

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Introduced**

## **House Bill 4523**

By Delegates Ridenour, B. 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.