

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3185

By Delegates Dillon, Longanacre, Butler, and Ross

[Introduced January 31, 2023; Referred to the
Committee on Political Subdivisions then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §3-1D-1, §3-1D-2, and §3-1D-3; and to amend and reenact §7-1-1b of said
 3 code, all relating to the "Transparency in Government Act"; requiring all candidates for
 4 election to public office make public their party affiliation or lack of party affiliation;
 5 prohibiting a public board or office from being comprised of a majority of individuals of
 6 relation closer than first cousin; providing a process for a public board or office in that the
 7 election results violate the prohibition; prohibiting an individual hold the office of County
 8 Commissioner be employed by county in any other capacity; and requiring no person be
 9 hired under the immediate supervision of a close relation.

Be it enacted by the Legislature of West Virginia:

CHAPTER 3. ELECTIONS.

ARTICLE 1D. TRANSPARENCY IN GOVERNMENT ACT.

§3-1D-1.	Short	title.
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1	<u>This article shall be known as the "Transparency in Government Act".</u>	
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§3-1D-2. Declaration of affiliation.		
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1 2	<u>Every individual seeking election to public office or board must declare their party affiliation or lack thereof, notwithstanding the office being nonpartisan.</u>	
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§3-1D-3. Limitation of certain relatives serving on same office or board.		
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1 2 3 4	<u>(a) No public office or board that requires election may be composed of a majority of individuals of relation closer than first cousin. "Relation closer than first cousin means" an individual's siblings, nieces, nephews, in-laws, immediate family, grandparents, and grandchildren.</u>	
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5 6 7	<u>(b) In the event that candidates with the highest vote totals are a majority persons of relation closer than first cousin, the candidate or candidates with the next highest vote totals shall be considered elected until all such positions are filled. In the event that an insufficient number of</u>	
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8 such candidates are available, the position will be considered vacant until remedied by a legally
9 compliant appointment to fill the vacancy.

10 (c) No employee shall be hired under the immediate supervision of a close relation defined
11 in this section.

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-1b. Legislative findings; qualifications for county commissioners.

1 (a) The Legislature finds that:

2 (1) There is confusion concerning when a candidate for county commission must be a
3 resident of the magisterial district he or she wants to represent;

4 (2) The supreme court has discussed the residency requirement in several cases and has
5 conflicting interpretations;

6 (3) It is imperative that this issue be permanently resolved at the time of filing to ensure the
7 citizens have choice on the ballot;

8 (4) It is essential the citizens know they are voting for a person who is qualified to be a
9 candidate; and

10 (5) With the expense of holding an election, tax payer moneys should not be wasted of
11 officials who could never serve.

12 (b) A candidate for the office of county commissioner shall be a resident from the
13 magisterial district for which he or she is seeking election:

14 (1) By the last day to file a certificate of announcement pursuant to section seven, article
15 five, chapter three of this code; or

16 (2) At the time of his or her appointment by the county executive committee or the
17 chairperson of the county executive committee.

18 (c) No individual holding the office of County Commissioner shall be employed in any other

19 capacity by the county.

NOTE: The purpose of this bill is to establish the "Transparency in Government Act"; requiring all candidates for election to public office make public their party affiliation or lack of party affiliation; prohibiting a public board or office from being comprised of a majority of individuals of relation closer than first cousin; providing a process for a public board or office in that the election results violate the prohibition; prohibiting an individual hold the office of County Commissioner be employed by county in any other capacity; and requiring no person be hired under the immediate supervision of a close relation.

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