

FILED

2012 MAR 30 PM 4: 16

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2012

ENROLLED

House Bill No. 4314

(By Delegates Caputo, Longstreth,
Manchin, Fragale, Barill, Marcum,
Ellem, Boggs, Miley, Storch and Hunt)

Passed March 10, 2012

To Take Effect Ninety Days From Passage

HB 4314

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H. B. 4314

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(BY DELEGATES CAPUTO, LONGSTRETH,
MANCHIN, FRAGALE, BARILL, MARCUM,
ELLEM, BOGGS, MILEY, STORCH AND HUNT)

[Passed March 10, 2012; to take effect ninety days from passage.]

AN ACT to amend and reenact §50-1-6 of the Code of West Virginia, 1931, as amended, relating to the appointment of magistrates; requiring that when a vacancy occurs in the office of magistrate a person of the same political party as the former officeholder shall be appointed.

Be it enacted by the Legislature of West Virginia:

That §50-1-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. COURTS AND OFFICERS.

§50-1-6. Vacancy in office of magistrate.

1 Subject to the provisions of section one, article ten,
2 chapter three of this code, when a vacancy occurs in the
3 office of magistrate, the judge of the circuit court, or the chief
4 judge thereof if there is more than one judge of the circuit
5 court, shall fill the same by appointment of a person of the
6 same political party as the officeholder vacating the office.

7 **At a general election in which a magistrate is elected for**
8 **an unexpired term, the circuit judge, or the chief judge**
9 **thereof if there is more than one judge of the circuit court,**
10 **shall cause a notice of such election to be published prior to**
11 **such election as a Class II-0 legal advertisement in**
12 **compliance with the provisions of article three, chapter fifty-**
13 **nine of this code, and the publication area for such**
14 **publication shall be the county involved. If the vacancy**
15 **occurs before the primary election held to nominate**
16 **candidates to be voted for at the general election, at which**
17 **any such vacancy is to be filled, candidates to fill such**
18 **vacancy shall be nominated at such primary election in**
19 **accordance with the time requirements and the provisions and**
20 **procedures prescribed in article five, chapter three of this**
21 **code. Otherwise, they shall be nominated by the county**
22 **executive committee in the manner provided in section**
23 **nineteen, article five, chapter three of this code, as in the case**
24 **of filling vacancies in nominations, and the names of the**
25 **persons so nominated and certified to the clerk of the circuit**
26 **court of such county shall be placed upon the ballot to be**
27 **voted at such next general election.**

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

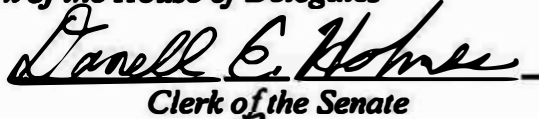

Chairman, House Committee


Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.


Clerk of the House of Delegates


Clerk of the Senate


Speaker of the House of Delegates


President of the Senate

The within is appended this the 30th
day of March, 2012.


Governor

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

PRESENTED TO THE GOVERNOR

11/12/2012

Time 1:30 pm