

# **WEST VIRGINIA LEGISLATURE**

**2024 REGULAR SESSION**

**ENROLLED**

## **House Bill 5298**

BY DELEGATES ESPINOSA, W. CLARK, AND YOUNG

[Passed March 7, 2024; in effect January 1, 2025.]



1 AN ACT to amend and reenact §3-5-4 of the Code of West Virginia, 1931, as amended, relating  
2 to prohibiting a candidate who failed to secure the nomination of a recognized political  
3 party in a primary election from seeking the same elected office as candidate of any other  
4 recognized political party for the same political office in the next succeeding general  
5 election; and providing an internal effective date.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.**

**§3-5-4. Nomination of candidates in primary elections.**

1 (a) At each primary election, the candidate or candidates of each political party for all  
2 offices to be filled at the ensuing general election by the voters of the entire state, of each  
3 congressional district, of each state senatorial district, of each delegate district, and of each  
4 county in the state shall be nominated by the voters of the different political parties, except that  
5 no presidential elector shall be nominated at a primary election.

6 (b) In primary elections a plurality of the votes cast shall be sufficient for the nomination of  
7 candidates for office. Where only one candidate of a political party for any office in a political  
8 division, including party committeemen and delegates to national conventions, is to be chosen  
9 the candidate receiving the highest number of votes therefor in the primary election shall be  
10 declared the party nominee for such office. Where two or more such candidates are to be chosen  
11 in the primary election, the candidates constituting the proper number to be so chosen who shall  
12 receive the highest number of votes cast in the political division in which they are candidates shall  
13 be declared the party nominees and choices for such offices, except that:

14 (1) Candidates for the office of commissioner of the county commission shall be nominated  
15 and elected in accordance with the provisions of section ten, article nine of the Constitution of the  
16 State of West Virginia and the requirements of §7-1-1b of this code;

17 (2) Members of county boards of education shall be elected at primary elections in  
18 accordance with §3-5-5 and §3-5-6 of this code;

19           (3) Candidates for the House of Delegates shall be nominated and elected in accordance  
20 with the residence restrictions provided in §1-2-2 of this code.

21           (c) In case of tie votes between candidates for party nominations or elections in primary  
22 elections, the choice of the political party shall be determined by the executive committee of the  
23 party for the political division in which such persons are candidates.

24           (d) A person who was a candidate for nomination by a recognized political party as defined  
25 in §3-1-8 of this code may not, after failing to win the nomination of that political party at a primary  
26 election, become a candidate of any other recognized political party for the same political office  
27 in the next succeeding general election.

28           (e) The amendments to this section enacted by the Legislature in the 2024 Regular  
29 Session are effective January 1, 2025.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

Originated in the House of Delegates.

In effect January 1, 2025.

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within is ..... this the.....  
Day of ....., 2024.

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*Governor*