WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2635

By Delegate Deem

[Introduced February 21, 2017; Referred

to the Committee on the Judiciary then Finance.]

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 thirty days.

Be it enacted by the Legislature of West Virginia:

1   That §3-1-16 of the Code of West Virginia, 1931, as amended, be amended and reenacted

2   to read as follows:

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 twelfth 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 twelfth year thereafter, two justices of the

9   Supreme Court of Appeals and at the time of the primary election to be held in 2024, and every

10   twelfth year thereafter, two justices of the Supreme Court of Appeals. Effective with the primary

11   election held in the year 2016, the election of justices of the Supreme Court of Appeals shall be

12   on a 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 a majority of the

14   votes cast in the primary election, a runoff election shall be conducted within thirty days after the

15   results of the election is certified. The ballot for the runoff election shall include a provision for

16   the selection between only the two choices receiving the highest number of ballots cast in the

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