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# WEST VIRGINIA LEGISLATURE

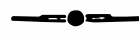
REGULAR SESSION, 1955



# ENROLLED

HOUSE BILL No. 13

(By Mr. Guthrie)



PASSED Mar 9 1955

In Effect 90 days from Passage



Filed in the Office of the Secretary of State  
of West Virginia. MAR 18 1955

D. PITT O'BRIEN  
SECRETARY OF STATE

**ENROLLED**

**House Bill No. 13**

(By MR. CURTIS and MR. KING)

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[Passed March 9, 1955; in effect ninety days from passage.]

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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:

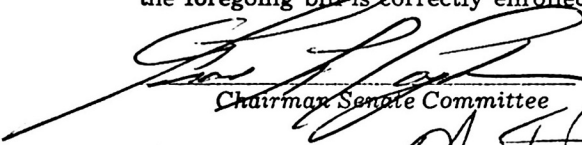
Section 5. *Nomination of Candidates for Offices.*—At  
2 each primary election, the candidate or candidates of  
3 each political party for all offices to be filled at the  
4 ensuing general election by the voters of the entire state,  
5 of each congressional district, of each state senatorial  
6 district, of each judicial circuit of West Virginia, of each  
7 county, and of each magisterial district, in the state, shall


8 be nominated by the voters of the different political  
9 parties, except that candidates for membership on any  
10 county board of education shall be nominated on a non-  
11 partisan ballot, and that no presidential elector shall be  
12 nominated at a primary election. Section twenty-seven  
13 of this article is hereby repealed and superseded by this  
14 enactment insofar as said section heretofore relates to  
15 the nomination of candidates for the office of judge of  
16 courts of record of West Virginia. In any primary  
17 election, the person receiving the highest number of votes  
18 of each political party in all cases wherein one person  
19 only is to be elected, and the persons receiving the highest  
20 number of votes, to the number to be elected, in all cases  
21 in which two or more persons are to be elected to the  
22 same office, in and throughout the political division in  
23 which the person is a candidate, and voted for as such,  
24 shall be nominated as the party candidate, or candidates,  
25 for the office, or offices, for which they are voted for at  
26 the primary election: *Provided, however,* That with  
27 respect to nominations of commissioners of county courts  
28 no two of such commissioners shall be nominated as the

29 party candidates from the same magisterial district where  
30 more than one such commissioner is to be so nominated  
31 at any primary election, and if two or more persons  
32 residing in the same district shall in any case receive the  
33 greater number of votes cast at such primary election,  
34 then only the one of such persons receiving the highest  
35 number shall be declared nominated as the candidate of  
36 his party, and the person living in another district who  
37 shall receive the next highest number of votes shall be  
38 declared nominated as the candidate of his party, and so  
39 on to the next highest in another district; and in no event  
40 shall any such candidate be nominated from the same  
41 magisterial district wherein an already elected or other-  
42 wise qualified member of such county court resides and  
43 who will continue to hold office after the beginning of  
44 the term for which such nomination is made.

45 No provision of this section shall be construed to amend,  
46 modify or repeal any of the provisions of section five-a  
47 and five-b of this article, relating to the election of mem-  
48 bers of county boards of education.

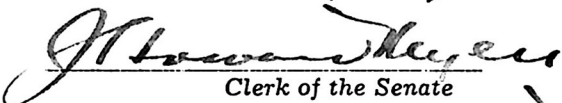
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

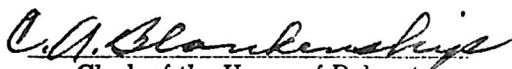
  
Chairman Senate Committee

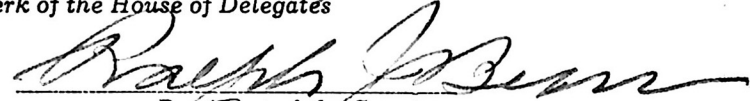
  
Chairman House Committee

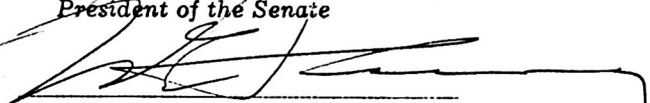
Originated in the House of Delegates

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

MAY 13 1955

D. PITT O'BRIEN  
SECRETARY OF STATE