WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4523

By Delegates Ridenour, Ward, Mallow, Marple,

Jennings, Funkhouser, Kump, Martin, Masters, Coop-

Gonzalez, and Mazzocchi

[Introduced January 19, 2026; referred to the

Committee on the Judiciary]

1   A BILL to amend and reenact §3-5-6a of the Code of West Virginia, 1931, as amended, relating to

2   primary elections and nominating procedures; and moving the election of Supreme Court

3   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.

1   (a) An election for the purpose of electing a justice or justices of the Supreme Court of

2   Appeals shall be held on the same date as the ~~primary~~ general election, as provided by law, upon a

3   nonpartisan ballot by division printed for this purpose. For election purposes, in each election at

4   which shall be elected more than one justice of the Supreme Court of Appeals, the election shall

5   be by numbered division corresponding to the number of justices being elected. Each justice shall

6   be elected at large from the entire state.

7   (b) In each nonpartisan election by division for a justice of the Supreme Court of Appeals,

8   the candidates for election in each numbered division shall be tallied separately, and the board of

9   canvassers shall declare and certify the election of the eligible candidate receiving the highest

10   numbers of votes cast within a numbered division to fill any full terms.

11   (c) In case of a tie vote under this section, section twelve, article six of this chapter controls

12   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.