

1 **ENROLLED**

2 **H. B. 4314**

3
4 (By Delegates Caputo, Longstreth, Manchin, Fragale,
5 Barill, Marcum, Ellem, Boggs, Miley, Storch and Hunt)

6
7 [Passed March 10, 2012; in effect ninety days from passage.]
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10 AN ACT to amend and reenact §50-1-6 of the Code of West Virginia,
11 1931, as amended, relating to the appointment of magistrates;
12 requiring that when a vacancy occurs in the office of
13 magistrate a person of the same political party as the former
14 officeholder shall be appointed.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §50-1-6 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

18 **ARTICLE 1. COURTS AND OFFICERS.**

19 **§50-1-6. Vacancy in office of magistrate.**

20 Subject to the provisions of section one, article ten, chapter
21 three of this code, when a vacancy occurs in the office of
22 magistrate, the judge of the circuit court, or the chief judge
23 thereof if there is more than one judge of the circuit court, shall
24 fill the same by appointment of a person of the same political
25 party as the officeholder vacating the office.

1 At a general election in which a magistrate is elected for an
2 unexpired term, the circuit judge, or the chief judge thereof if
3 there is more than one judge of the circuit court, shall cause a
4 notice of such election to be published prior to such election as
5 a Class II-0 legal advertisement in compliance with the provisions
6 of article three, chapter fifty-nine of this code, and the
7 publication area for such publication shall be the county involved.
8 If the vacancy occurs before the primary election held to nominate
9 candidates to be voted for at the general election, at which any
10 such vacancy is to be filled, candidates to fill such vacancy shall
11 be nominated at such primary election in accordance with the time
12 requirements and the provisions and procedures prescribed in
13 article five, chapter three of this code. Otherwise, they shall be
14 nominated by the county executive committee in the manner provided
15 in section nineteen, article five, chapter three of this code, as
16 in the case of filling vacancies in nominations, and the names of
17 the persons so nominated and certified to the clerk of the circuit
18 court of such county shall be placed upon the ballot to be voted at
19 such next general election.