WEST virginia legislature

2024 regular session

Introduced

House Bill 5383

By Delegates Ridenour, Steele, Martin, Foster, Hillenbrand, Ward, Phillips, Mallow, Marple, Warner, and Dean

[Introduced January 31, 2024; Referred to the Committee on the Judiciary]

A BILL to amend and reenact §3-5-6a of the Code of West Virginia, 1931, as amended, relating to moving the election of Supreme Court justices to the general election rather than the primary election.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-6a. Election of justices of the Supreme Court of Appeals.

(a) An election for the purpose of electing a justice or justices of the Supreme Court of Appeals shall be held on the same date as the ~~primary~~ general election, as provided by law, upon a nonpartisan ballot by division printed for this purpose. For election purposes, in each election at which shall be elected more than one justice of the Supreme Court of Appeals, the election shall be by numbered division corresponding to the number of justices being elected. Each justice shall be elected at large from the entire state.

(b) In each nonpartisan election by division for a justice of the Supreme Court of Appeals, the candidates for election in each numbered division shall be tallied separately, and the board of canvassers shall declare and certify the election of the eligible candidate receiving the highest numbers of votes cast within a numbered division to fill any full terms.

(c) In case of a tie vote under this section, section twelve, article six of this chapter controls in breaking the tie vote.

NOTE: The purpose of this bill is to move the election of Supreme Court justices to the general election rather than the primary election.

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