

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **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 a majority of votes cast, then a runoff election is to be held  
 4 within 30 days.

*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) If no candidate for justice of the Supreme Court of Appeals receives more than 40  
 14 percent of the votes cast in the primary election, a runoff election shall be conducted within 30  
 15 days after the results of the election is certified. The ballot for the runoff election shall include a  
 16 provision for the selection between only the two choices receiving the highest number of ballots  
 17 cast in the primary election.

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 of the Supreme Court of Appeals; a runoff election is to be held within 30 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.