

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939



ENROLLED

HOUSE BILL No. 194

(By Mr. Cooper)



PASSED March 8, 1939

In Effect ninety days from Passage

**ENROLLED**  
**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

8 candidate for judge of the supreme court of appeals or judge  
9 of any circuit or inferior court or presidential elector shall  
10 be nominated at a primary election. The person receiving the  
11 highest number of votes of each political party in all cases  
12 wherein one person only is to be elected, and the persons re-  
13 ceiving the highest number of votes, to the number to be  
14 elected, in all cases in which two or more persons are to be  
15 elected to the same office, in and throughout the political  
16 division in which the person is a candidate, and voted for as  
17 such, shall be nominated as the party candidate, or candi-  
18 dates, for the office, or offices, for which they are voted for at  
19 the primary election: *Provided, however,* That with respect to  
20 nominations of commissioners of county courts no two of such  
21 commissioners shall be nominated as the party candidates  
22 from the same magisterial district where more than one such  
23 commissioner is to be so nominated at any primary election,  
24 and if two or more persons residing in the same district shall  
25 in any case receive the greater number of votes cast at such  
26 primary election, then only the one of such persons receiving  
27 the highest number shall be declared nominated as the candi-  
28 date of his party, and the person living in another district

29 who shall receive the next highest number of votes shall be  
30 declared nominated as the candidate of his party, and so on  
31 to the next highest in another district; and in no event shall  
32 any such candidate be nominated from the same magisterial  
33 district wherein an already elected or otherwise qualified  
34 member of such county court resides and who will continue  
35 to hold office after the beginning of the term for which such  
36 nomination is made: *Provided further*, That with respect to  
37 nominations of members of a county board of education no  
38 more than two of such members shall be nominated as the  
39 party candidates from the same magisterial district where  
40 more than two such members are to be so nominated at any  
41 primary election, and if more than two persons residing in  
42 the same district shall receive the greater number of votes  
43 cast at such primary election, then only the two of such per-  
44 sons receiving the highest number shall be declared nominated  
45 as the candidates of their party, and the person or persons  
46 living in another district who shall receive the next highest  
47 or two highest number of votes, as the case may be, shall be  
48 declared so nominated, and so on to the next highest in  
49 another district; and in no event shall any such candidate or

50 candidates be nominated from the same magisterial district  
51 wherein two already elected or otherwise qualified members  
52 of such board of education reside and who will continue to  
53 hold office after the beginning of the term for which such  
54 nomination or nominations are made, except that, one such  
55 nomination may be made for the same magisterial district  
56 wherein only one such already elected or otherwise qualified  
57 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. Wiseman*

Chairman Senate Committee

*Reed B. Walter*

Chairman House Committee

Originated in the *House of Delegates*

Takes effect *ninety days from* passage.

*Charles W. ...*

Clerk of the Senate

*Geo. S. Hall*

Clerk of the House of Delegates

*Wm. ...*

President of the Senate

*James Kay Thomas*

Speaker House of Delegates

The within *approved* this the *15<sup>th</sup>*

day of *March*, 1939.

*James ...*

Governor.



Filed in the office of the Secretary of State of West Virginia. **MAR 17 1939**

Wm. S. O'BRIEN, Secretary of State