

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5383

By Delegates Ridenour, Steele, Martin, Foster,
Hillenbrand, Ward, Phillips, Mallow, Marple, Warner,
and Dean

[Introduced January 31, 2024; 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 moving the election of Supreme Court justices to the general election rather than the
 3 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.