

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3408

By Delegate Akers

[Introduced March 17, 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.