

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4279**

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

7 (Originating in the Committee on the Judiciary)

8 [February 24, 2012]  
9

10 A BILL to amend and reenact §8-5-5 of the Code of West Virginia,  
11 1931 as amended, relating to the election of municipality  
12 officers; permitting municipalities to stagger the terms of  
13 elected officers; providing election to determine length and  
14 time-frame of terms; providing method of selecting officials  
15 with shortened terms; and making stylistic changes.

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

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

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

23 PART II. REGULAR ELECTION OF OFFICERS.

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

26 (a) After the first election of officers of a city, town or  
27 village, the regular election of officers shall be held on the

1 second Tuesday in June of the appropriate year, unless otherwise  
2 provided in the charter of the city or the special legislative  
3 charters of the towns or villages. ~~as the case may be~~

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

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

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

26 (e) Officers of a city may be elected for a four-year term at

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

12 (f) Notwithstanding any provision of this code or charter to  
13 the contrary, upon a approval by a majority of the legal votes cast  
14 in favor of, a municipality may stagger the terms of its elected  
15 officers is authorized as follows:

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

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

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

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

1 each officials term to be shortened.