

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1968



## ENROLLED

HOUSE BILL No. 334

(By Mr. Moyers and Mr. Burke)



PASSED February 6, 1968

In Effect Jan Passage



FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE  
THIS DATE 2-16-68

# 334

**ENROLLED**

**House Bill No. 334**

(By MR. MOYERS and MR. BURKE)

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[Passed February 6, 1968; in effect from passage.]

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AN ACT to amend and reenact sections one, one-d, one-e, and one-ee, article two, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend said article two by adding thereto a new section, designated section one-ff, relating to the arrangement and designation of the judicial circuits; placing the county of Wirt in the fifth judicial circuit rather than the fourth judicial circuit; constituting the counties of Braxton, Clay, Gilmer and Webster as the thirty-second judicial circuit in addition to being the fourteenth judicial circuit; relating to the election of the judges of the various judicial circuits; providing additional time in which can-

didates for judge of the fifth judicial or the thirty-second judicial circuit must file their certificates of candidacy; specifying the terms of court of the fourth, fifth, thirty-first and thirty-second judicial circuits; relating to the effective date of certain provisions; and providing a severability clause.

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

That sections one, one-d, one-e and one-ee, article two, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended, and re-enacted, and that said article two be further amended by adding thereto a new section, designated section one-ff, all to read as follows:

**ARTICLE 2. CIRCUIT COURTS; CIRCUIT, CRIMINAL AND INTERMEDIATE JUDGES.**

**§51-2-1. Judicial circuits; election and terms of judges; terms of court.**

1 The state shall be divided into judicial circuits as fol-  
2 lows: The counties of Brooke, Hancock and Ohio shall  
3 constitute the first circuit; the counties of Marshall,  
4 Tyler and Wetzel shall constitute the second circuit; the  
5 counties of Doddridge, Pleasants and Ritchie shall con-

6 stitute the third circuit; the county of Wood shall con-  
7 stitute the fourth circuit; the counties of Calhoun, Jack-  
8 son, Roane and Wirt shall constitute the fifth circuit;  
9 the county of Cabell shall constitute the sixth circuit; the  
10 county of Logan shall constitute the seventh circuit; the  
11 county of McDowell shall constitute the eighth circuit;  
12 the county of Mercer shall constitute the ninth circuit;  
13 the county of Raleigh shall constitute the tenth circuit;  
14 the counties of Greenbrier, Monroe, Pocahontas and  
15 Summers shall constitute the eleventh circuit; the county  
16 of Fayette shall constitute the twelfth circuit; the county  
17 of Kanawha shall constitute the thirteenth circuit; the  
18 counties of Braxton, Clay, Gilmer and Webster shall  
19 constitute the fourteenth circuit; the county of Harrison  
20 shall constitute the fifteenth circuit; the county of Marion  
21 shall constitute the sixteenth circuit; the county of Mon-  
22 ongalia shall constitute the seventeenth circuit; the  
23 county of Preston shall constitute the eighteenth cir-  
24 cuit; the counties of Barbour and Taylor shall constitute  
25 the nineteenth circuit; the county of Randolph shall con-  
26 stitute the twentieth circuit; the counties of Grant,

27 Mineral and Tucker shall constitute the twenty-first cir-  
28 cuit; the counties of Hampshire, Hardy and Pendleton  
29 shall constitute the twenty-second circuit; the counties  
30 of Berkeley, Jefferson and Morgan shall constitute the  
31 twenty-third circuit; the county of Wayne shall consti-  
32 tute the twenty-fourth circuit; the counties of Lincoln  
33 and Boone shall constitute the twenty-fifth circuit the  
34 counties of Lewis and Upshur shall constitute the twenty-  
35 sixth circuit; the county of Wyoming shall constitute  
36 the twenty-seventh circuit; the county of Nicholas shall  
37 constitute the twenty-eighth circuit; the counties of Ma-  
38 son and Putnam shall constitute the twenty-ninth cir-  
39 cuit; the county of Mingo shall constitute the thirtieth  
40 circuit; the counties of Berkeley, Jefferson and Morgan  
41 shall constitute the thirty-first circuit; and the counties  
42 of Braxton, Clay, Gilmer and Webster shall constitute  
43 the thirty-second circuit.

44 There shall be elected on the Tuesday next after the  
45 first Monday in November, one thousand nine hundred  
46 sixty-eight, and every eighth year thereafter, one judge  
47 in each of the circuits herein constituted, except for the  
48 first circuit there shall be two judges elected. 7

49 The terms of the several circuit judges of the counties  
50 aforesaid shall commence and be held each year as  
51 hereinafter provided.

52 Notwithstanding any other provisions of this code to  
53 the contrary, for the primary election in the year one  
54 thousand nine hundred sixty-eight, any person who is  
55 eligible to be a candidate for judge of the fifth judicial  
56 circuit or the thirty-second judicial circuit and who  
57 desires to be a candidate therefor must file a certificate,  
58 as provided by law, declaring himself a candidate for  
59 judge of the fifth judicial circuit or the thirty-second  
60 judicial circuit not later than the twenty-ninth day of  
61 February, one thousand nine hundred sixty-eight, and  
62 said certificate must be received before midnight, eastern  
63 standard time, of that day, or, if mailed, must be post-  
64 marked before that hour.

**§51-2-1d. Fourth circuit.**

1 For the county of Wood, on the second Monday in  
2 January, April, July and October.

**§51-2-1e. Fifth circuit.**

1 For the county of Calhoun, on the third Monday in  
2 February, June and October.

3 For the county of Jackson, on the first Monday in  
4 January, May and September.

5 For the county of Roane, on the fourth Monday in Jan-  
6 uary, May and September.

7 For the county of Wirt, on the first Monday in Feb-  
8 ruary, June and October.

**§51-2-1ee. Thirty-first circuit.**

1 For the county of Morgan, on the first Tuesday in Jan-  
2 uary, April and September.

3 For the county of Jefferson, on the third Tuesday in  
4 January, April and September.

5 For the county of Berkeley, on the third Tuesday in  
6 February, May and October.

**§51-2-1ff. Thirty-second circuit.**

1 For the county of Braxton, on the third Monday in  
2 February, June and October.

3 For the county of Clay, on the first Monday in March,  
4 July and November.

5 For the county of Gilmer, on the third Monday in  
6 March, July and November.

7 For the county of Webster, on the third Monday in  
8 January, May and September.

9     This act, insofar as it relates to the rearrangement of  
10    judicial circuits and terms of court therein, shall become  
11    effective on the first day of January, one thousand nine  
12    hundred sixty-nine, but the provisions of this act relating  
13    to the election of judges of the judicial circuits, as rear-  
14    ranged herein, shall become effective as of the effective  
15    date of this act.

16    If any provision of this act is held unconstitutional or  
17    invalid, such unconstitutionality or invalidity shall not  
18    affect other provisions of the act, and to this end each  
19    and every provision of this act is declared to be sever-  
20    able. The Legislature hereby declares that it would have  
21    enacted the remaining provisions of this act even if it  
22    had known that any provisions thereof would be de-  
23    clared to be unconstitutional or invalid.



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

William Tamm  
Chairman Senate Committee

Clayton C. Davidson  
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Tye  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard W. Carson  
President of the Senate

H. Laban White  
Speaker of the House of Delegates

The within disapproved this the 16  
day of February, 1968.

Huey C. Smith  
Governor



PRESENTED TO THE  
GOVERNOR

Date 2/13/68

Time 2:20 P.M.

RECEIVED

FEB 15 11 33 PM '68

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA