

16-0013 –*STATE OF WEST VIRGINIA ex rel. BELINDA BIAFORE, in her capacity as Chair of the West Virginia State Democratic Executive Committee, and STEPHEN DAVIS, LINDA KLOPP, DAVID THOMPSON, LINDA PHILLIPS, STEPHEN EVANS, and PATRICIA BLEVINS, each individually, and in their capacity as members of the West Virginia Democratic Executive Committee for the Ninth Senatorial District.*

*Petitioners,*

vs.

*EARL RAY TOMBLIN, in his capacity as Governor of the State of West Virginia, and BEVERLY R. LUND, JUSTIN M. ARVON, SUE “WAOMI” CLINE, TONY PAYNTER, JOHN DOE, and JANE DOE, in their capacity as the members of the West Virginia Republican Executive Committee for the Ninth Senatorial District,*

*Respondents.*

Chief Justice Ketchum, concurring:

I realize that my vote in this case effectively eliminates any chance of my being reelected to our Supreme Court. Nevertheless, I took an oath to impartially apply our laws and I promised to set political favoritism aside. The statute in this case is clear. The appointment by the Governor is to be made from a list of persons submitted by the executive committee “of the party with which the person holding the office immediately preceding the vacancy was affiliated.” Senator Hall was a registered Republican when he vacated the office. So be it!

Therefore, I concur.