

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

House Bill 2008

BY DELEGATES COWLES, HARSHBARGER, KUMP,
HOUSEHOLDER, ELLINGTON, HILL, WILSON, BUTLER,
STEELE, JENNINGS AND CRISS

[Introduced January 15, 2019; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §3-1-16 of the Code of West Virginia, 1931, as amended, relating
2 to nonpartisan election of justices of the Supreme Court of Appeals; and providing that
3 when no candidate receives at least forty percent of the total votes cast in a division for
4 that office, that a runoff election for that seat is to be held concurrent with the general
5 election, which shall include only those two candidates receiving the highest and second
6 highest number of votes cast in that election held concurrently with the primary election.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-16. Election of state officers.

1 (a) At the general election to be held in 1968, and every fourth year thereafter, there shall
2 be elected a Governor, Secretary of State, Treasurer, Auditor, Attorney General and
3 Commissioner of Agriculture. At the general election in 1968, and every second year thereafter,
4 there shall be elected a member of the State Senate for each senatorial district, and a member
5 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 12 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 12 year thereafter, two justices of the Supreme
9 Court of Appeals and at the time of the primary election to be held in 2024, and every 12 year
10 thereafter, two justices of the Supreme Court of Appeals. Effective with the primary election held
11 in the year 2016, the election of justices of the Supreme Court of Appeals shall be on a
12 nonpartisan basis and by division as set forth more fully in article five of this chapter.

13 (c) Beginning with the nonpartisan judicial election held in 2020, and in every year
14 thereafter, if no candidate in a division for justice of the Supreme Court of Appeals receives more
15 than 40 percent of the votes cast in the election for that office held concurrently with the primary
16 election, a runoff election for that division shall be conducted concurrently with the general
17 election. The ballot for the runoff election shall include a provision for selection only between

- 18 those two candidates who received the highest and second highest number of ballots cast in that
19 applicable division for justice of the Supreme Court of Appeals in the election for that office held
20 concurrently with the primary election.

NOTE: The purpose of this bill is to provide that when no candidate receives at least 40% of votes cast in the nonpartisan election in a division for Justice of the Supreme Court of Appeals; a runoff election is to be held concurrent with the general 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.