

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 18<sup>th</sup> of January, 2011, the following order was made and entered:

State of West Virginia ex rel. Citizen Action Group, Petitioner

vs.) No. 101494

Earl Ray Tomblin, President of the West Virginia Senate, Richard Thompson, Speaker of the West Virginia House of Delegates, and Natalie Tennant, Secretary of State of West Virginia, Respondents

--AND--

State of West Virginia ex rel. Thornton Cooper, Petitioner

vs.) No. 10-4004

Earl Ray Tomblin, Acting Governor of the State of West Virginia, and President of the West Virginia Senate, Richard Thompson, Speaker of the West Virginia House of Delegates, and Natalie Tennant, Secretary of State of West Virginia, Respondents

MANDATE

The Court, having maturely considered the petitions for writ of mandamus, the rule awarded, the oral arguments, the responses and the briefs of amici curiae, is of opinion for reasons stated in writing and issued by an opinion, that the petitioners are entitled to a writ of mandamus as to respondent Tomblin, but not as to respondent Thompson or respondent Tennant. It is therefore ordered that the petition for writ of mandamus is granted and respondent Tomblin, in executing his duty to act as governor, is hereby directed forthwith to issue a proclamation to fix a time for a new statewide election to fill the vacancy in the

office of governor consistent with the provisions of W.Va. Code § 3-10-2; all of which is ordered to be certified to the parties.

The syllabus of points adjudicated, prefixed to the written opinion aforesaid, was delivered by Justice Benjamin and concurred by Chief Justice Workman, Justices Ketchum and McHugh and Judge Miller sitting by temporary assignment. Justice Davis disqualified.

A True Copy

Attest: /s/ Rory L. Perry II, Clerk of Court

