

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

ENROLLED

HOUSE BILL No. 734

(By Mr. Cline)

PASSED March 9 1974

In Effect from Passage



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FILED IN THE OFFICE
REGAN F. REISKELL III
SECRETARY OF STATE
THIS DATE 3-25-74

734

ENROLLED

H. B. 734

(By MR. CLINE)

[Passed March 9, 1974; in effect from passage.]

AN ACT to amend and reenact section four, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to nominations of candidates for the House of Delegates at primary elections.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-4. Nomination of candidates in primary elections.

1 At each primary election, the candidate or candidates of
2 each political party for all offices to be filled at the ensuing
3 general election by the voters of the entire state, of each
4 congressional district, of each state senatorial district, of each
5 delegate district, of each judicial circuit of West Virginia,
6 of each county, and of each magisterial district in the state
7 shall be nominated by the voters of the different political
8 parties, except that no presidential elector shall be nominated
9 at a primary election.

10 In primary elections a plurality of the votes cast shall
11 be sufficient for the nomination of candidates for office.
12 Where only one candidate of a political party for any office

13 in a political division, including party committeemen and
14 delegates to national conventions, is to be chosen, the can-
15 didate receiving the highest number of votes therefor in the
16 primary election shall be declared the party nominee for
17 such office. Where two or more such candidates are to be
18 chosen in the primary election, the candidates constituting
19 the proper number to be so chosen who shall receive the
20 highest number of votes cast in the political division in which
21 they are candidates shall be declared the party nominees and
22 choices for such offices, except that: (1) Candidates for
23 the office of commissioner of the county court shall be nomi-
24 nated and elected in accordance with the provisions of section
25 twenty-three of article eight of the constitution of this state;
26 (2) members of county boards of education shall be elected at
27 primary elections in accordance with the provisions of section
28 six of this article; and (3) candidates for the House of Dele-
29 gates shall be nominated and elected in accordance with the
30 residence restrictions provided in section two of article two,
31 chapter one of this code.

32 In case of tie votes between candidates for party nominations
33 or elections in primary elections, the choice of the political
34 party shall be determined by lot by the executive committee
35 of the party for the political division in which such persons
36 are candidates.

H. Harrel Harby
Chairman Senate Committee

PRESENTED TO THE
GOVERNOR

Date 3/21/74

Time 10:30 a.m.