WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED

Committee Substitute

SENATE BILL NO. 322

(By Mr. Palumbo, et al.)

PASSED March 12, 1976

In Effect ninety days from Passage

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/31/76
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 322
(MR. PALUMBO, MR. HAMILTON, MR. NELSON, MR. ROGERS,
MR. WILLIAMS and MR. WILLIS, original sponsors)

[Passed March 17, 1976; in effect ninety days from passage.]

AN ACT to repeal sections one-ff and one-gg, article two,
chapter fifty-one of the code of West Virginia, one thousand
nine hundred thirty-one, as amended; and to amend and
reenact section one of said article, relating to providing
for thirty-one judicial circuits; establishing the number
of judges of each judicial circuit; providing for additional
circuit court judges; relating to the expiration of the
terms of office of all circuit court judges; establishing
terms of office for newly created circuit court judges;
providing legislative findings and declarations; relating
to the holding of elections for circuit court judges; ex­
tending the time permitted for the filing of certificates
of candidacy for newly created circuit court judges; and
relating to terms of court.

Be it enacted by the Legislature of West Virginia:

That sections one-ff and one-gg, article two, chapter fifty-
one of the code of West Virginia, one thousand nine hundred
thirty-one, as amended, be repealed; and that section one of
said article be amended and reenacted to read as follows:

ARTICLE 2. CIRCUIT COURTS; JUDGES.

§51-2-1. Judicial circuits; terms of office; legislative findings
and declarations; elections; terms of court.

1 (a) The state shall be divided into the following
2 judicial circuits with the following number of judges,
which number shall include those judges of statutory
courts of record of limited jurisdiction who became
circuit court judges by virtue of the judicial reor-
ganization amendment to the West Virginia consti-
tution:

The counties of Brooke, Hancock and Ohio shall con-
stitute the first circuit and shall have four judges; the
counties of Marshall, Tyler and Wetzel shall constitute
the second circuit and shall have two judges; the coun-
ties of Doddridge, Pleasants and Ritchie shall consti-
tute the third circuit and shall have one judge; the
counties of Wood and Wirt shall constitute the fourth
circuit and shall have three judges; the counties of Cal-
houn, Jackson and Roane shall constitute the fifth cir-
cuit and shall have one judge; the county of Cabell shall
constitute the sixth circuit and shall have three judges;
the county of Logan shall constitute the seventh circuit
and shall have two judges; the county of McDowell shall
constitute the eighth circuit and shall have two judges;
the county of Mercer shall constitute the ninth circuit
and shall have two judges; the county of Raleigh shall
constitute the tenth circuit and shall have two judges;
the counties of Greenbrier, Monroe, Pocahontas and
Summers shall constitute the eleventh circuit and shall
have one judge; the county of Fayette shall constitute
the twelfth circuit and shall have two judges; the
county of Kanawha shall constitute the thirteenth cir-
cuit and shall have seven judges; the counties of Brax-
ton, Clay, Gilmer and Webster shall constitute the four-
teenth circuit and shall have two judges; the county
of Harrison shall constitute the fifteenth circuit and
shall have two judges; the county of Marion shall con-
stitute the sixteenth circuit and shall have two judges;
the county of Monongalia shall constitute the seven-
teenth circuit and shall have two judges; the county of
Preston shall constitute the eighteenth circuit and shall
have one judge; the counties of Barbour and Taylor shall
constitute the nineteenth circuit and shall have one
judge; the county of Randolph shall constitute the twen-
tieth circuit and shall have one judge; the counties of
Grant, Mineral and Tucker shall constitute the twenty-
first circuit and shall have two judges; the counties of Hampshire, Hardy and Pendleton shall constitute the twenty-second circuit and shall have one judge; the counties of Berkeley, Jefferson and Morgan shall constitute the twenty-third circuit and shall have one judge; the county of Wayne shall constitute the twenty-fourth circuit and shall have one judge; the counties of Berkeley, Jefferson and Morgan shall constitute the twenty-fifth circuit and shall have two judges; the counties of Lewis and Upshur shall constitute the twenty-sixth circuit and shall have one judge; the county of Wyoming shall constitute the twenty-seventh circuit and shall have one judge; the county of Nicholas shall constitute the twenty-eighth circuit and shall have one judge; the counties of Mason and Putnam shall constitute the twenty-ninth circuit and shall have two judges; the county of Mingo shall constitute the thirtieth circuit and shall have one judge; and the counties of Berkeley, Jefferson and Morgan shall constitute the thirty-first circuit and shall have one judge.

