed": *Provided*, That in paper ballot systems which allow for write-ins to
95 be made directly on the ballot, a blank line shall be placed in any vacant position in the office of
96 Board of Education or for election to any party executive committee. A line shall separate each
97 candidate from every other candidate for the same office. Notwithstanding any other provision of
98 this code, if there are multiple vacant positions on a ballot for one office, the multiple vacant
99 positions which would otherwise be filled with the words "No Candidate Filed" may be replaced
100 with a brief detailed description, approved by the Secretary of State, indicating that there are no
101 candidates listed for the vacant positions.

102 (6) In presidential election years, the words "For election in accordance with the plan
103 adopted by the party and filed with the Secretary of State" is to be printed following the names of
104 all candidates for delegate to national convention.

105 (7) All paper ballots are to be printed in black ink on paper sufficiently thick so that the
106 printing or marking cannot be discernible from the back: *Provided*, That no paper ballot voted
107 pursuant to the provisions of 42 U. S. C. §1973, *et seq.*, the Uniformed and Overseas Citizens
108 Absentee Voting Act of 1986, or federal write-in absentee ballot may be rejected due to paper
109 type, envelope type, or notarization requirement. Ballot cards and paper for printing ballots using
110 electronically sensible ink are to meet minimum requirements of the tabulating systems and are
111 to conform in size and weight to ensure ease in tabulation.

112 (8) Ballots are to contain perforated tabs at the top of the ballots and are to be printed with
113 unique sequential numbers from one to the highest number representing the total number of
114 ballots printed. On paper ballots, the ballot is to be bordered by a solid line at least one sixteenth

115 of an inch wide and the ballot is to be trimmed to within one-half inch of that border.

116 (9) On the back of every official ballot or ballot card the words "Official Ballot" with the
 117 name of the county and the date of the election are to be printed. Beneath the date of the election
 118 there are to be two blank lines followed by the words "Poll Clerks".

119 (10) The face of sample paper ballots and sample ballot labels are to be like other official
 120 ballots or ballot labels except that the word "sample" is to be prominently printed across the front
 121 of the ballot in a manner that ensures the names of candidates are not obscured and the word
 122 "sample" may be printed in red ink. No printing may be placed on the back of the sample.

§3-5-13a. Order of offices and candidates on the ballot; uniform drawing date.

1 (a) The order of offices for state and county elections on all ballots within the state shall
 2 be as prescribed herein. When the office does not appear on the ballot in an election, then it shall
 3 be omitted from the sequence. When an unexpired term for an office appears on the ballot along
 4 with a full term, the unexpired term shall appear immediately below the full term.

5 NATIONAL TICKET: President (and Vice President in the general election), United States
 6 Senator, member of the United States House of Representatives.

7 STATE TICKET: Governor, Secretary of State, Auditor, Treasurer, Commissioner of
 8 Agriculture, Attorney General, State Senator, member of the House of Delegates, any other
 9 multicounty office, state executive committee.

10 COUNTY TICKET: Clerk of the circuit court, county commissioner, clerk of the county
 11 commission, prosecuting attorney, sheriff, assessor, ~~surveyor~~ congressional district executive
 12 committee, senatorial district executive committee in multicounty districts, delegate district
 13 executive committee in multicounty districts.

14 NATIONAL CONVENTION: Delegate to the national convention — at-large, delegate to
 15 the national convention — congressional district.

16 DISTRICT TICKET: County executive committee.

17 (b) Except for office divisions in which no more than one person has filed a certificate of
18 announcement, the arrangement of names for all offices shall be determined by lot according to
19 the following provisions:

20 (1) On the fourth Tuesday following the close of the candidate filing, beginning at ~~nine~~ 9
21 o'clock a.m., a drawing by lot shall be conducted in the office of the clerk of the county commission
22 in each county. Notice of the drawing shall be given on the form for the certificate of
23 announcement and no further notice shall be required. The clerk of the county commission shall
24 superintend and conduct the drawing and the method of conducting the drawing shall be
25 prescribed by the Secretary of State.

26 (2) Except as provided herein, the position of each candidate within each office division
27 shall be determined by the position drawn for that candidate individually: *Provided*, That if fewer
28 candidates file for an office division than the total number to be nominated or elected, the vacant
29 positions shall appear following the names of all candidates for the office.

