Legislature Resolution 19

Local Choice Proportional Representation Act

Introduced by Delegate Tyler Rutherford (D-07)
and Delegate Brett Miller (U-84)

Be it enacted by the
Legislature of West Virginia:

Section 1. Purpose and Intent

The purpose of this Act is to expand democratic representation in local government by allowing municipalities and county school boards to adopt proportional representation election systems through local voter approval. This Act seeks to provide voters with greater choice, encourage broader political participation, and ensure that local governing bodies more accurately reflect the communities they serve.

Section 2. Municipal Adoption of Proportional Representation

Any municipality in West Virginia may adopt a proportional representation system for its municipal council elections through a local referendum.

Municipalities choosing to adopt proportional representation shall elect council members through multi-member districts using the single transferable vote (STV) system.

The number of seats assigned to each district shall be established by the municipal governing body, subject to approval by voters and applicable state election laws.

Section 3. County School Board Elections

Any county may adopt proportional representation for its county board of education elections through a countywide referendum.

County school boards adopting this system shall elect members through multi-member districts using the single transferable vote (STV) system.

The number of seats, district boundaries, and election arrangements shall be established by the county board of education in accordance with state election requirements and approved by voters.

Section 4. Local Referendum and Voter Approval

Any municipality or county seeking to adopt proportional representation shall submit the proposed change to its voters through a local referendum.

A referendum may be initiated by a petition signed by at least five percent of registered voters in the affected jurisdiction or by a resolution adopted by the applicable local governing body.

No municipality or county may implement proportional representation until the proposal has been approved by a majority of voters participating in the referendum.

Any municipality or county adopting proportional representation may later repeal the system through another local referendum.

Section 5. Administration and Election Standards

The Secretary of State shall provide guidance and assistance to local governments adopting proportional representation, including procedures for ballot design, vote counting, district organization, and election administration.

All elections conducted under this Act shall comply with existing state election laws and constitutional protections.

The Secretary of State may establish additional rules necessary to ensure fair and consistent implementation of proportional representation.

Section 6. Existing Local Government Arrangements

Nothing in this Act shall require a municipality or county to adopt proportional representation.

Local governments that do not approve its adoption shall retain their existing election systems.

Nothing in this Act shall alter the county commission structure established under Article IX of the Constitution of West Virginia.

Section 7. Effective Date

This Act shall take effect Jan 1st, 2000