

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **Senate Bill 619**

By Senator Willis

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

1 A BILL to amend and reenact §50-1-6 of the Code of West Virginia, 1931, as amended, relating to  
2 filling vacancies in the office of magistrate; and authorizing prospective vacancy due to  
3 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.**

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

8 (b) At a nonpartisan judicial election in which a magistrate is elected for an unexpired term,  
9 the circuit judge, or the chief judge thereof if there is more than one judge of the circuit court, shall  
10 cause a notice of such election to be published prior to such election as a Class II-0 legal  
11 advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication  
12 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.