1   **H. B. 2829**

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3   (By Delegates Miley, Skinner, Manchin,
4   Hunt and Barill)

5   [Introduced March 5, 2013; referred to the

6   Committee on Political Subdivisions then the Judiciary.]

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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 the nomination and election of

12   magistrates; providing that counties shall be divided into

13   magistrate divisions based on the number of magistrates in

14   each county; requiring a magistrate candidate to run within

15   given division but will receive votes from the entire county;

16   providing that the candidates receiving the greater number of

17   votes in each division shall be nominated or elected, as

18   appropriate; and deleting outdated language.

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

20   That §50-1-1 of the Code of West Virginia, 1931, as amended,

21 be amended and reenacted to read as follows:

22 **ARTICLE 1. COURTS AND OFFICERS.**

23 **§50-1-1. Magistrate court created.**

24   (a) There is hereby created in each county of ~~this~~ the state

1 a magistrate court ~~with such numbers~~ <u>consisting of the number</u> of

2 magistrates for each court ~~as are hereafter provided~~ <u>as authorized</u>

3 <u>by this article.</u> ~~There shall be elected by the voters of each~~

4 ~~county, at the general election to be held in the year one thousand~~

5 ~~nine hundred seventy-six, and in every fourth year thereafter, such~~

6 ~~number of magistrates as is provided in section two of this~~

7 ~~article. The filing fee for the office of magistrate shall be one~~

8 ~~percent of the annual salary~~. The term of magistrates shall be for

9 four years and shall begin on January 1, of the year following the

10 year of election.

11   <u>(c) Beginning with the primary and general elections in 2016,</u>

12 <u>there shall be in every county, for election purposes, numbered</u>

13 <u>divisions corresponding to the number of magistrates in each</u>

14 <u>county. Each magistrate shall receive votes from all voters in the</u>

15 <u>county. In each numbered division of the county, the votes for</u>

16 <u>candidates for nomination or election in each division shall be</u>

17 <u>tallied separately from the votes cast for candidates in other</u>

18 <u>numbered divisions within the county. The candidate receiving the</u>

19 <u>highest number of the votes cast within a numbered division shall</u>

20 <u>be nominated or elected, as appropriate.</u>

21   <u>(c)</u> In counties where voting machines or electronic voting

22 systems are used, the procedures of section eleven, article four,

23 chapter three and section twelve, article four-a of said chapter

24 three of this code shall apply respectively to the election of

1 magistrates in the same manner as they apply to the election of

2 members of the House of Delegates.

3   ~~Notwithstanding the provisions of section seven, article five,~~

4 ~~chapter three of this code, for purposes of the primary election to~~

5 ~~be held in the year one thousand nine hundred seventy- six, the~~

6 ~~last day for filing certificates of candidacy for the office of~~

7 ~~magistrate shall be extended to the twenty-seventh day of February~~

8 ~~of that year.~~

    NOTE: The purpose of this bill is to provide that counties be
divided into magistrate divisions based on the number of
magistrates in each county. The bill requires a magistrate
candidate to run within given division but will receive votes from
the entire county. The bill provides that the candidates receiving
the greater number of votes in each division shall be nominated or
elected, as appropriate.   The bill makes the election of
magistrates similar to the election of circuit court and family
court judges. The bill also deletes outdated language.

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