

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5518

By Delegate Anders

[Introduced February 13, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
 2 designated §3-10A-1, §3-10A-2, §3-10A-3, §3-10A-4, §3-10A-5, §3-10A-6, §3-10A-7, §3-
 3 10A-8, §3-10A-9, §3-10A-10, and §3-10A-11, relating to enacting the "Judicial
 4 Accountability and Recall Act," to allow and delineate processes for recall elections of
 5 judicial officers.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10A. RECALL OF JUDICIAL OFFICERS.

§3-10A-1. Short title.

1 This article shall be known and may be cited as the "Judicial Accountability and Recall
 2 Act."

§3-10A-2. Legislative findings and purpose.

1 The Legislature finds that:
 2 (a) Judicial independence is essential to the rule of law, but independence must coexist
 3 with accountability.
 4 (b) West Virginia currently provides no mechanism for the public to recall a judicial officer
 5 during a term of office, even in cases of demonstrated misconduct.
 6 (c) Judicial disciplinary proceedings alone do not provide an adequate or timely remedy
 7 when a judge abuses authority or violates fundamental rights.
 8 (d) Several states provide a constitutional mechanism allowing voters to recall judges
 9 through a democratic process.
 10 (e) Public confidence in the judiciary depends upon transparency, accountability, and the
 11 availability of lawful remedies when misconduct occurs.
 12 (f) Therefore, the purpose of this article is to establish a lawful, voter-initiated recall process
 13 for judicial officers of the State of West Virginia.

§3-10A-3. Judicial officers subject to recall.

1 (a) The following judicial officers are subject to recall under this article:

2 the votes cast in the last election for that judicial office.

3 (b) Signatures must be collected within:

4 (1) One hundred sixty days for statewide judges; and

5 (2) One hundred twenty days for circuit, family, or magistrate judges.

6 (c) Signature verification shall be conducted by the Secretary of State or appropriate
7 county clerk.

§3-10A-7. Recall election.

1 (a) Upon certification of sufficient signatures, a recall election shall be scheduled within 60
2 to 90 days.

3 (b) The ballot shall contain:

4 (1) The question: "Shall [Name], [Title], be recalled (removed) from office?"

5 (2) The judicial officer's statement (if provided); and

6 (3) The statement of reasons from the petition.

7 (c) A majority vote in favor of recall shall result in immediate removal from office.

§3-10A-8. Vacancy and replacement.

1 (a) Upon recall, the office shall be deemed vacant.

2 (b) The vacancy shall be filled in accordance with existing constitutional and statutory
3 appointment procedures.

4 (c) A recalled judge shall be ineligible to hold judicial office for a period of six years
5 following removal.

§3-10A-9. Limitations.

1 (a) A recall petition may not be filed:

2 (1) Within six months of the judge taking office; or

3 (2) Within six months of the end of a term.

4 (b) No more than one recall election may be held against the same judge in a single term.

§3-10A-10. Construction.

