WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 619

By Senators Willis, Woelfel, and Thorne

[Introduced February 27, 2025; referred
to the Committee on the Judiciary]

A BILL to amend and reenact §50-1-6 of the Code of West Virginia, 1931, as amended, relating to filling vacancies in the office of magistrate; and authorizing prospective vacancy due to upcoming resignation or retirement to be filled by circuit judge or chief circuit judge.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. COURTS AND OFFICERS.

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

(a) Subject to the provisions of §3-10-1 of this code, when a vacancy occurs in the office of magistrate, or upon the formal announcement by letter to the judge of the circuit court, or the chief judge thereof if there is more than one judge of the circuit court, of an upcoming resignation or retirement that will result in the occurrence of a vacancy in the office of magistrate, including resignation of a magistrate-elect following the election of such magistrate-elect but prior to the magistrate-elect taking office in the term for which he or she has most recently been elected, such judge or chief judge shall fill the same by appointment.

(b) At a nonpartisan judicial election in which a magistrate is elected for an unexpired term, the circuit judge, or the chief judge thereof if there is more than one judge of the circuit court, shall cause a notice of such election to be published prior to such election as a Class II-0 legal advertisement in compliance with the provisions of §59-3-1 *et seq*. of this code, and the publication area for such publication shall be the county involved.

NOTE: The purpose of this bill is to authorize the judge or chief judge of a multi-judge circuit to fill a prospective vacancy in the office of magistrate due to upcoming resignation or retirement or the magistrate, including where a magistrate-elect has been elected but not yet taken office.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.