30 (3) Candidates for delegate to national convention who have filed a commitment to a
31 candidate for president shall be listed alphabetically within the group of candidates committed to
32 the same candidate for president and uncommitted candidates shall be listed alphabetically in an
33 uncommitted category. The position of each group of committed candidates and uncommitted
34 candidates shall be determined by lot by drawing the names of the presidential candidates and
35 for an uncommitted category.

36 (4) A candidate or the candidate's representative may attend the drawings.

ARTICLE 10. FILLING VACANCIES.

§3-10-1. Elections to fill vacancies.

1 (a) When a vacancy occurs in an elected office of the state or county, it shall be filled
2 according to the processes set forth in this article. As used in this article, unless otherwise

3 indicated by the context:

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

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

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

13 (1) If the vacancy occurs after the primary cutoff date, then that appointee shall hold the
14 office until the end of the term of office: *Provided*, That if the vacancy for any county office or
15 United States Senate occurs during the window after the primary cutoff date, but before the
16 general cutoff date, the process contained in §3-10-4, §3-10-6, §3-10-7 ~~and~~ §3-10-8, and §3-10-
17 8a of this code, depending on the specific office vacated, shall be followed; or

18 (2) If the vacancy occurs on or before the primary cutoff date, then the office shall be filled
19 at the following regular primary and subsequent general election pursuant to this article and the
20 appointee shall hold the office until a qualified replacement is elected and certified at that general
21 election. The elected replacement shall hold the office until the end of the original term of office.

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

28 (1) For a vacancy in the Office of Governor, the times for the special elections contained
29 in §3-10-2 of this code shall control. The proclamation entered pursuant to said by the person
30 acting as Governor shall include the dates for the special candidate filing period, if necessary,
31 and shall follow the requirements set forth in this section. All aspects of this section, where not in
32 conflict with §3-10-2 of this code, shall also be followed. If a regularly scheduled primary or general
33 election fits within the times for the special elections contained in said section, the special
34 elections shall be conducted in conjunction with the regularly scheduled election or elections. If a
35 special election is required by said section and it cannot be held in conjunction with the regular
36 election dates, then the compensation of election officers shall be reimbursed pursuant to §3-10-9
37 of this code.

38 (2) For a vacancy in the offices of United States House of Representatives or United States
39 Senate, the times for the special election, if necessary, contained in §3-10-4 of this code shall
40 control. All aspects of this section, where not in conflict with §3-10-4 of this code, shall also be
41 followed.

42 (A) With regard to United States House of Representatives, the proclamation entered
43 pursuant to §3-10-4 of this code by the Governor shall include the dates for the special candidate
44 filing period, if necessary, and shall follow the requirements set forth in this section. If a regularly
45 scheduled primary or general election fits within the times for the special elections contained in
46 §3-10-4 of this code, the special elections shall be conducted in conjunction with the regularly
47 scheduled election or elections. If a special election is required by §3-10-2 of this code and it
48 cannot be held in conjunction with the regular election dates, then the compensation of election
49 officers shall be reimbursed pursuant to §3-10-9 of this code.

50 (B) With regard to United States Senate, if a special general election following the regular
51 general election is required by §3-10-4 of this code, and it cannot be held in conjunction with the
52 regular election dates, then the compensation of election officers shall be reimbursed pursuant to

53 §3-10-9 of this code.

54 (3) For all other offices, the Governor, or other person granted authority by this article,
55 shall issue a proclamation stating that the office will appear on the next regular primary election
56 and subsequent general election, in order to fill the vacancy: *Provided*, That if the vacancy for any
57 county office occurs during the window after the primary cutoff date, but before the general cutoff
58 date, the process contained in §3-10-6, §3-10-7, ~~and §3-10-8~~ and §3-10-8a of this code shall be
59 followed. If the candidate filing period for the next regular primary election has closed or has less
60 than one week remaining, the proclamation shall provide for a special primary candidate filing
61 period. If there are less than eighty-four days between the vacancy and the next regular primary
62 election, then the proclamation shall state that the office will appear on the subsequent regular
63 primary election and corresponding general election following the next regular primary election.

