WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2635

BY DELEGATE DEEM

[Introduced February 21, 2017; Referred

to the Committee on the Judiciary then Finance.]

INTRODUCED H.B.

2017R2460

| 1 | A BILL to amend and reenact §3-1-16 of the Code of West Virginia, 1931, as amended, relating |
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| 2 | to nonpartisan election of justices of the Supreme Court of Appeals; and providing that |
| 3 | when no candidate receives a majority of votes cast, then a runoff election is to be held |
| 4 | within thirty days. |

Be it enacted by the Legislature of West Virginia:

That §3-1-16 of the Code of West Virginia, 1931, as amended, be amended and reenacted
to read as follows:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-16. Election of state officers.

(a) At the general election to be held in 1968, and every fourth year thereafter, there shall
 be elected a Governor, Secretary of State, Treasurer, Auditor, Attorney General and
 Commissioner of Agriculture. At the general election in 1968, and every second year thereafter,
 there shall be elected a member of the State Senate for each senatorial district, and a member
 or members of the House of Delegates of the state from each county or each delegate district.

6 (b) At the time of the primary election to be held in the year 2016, and every twelfth year 7 thereafter, there shall be elected one justice of the Supreme Court of Appeals, and at the time of 8 the primary election to be held in 2020, and every twelfth year thereafter, two justices of the 9 Supreme Court of Appeals and at the time of the primary election to be held in 2024, and every 10 twelfth year thereafter, two justices of the Supreme Court of Appeals. Effective with the primary 11 election held in the year 2016, the election of justices of the Supreme Court of Appeals shall be 12 on a nonpartisan basis and by division as set forth more fully in article five of this chapter.

(c) If no candidate for justice of the Supreme Court of Appeals receives a majority of the
 votes cast in the primary election, a runoff election shall be conducted within thirty days after the
 results of the election is certified. The ballot for the runoff election shall include a provision for
 the selection between only the two choices receiving the highest number of ballots cast in the
 primary election.

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NOTE: The purpose of this bill is to provide that when no candidate receives a majority of votes cast in the nonpartisan election of justices the Supreme Court of Appeals; a runoff election is to be held within thirty days.

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