

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 4279**

5 (By Delegates Manchin, Lawrence, Cann,  
6 Doyle, Longstreth and Morgan)  
7

8 [Passed March 10, 2012; in effect ninety days from passage.]  
9

10 AN ACT to amend and reenact §8-5-5 of the Code of West Virginia,  
11 1931, as amended, relating to elected municipal officers; and  
12 authorizing municipalities to stagger and/or change the terms  
13 of elected municipal officers by ordinance and approval of the  
14 voters.

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

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

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

22 PART II. REGULAR ELECTION OF OFFICERS.

23 **§8-5-5. Regular election of officers; establishment of longer**  
24 **terms.**

25 (a) After the first election of officers of a city, town or  
26 village, the regular election of officers shall be held on the  
27 second Tuesday in June of the appropriate year, unless otherwise

1 provided in the charter of the city or the special legislative  
2 charters of the towns or villages.

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

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

17 (d) Any municipality which establishes its election date by  
18 charter provision must comply with the provisions of this section  
19 or the election date shall be the second Tuesday of June. The  
20 language of this section may not be construed to prevent any city,  
21 town or village from amending the provisions of its charter or  
22 special legislative charter, to provide that its municipal election  
23 be held on some day other than the second Tuesday in June.

24 (e) Officers of a city may be elected for a four-year term at  
25 the same election at which a proposed charter, proposed charter  
26 revision or charter amendment providing for four-year terms is

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

10 (f) Municipalities are authorized to stagger and/or change the  
11 terms of elected municipal officers. Prior to any changes being  
12 made to the terms of elected municipal officers, the procedure to  
13 stagger and/or change the terms shall be set by ordinance and must  
14 be approved by a majority of the voters.

15 (1) A municipality whose officers serve two-year terms, may  
16 lengthen the term to four years for half of the elected officers,  
17 except that the lengthening of terms cannot be implemented until  
18 following the subsequent election for that office;

19 (2) A municipality whose officers serve four-year terms, may  
20 shorten the term to two years for half of the elected officers;

21 (3) After the terms are lengthened or shortened as permitted  
22 by this subsection, those officers shall resume the two-year or  
23 four-year term of office; and

24 (4) Selection of elected officers whose term is shortened  
25 shall be determined by a random chance with an equal chance for  
26 each officials term to be shortened.