(b) The term of office of the additional circuit court judge of each of the following judicial circuits created and established by the provisions of subsection (a) of this section, viz., the seventh, twelfth, thirteenth, fourteenth, seventeenth, twenty-first, twenty-fifth and twenty-ninth judicial circuits, shall commence on the first day of January, one thousand nine hundred seventy-seven, and shall end on the thirty-first day of December, one thousand nine hundred eighty-four.

(c) Except as provided in subsections (a), (d) and (e) of this section, the terms of office of all circuit court judges in office on the effective date of this section, including the terms of office of the judges of those statutory courts of record of limited jurisdiction who became circuit court judges by virtue of the judicial reorganization amendment to the West Virginia constitution, shall expire on the thirty-first day of December, one thousand nine hundred seventy-six. Thereafter, the terms of office of such circuit court judges shall commence on the first day of January, one thousand nine hundred seventy-seven, and shall expire on the thirty-
first day of December, one thousand nine hundred eighty-four.

(d) The terms of office of the judges of the first, sixth, eighth, thirteenth and sixteenth judicial circuits who became circuit court judges by virtue of the judicial reorganization amendment to the West Virginia constitution and who were, respectively, the judges of the following statutory courts of record of limited jurisdiction, viz., intermediate court of Ohio county; domestic relations court of Cabell county; intermediate court of McDowell county; common pleas court of Kanawha county (Division I); domestic relations court of Kanawha county; and the criminal court of Marion county, shall expire on the thirty-first day of December, one thousand nine hundred eighty-four.

(e) The Legislature hereby finds and declares that the purpose of this section is to implement the provisions of the judicial reorganization amendment to the West Virginia constitution, that the terms of office of all circuit court judges, including the judges of statutory courts of record of limited jurisdiction who became circuit court judges by virtue of the judicial reorganization amendment to the West Virginia constitution, should expire on the same date and such judges should be elected at the same general election; that the legislative intent in presenting said judicial reorganization amendment to the voters of the state for ratification was that no judge of a statutory court of record of limited jurisdiction who would become a circuit court judge by virtue of said judicial reorganization amendment would have his term of office decreased by the ratification of said judicial reorganization amendment or be forced to run for reelection any sooner than he otherwise would have had to have run for reelection if said judicial reorganization amendment had not been ratified; and that said judicial reorganization amendment was ratified by the voters of the state at the same general election at which the judge of the former intermediate court of Raleigh county and the judge of the former intermediate court of Kanawha county were elected. Consistent with such findings and declarations, the terms of office of
the judges of the tenth and thirteenth judicial circuits
who became circuit court judges by virtue of the judi-
cicial reorganization amendment to the West Virginia
constitution, and who were, respectively, the judges of
the intermediate court of Raleigh county and the in-
termediate court of Kanawha county, which terms com-
menced the first day of January, one thousand nine
hundred seventy-five, shall expire on the thirty-first
day of December, one thousand nine hundred eighty-
four.

(f) The election of every circuit court judge whose
term of office begins on the first day of January, one
thousand nine hundred seventy-seven, and ends on the
thirty-first day of December, one thousand nine hundred
eighty-four, shall be held on the Tuesday next after the
first Monday in November, one thousand nine hundred
seventy-six, and every eighth year thereafter. The elec-
tion for all other circuit court judges shall be held on
the Tuesday next after the first Monday in November,
one thousand nine hundred eighty-four, and every eighth
year thereafter.

Notwithstanding the provisions of article five, chapter
three of this code, and in order to provide for the orderly
nomination and election of circuit court judges, the time
permitted for the filing of certificates of candidacy for
nomination to the additional circuit court judgeships
created and established by the provisions of subsection
(a) of this section, viz., the seventh, twelfth, thirteenth,
fourteenth, seventeenth, twenty-first, twenty-fifth and
twenty-ninth judicial circuits, is hereby extended to the
thirtieth day of March, solely for the year one thousand
nine hundred seventy-six. Such certificate shall be filed
with the secretary of state or the clerk of the circuit
court, as the case may be, not later than midnight,
eastern standard time, of that day, or, if mailed, shall
be postmarked before that hour.

(g) The terms of court of the circuit judges of the
counties aforesaid shall commence and be held as here-
inafter provided.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Danna
Chairman Senate Committee

Clarence T. Christopher
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

J. Dillen, Jr.
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

W. E. Miller
President of the Senate

Lewis F. Mann
Speaker House of Delegates

The within approved this the 29th day of March, 1976

A. W. Shaugh,
Governor
PRESENTED TO THE GOVERNOR

Date  3/24/76
Time  3:45 p.m.