WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1939

ENROLLED

HOUSE BILL No. 194

(By Mr. Cooper)

PASSED March 8, 1939

In Effect ninety days from Passage
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House Bill No. 194
(By Mr. Cooper)

[Passed March 8, 1939; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, relating to nomination of candidates for offices.

Be it enacted by the Legislature of West Virginia:

That section five, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 5. Nomination of Candidates for Offices. At each
2 primary election, the candidate or candidates of each political
3 party for all offices to be filled at the ensuing general election
4 by the voters of the entire state, of each congressional dis-
5 trict, of each state senatorial district, of each county and of
6 each magisterial district, in the state, shall be nominated by
7 the voters of the different political parties, except that no
candidate for judge of the supreme court of appeals or judge of any circuit or inferior court or presidential elector shall be nominated at a primary election. The person receiving the highest number of votes of each political party in all cases wherein one person only is to be elected, and the persons receiving the highest number of votes, to the number to be elected, in all cases in which two or more persons are to be elected to the same office, in and throughout the political division in which the person is a candidate, and voted for as such, shall be nominated as the party candidate, or candidates, for the office, or offices, for which they are voted for at the primary election: Provided, however, That with respect to nominations of commissioners of county courts no two of such commissioners shall be nominated as the party candidates from the same magisterial district where more than one such commissioner is to be so nominated at any primary election, and if two or more persons residing in the same district shall in any case receive the greater number of votes cast at such primary election, then only the one of such persons receiving the highest number shall be declared nominated as the candidate of his party, and the person living in another district
who shall receive the next highest number of votes shall be declared nominated as the candidate of his party, and so on to the next highest in another district; and in no event shall any such candidate be nominated from the same magisterial district wherein an already elected or otherwise qualified member of such county court resides and who will continue to hold office after the beginning of the term for which such nomination is made: Provided further, That with respect to nominations of members of a county board of education no more than two of such members shall be nominated as the party candidates from the same magisterial district where more than two such members are to be so nominated at any primary election, and if more than two persons residing in the same district shall receive the greater number of votes cast at such primary election, then only the two of such persons receiving the highest number shall be declared nominated as the candidates of their party, and the person or persons living in another district who shall receive the next highest or two highest number of votes, as the case may be, shall be declared so nominated, and so on to the next highest in another district; and in no event shall any such candidate or
candidates be nominated from the same magisterial district wherein two already elected or otherwise qualified members of such board of education reside and who will continue to hold office after the beginning of the term for which such nomination or nominations are made, except that, one such nomination may be made for the same magisterial district wherein only one such already elected or otherwise qualified member resides and will continue to hold office as aforesaid.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

E. O. Wise
Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 16th day of March, 1933.

Governor.

Filed in the office of the Secretary of State of West Virginia MAR 17 1933

Wm. S. O'Brien,
Secretary of State