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

Section 5. Nomination of Candidates for Offices.—At each primary election, the candidate or candidates of each political party for all offices to be filled at the ensuing general election by the voters of the entire state, of each congressional district, of each state senatorial district, of each judicial circuit of West Virginia, of each county, and of each magisterial district, in the state, shall
be nominated by the voters of the different political
did, except that candidates for membership on any
county board of education shall be nominated on a non-
partisan ballot, and that no presidential elector shall be
 nominated at a primary election. Section twenty-seven
of this article is hereby repealed and superseded by this
enactment insofar as said section heretofore relates to
the nomination of candidates for the office of judge of
courts of record of West Virginia. In any 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 other-
wise 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.

No provision of this section shall be construed to amend,
modify or repeal any of the provisions of section five-a
and five-b of this article, relating to the election of mem-
ers of county boards of education.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within........................................ this the........................................

day of........................................, 1953.

Governor

Filed in the Office of the Secretary of State

of West Virginia  MAD 13 1955

D. PIT  O'BRIEN
SECRETARY OF STATE