

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2012



**ENROLLED**

**House Bill No. 4314**

(By Delegates Caputo, Longstreth,  
Manchin, Fragale, Barill, Marcum,  
Ellem, Boggs, Miley, Storch and Hunt)



Passed March 10, 2012

To Take Effect Ninety Days From Passage

# ENROLLED

## H. B. 4314

---

(BY DELEGATES CAPUTO, LONGSTRETH,  
MANCHIN, FRAGALE, BARILL, MARCUM,  
ELLEM, BOGGS, MILEY, STORCH AND HUNT)

---

[Passed March 10, 2012; to take effect ninety days from passage.]

AN ACT to amend and reenact §50-1-6 of the Code of West Virginia, 1931, as amended, relating to the appointment of magistrates; requiring that when a vacancy occurs in the office of magistrate a person of the same political party as the former officeholder shall be appointed.

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

That §50-1-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 1. COURTS AND OFFICERS.**

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

1        Subject to the provisions of section one, article ten,  
2        chapter three of this code, when a vacancy occurs in the  
3        office of magistrate, the judge of the circuit court, or the chief  
4        judge thereof if there is more than one judge of the circuit  
5        court, shall fill the same by appointment of a person of the  
6        same political party as the officeholder vacating the office.

7       At a general election in which a magistrate is elected for  
8 an unexpired term, the circuit judge, or the chief judge  
9 thereof if there is more than one judge of the circuit court,  
10 shall cause a notice of such election to be published prior to  
11 such election as a Class II-0 legal advertisement in  
12 compliance with the provisions of article three, chapter fifty-  
13 nine of this code, and the publication area for such  
14 publication shall be the county involved. If the vacancy  
15 occurs before the primary election held to nominate  
16 candidates to be voted for at the general election, at which  
17 any such vacancy is to be filled, candidates to fill such  
18 vacancy shall be nominated at such primary election in  
19 accordance with the time requirements and the provisions and  
20 procedures prescribed in article five, chapter three of this  
21 code. Otherwise, they shall be nominated by the county  
22 executive committee in the manner provided in section  
23 nineteen, article five, chapter three of this code, as in the case  
24 of filling vacancies in nominations, and the names of the  
25 persons so nominated and certified to the clerk of the circuit  
26 court of such county shall be placed upon the ballot to be  
27 voted at such next general election.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

\_\_\_\_\_  
*Chairman, House Committee*

\_\_\_\_\_  
*Chairman, Senate Committee*

Originating in the House.

To take effect ninety days from passage.

\_\_\_\_\_  
*Clerk of the House of Delegates*

\_\_\_\_\_  
*Clerk of the Senate*

\_\_\_\_\_  
*Speaker of the House of Delegates*

\_\_\_\_\_  
*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
*Governor*