WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

ENROLLED

HOUSE BILL No. 734

(By Mr. Cline)

PASSED March 9, 1974

In Effect from Passage

FILED IN THE OFFICE
EDGAR T. WISEHEAL LID
SECRETARY OF STATE
THIS DATE 3-25-74
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 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 delegate 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 parties, except that no presidential elector shall be nominated at a primary election.

In primary elections a plurality of the votes cast shall be sufficient for the nomination of candidates for office.

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

In case of tie votes between candidates for party nominations
or elections in primary elections, the choice of the political
party shall be determined by lot by the executive committee
of the party for the political division in which such persons
are candidates.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

H. Daniel Hardy  
Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect from passage.

Howard Wease  
Clerk of the Senate

Clerk of the House of Delegates

J.R. Brothton, Jr.  
President of the Senate

Lewis F. Manlove  
Speaker House of Delegates

The within approved this the 21st day of March, 1974.

Aube A. Davis  
Governor
PRESENTED TO THE GOVERNOR

Date 3/21/74
Time 10:30 a.m.