

H. B. 3166

(By Delegates Manchin, Lawrence, Cann,
Fragale, Frazier, Iaquina, Miley and Morgan)

[Introduced February 17, 2011; referred to the
Committee on Political Subdivisions then the Judiciary.]

A BILL to amend and reenact §8-5-5 of the Code of West Virginia,
1931, as amended, relating to municipalities; election of
officers; and permitting municipalities to stagger the terms
of elected officers.

Be it enacted by the Legislature of West Virginia:

That §8-5-5 of the Code of West Virginia, 1931, as amended, be
amended and reenacted to read as follows:

**ARTICLE 5. ELECTION, APPOINTMENT, QUALIFICATION AND COMPENSATION
OF OFFICERS; GENERAL PROVISIONS RELATING TO
OFFICERS AND EMPLOYEES; ELECTIONS AND PETITIONS
GENERALLY; CONFLICT OF INTEREST.**

PART II. REGULAR ELECTION OF OFFICERS.

**§8-5-5. Regular election of officers; establishment of longer
terms.**

After the first election of officers of a city, town or

1 village, the regular election of officers shall be held on the
2 second Tuesday in June of the appropriate year, unless otherwise
3 provided in the charter of the city or the special legislative
4 charters of the towns or villages, as the case may be.

5 A municipal election date established by a charter provision
6 may fall on the same day as the county-state primary election or
7 general election only when the voting precinct boundaries in the
8 municipality coincide with the voting precinct boundaries
9 established by the county commission or when the charter provides
10 for separate registration books. If a municipal election falls on
11 the same day as the county-state primary or general election, the
12 municipality and county may agree to use the county election
13 officials in the municipal elections, if practicable, or the
14 municipality may provide for separate election officials.

15 A municipal election date established by charter provision may
16 fall within twenty-five days of a county-state primary or general
17 election only where separate registration books are provided and
18 maintained for the municipal election.

19 Any municipality which establishes its election date by
20 charter provision must comply with the provisions of this section
21 or the election date shall be the second Tuesday of June. The
22 language of this section shall not be construed to prevent any
23 city, town or village from amending the provisions of its charter
24 or special legislative charter, as the case may be, to provide that

1 its municipal election be held on some day other than the second
2 Tuesday in June.

3 Officers of a city may be elected for a four-year term at the
4 same election at which a proposed charter, proposed charter
5 revision or charter amendment providing for four-year terms is
6 voted upon. The ballots or ballot labels used for the election of
7 officers must indicate that the officers will be elected for four-
8 year terms if the proposed charter, revision or amendment is
9 approved. Officers of a town or village may be elected for a four-
10 year term upon approval by a majority of the legal votes cast at a
11 regular municipal election of a proposition calling for four-year
12 terms. The ballots or ballot labels used for the election of
13 officers must indicate that the officers will be elected for four-
14 year terms if the proposition is approved.

15 Notwithstanding any provision of this code to the contrary, a
16 municipality may stagger the terms of its elected officers as
17 follows:

18 A municipality whose officers serve two-year terms, may
19 lengthen the term to four years for half of the elected officers;

20 A municipality whose officers serve four-year terms, may
21 shorten the term to two years for half of the elected officers.

NOTE: The purpose of this bill is to permit municipalities to stagger the terms of elected officers.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.