64 (d)(1) If a special candidate filing period is necessary, it shall begin no sooner than the
65 day after the proclamation and shall close no earlier than close of business on the fourteenth day
66 following the proclamation. A notarized declaration of candidacy and filing fee provided by §3-5-7
67 of this code shall be filed either in person, by United States mail, electronic means or any other
68 means authorized by the Secretary of State and received by the appropriate office before the
69 close of the filing period. For petition in lieu of payment of filing fees, a candidate seeking
70 nomination for the vacancy may utilize the process set forth in §3-5-8a of this code: *Provided*,
71 That the minimum number of signatures required is equivalent to one qualified signature per one
72 whole dollar of the filing fee for that office.

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

74 (A) For all statewide, multicounty and legislative elections, drawing for the primary election
75 ballot position will take place at the Secretary of State's office twenty-four hours after the end of
76 the filing period. For each major political party on the ballot, a single drawing by lot shall determine
77 the candidate ballot position for ballots statewide. This drawing shall be witnessed by four clerks

78 of the county commission chosen by the West Virginia Association of County Clerks, with no more
79 than two clerks representing a single political party.

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

86 (3) Ballot position for a general election required by this article shall be determined
87 pursuant to §3-6-2(c)(3) of this code. If a general election required by this article occurs in
88 conjunction with a regularly scheduled primary election, the general election shall be listed along
89 with the nonpartisan portion of each ballot in the order of offices provided for regular ballots in this
90 chapter.

91 (e) When an election is required to fill a vacancy, the date of the election and offices to be
92 elected, as well as any other information required in the proclamation, shall be published prior to
93 such election as a Class I-0 legal advertisement in compliance with the provisions of §59-3-1 *et*
94 *seq.* of this code, and the publication area for such publication shall be each county of the state
95 that is eligible to vote in the election for those offices.

96 (f) If an election is required by this article, citizens having no party organization or affiliation
97 may nominate candidates as provided by §3-5-23 and §3-5-24 of this code: *Provided*, That when
98 an election is required by the provisions of this article to be held at some time other than with a
99 regularly scheduled election, all certificates nominating candidates shall be filed with the
100 appropriate official no later than ninety days before the election.

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

103 of office.

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

1 (a) Any vacancy occurring in the office of prosecuting attorney, sheriff or assessor ~~or~~
 2 ~~county surveyor~~ shall be filled by the county commission within thirty days of the vacancy by
 3 appointment of a person of the same political party as the officeholder vacating the office. The
 4 appointed person shall hold the office for the period stated by §3-10-1 of this code.

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

9 (c) If an election is necessary under §3-10-1 of this code, the county commission, or the
 10 president thereof in vacation, shall be responsible for the proper proclamation, by order, and
 11 notice required by §3-10-1 of this code.

12 (d) §3-10-1 of this code shall be followed with respect to any election needed to fill a
 13 vacancy, except that if the vacancy occurs after the primary cutoff date but not later than the
 14 general cutoff date, candidates to fill the vacancy shall be nominated by the county executive
 15 committee in the manner provided in §3-5-19 of this code, as in the case of filling vacancies in
 16 nominations, and the names of the persons, so nominated and certified to the clerk of the county
 17 commission of the county, shall be placed upon the ballot to be voted at the next general election.

§3-10-8a. Vacancies in office of county surveyor.

1 (a) Any vacancy occurring in the office of county surveyor shall be filled by the county
 2 commission within thirty days of the vacancy. The appointed person shall hold the office for the
 3 period stated by §3-10-1 of this code.

4 (b) Notwithstanding the provisions of subsection (a) of this section, a county commission
 5 may appoint a temporary successor to the office of county surveyor until the requirements of this

- 6 section have been met. The temporary successor may serve no more than thirty days from the
7 date of the vacancy.
- 8 (c) If an election is necessary under §3-10-1 of this code the county commission, or the
9 president thereof in vacation, shall be responsible for the proper proclamation, by order, and
10 notice required by §3-10-1 of this code.

NOTE: The purpose of this bill is to provide for the nonpartisan election of county surveyors. The bill provides that county surveyors are to be elected on a nonpartisan basis beginning with the general election of 2020. The bill clarifies ballot placement for nonpartisan election for county surveyor. The bill clarifies ballot heading for nonpartisan election for county surveyor. The bill specifies the manner of appointment of a successor when an elected county surveyor vacates office.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.