

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955



ENROLLED

HOUSE BILL No. 26

(By Mr. Bowles)



PASSED February 3rd ~~January 25~~ 1955

In Effect 90 days from Passage



Filed in the Office of the Secretary of State
of West Virginia **FEB 9 1955**
D. PITT O'BRIEN
SECRETARY OF STATE

ENROLLED

House Bill No. 26

(By MR. BOWLES and MR. UNDERWOOD)

[Passed February 3, 1955: In effect ninety days from passage.]

AN ACT to amend and reenact section eight, article ten, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to filling vacancies in the offices of county commissioner, clerk of the county court, justice and constable.

Be it enacted by the Legislature of West Virginia:

That section eight, article ten, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 8. *County Commissioners; Clerk of County Court: Justice; Constable.*—Any vacancy in the office of county court commissioner, clerk of county court, justice or constable, shall be filled by the county court of the county, unless the number of vacancies in a county court deprive that body of a quorum, in which case the gover-

7 nor of the state shall fill any vacancy in such county
8 court necessary to create a quorum thereof, until the
9 next general election, at which election every such vac-
10 ancy shall be filled by election for the unexpired term:
11 *Provided, however,* That in the case of a vacancy in the
12 office of the county court commissioner in any county in
13 the state, if the remaining members of such county court
14 fail, refuse or neglect to fill such vacancy within sixty
15 days from the time it occurs, then the governor of the
16 state shall appoint some qualified citizen of said county
17 belonging to the same political party as the vacating
18 member to serve as county court commissioner until the
19 next general election. Notice of such election shall be
20 given by order of the county court, and published as
21 prescribed in the next preceding section; except that such
22 notice in case of an election to fill a vacancy in the office
23 of justice of the peace or constable, instead of being
24 published in a newspaper, may, in the discretion of such
25 court, be posted at the front door of the court house of
26 the county, and at each voting place in the district
27 wherein such vacancy occurs. Nominations of candidates

28 to fill any vacancy in the office of county commissioner,
29 clerk of the county court, justice or constable shall be
30 made in the manner prescribed for making nominations
31 to fill a vacancy in the office of the clerk of the circuit
32 court.

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

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 7 day of February, 1955.

[Signature]
Governor



Filed in the Office of the Secretary of State of West Virginia. **FEB 9 1955**
D. PITT O'BRIEN
SECRETARY OF STATE