WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955

ENROLLED

HOUSE BILL No. 26

(By Mr. Bowles)

PASSED January 3rd, 1955

In Effect 90 days from Passage

Filed in the Office of the Secretary of State of West Virginia

D. PITT O'BRIEN
SECRETARY OF STATE

FEB 9 1955
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-
nor of the state shall fill any vacancy in such county
court necessary to create a quorum thereof, until the
next general election, at which election every such vac-
cancy shall be filled by election for the unexpired term:
Provided, however, That in the case of a vacancy in the
office of the county court commissioner in any county in
the state, if the remaining members of such county court
fail, refuse or neglect to fill such vacancy within sixty
days from the time it occurs, then the governor of the
state shall appoint some qualified citizen of said county
belonging to the same political party as the vacating
member to serve as county court commissioner until the
next general election. Notice of such election shall be
given by order of the county court, and published as
prescribed in the next preceding section; except that such
notice in case of an election to fill a vacancy in the office
of justice of the peace or constable, instead of being
published in a newspaper, may, in the discretion of such
court, be posted at the front door of the court house of
the county, and at each voting place in the district
wherin such vacancy occurs. Nominations of candidates
to fill any vacancy in the office of county commissioner,
clerk of the county court, justice or constable shall be made in the manner prescribed for making nominations to fill a vacancy in the office of the clerk of the circuit court.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 7

day of February, 1955.

Governor