

1 **H. B. 2051**

2  
3 (By Delegates Frazier, Shaver, Givens and Moore)  
4 [Introduced January 12, 2011; referred to the  
5 Committee on the Judiciary then Finance.]  
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10 A BILL to amend and reenact §50-1-1 of the Code of West Virginia,  
11 1931, as amended, relating to electing magistrates by  
12 division.

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

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

16 **ARTICLE 1. COURTS AND OFFICERS.**

17 **§50-1-1. Magistrate court created.**

18 (a) There is hereby created in each county of ~~this~~ the state  
19 a magistrate court ~~with such numbers~~ consisting of the number of  
20 magistrates for each court ~~as are hereafter provided~~ that is  
21 authorized by the provisions of this article. ~~There shall be~~  
22 ~~elected by the voters of each county, at the general election to be~~  
23 ~~held in the year one thousand nine hundred seventy six, and in~~

1 ~~every fourth year thereafter, such number of magistrates as is~~  
2 ~~provided in section two of this article. The filing fee for the~~  
3 ~~office of magistrate shall be one percent of the annual salary.~~  
4 The term of magistrates shall be for four years and shall begin on  
5 January 1 of the year following the year of election. The filing  
6 fee for the office of magistrate shall be one percent of the annual  
7 salary.

8 (b) Beginning with the primary and general elections to be  
9 conducted in the year 2012, in every county there shall be, for  
10 election purposes, numbered divisions corresponding to the number  
11 of magistrates in each county. Each magistrate shall be elected at  
12 large from the entire county. In each numbered division of the  
13 county, the candidates for nomination or election shall be voted  
14 upon and the votes cast for the candidates in each division shall  
15 be tallied separately from the votes cast for candidates in other  
16 numbered divisions within the county. The candidate receiving the  
17 highest number of the votes cast within a numbered division shall  
18 be either nominated or elected, as the case may be.

19 (c) In counties where voting machines or electronic voting  
20 systems are used, the procedures of section eleven, article four,  
21 chapter three and section twelve, article four-a of said chapter  
22 three of this code shall apply respectively to the election of  
23 magistrates in the same manner as they apply to the election of  
24 members of the House of Delegates.

1       ~~Notwithstanding the provisions of section seven, article five,~~  
2 ~~chapter three of this code, for purposes of the primary election to~~  
3 ~~be held in the year one thousand nine hundred seventy six, the last~~  
4 ~~day for filing certificates of candidacy for the office of~~  
5 ~~magistrate shall be extended to the twenty seventh day of February~~  
6 ~~of that year.~~

NOTE: The purpose of this bill is to provide that magistrates of a county shall run for election in numbered divisions similar to the election of circuit judges and family court judges.

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