

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 4279

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



Passed March 10, 2012

To Take Effect Ninety Days From Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4279

(BY DELEGATES MANCHIN, LAWRENCE, CANN,
DOYLE, LONGSTRETH AND MORGAN)

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

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

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.

1 (a) After the first election of officers of a city, town or
2 village, the regular election of officers shall be held on the
3 second Tuesday in June of the appropriate year, unless
4 otherwise provided in the charter of the city or the special
5 legislative charters of the towns or villages.

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

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

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

30 (e) Officers of a city may be elected for a four-year term
31 at the same election at which a proposed charter, proposed
32 charter revision or charter amendment providing for four-year
33 terms is voted upon. The ballots or ballot labels used for the

34 election of officers must indicate that the officers will be
35 elected for four-year terms if the proposed charter, revision
36 or amendment is approved. Officers of a town or village may
37 be elected for a four-year term upon approval by a majority
38 of the legal votes cast at a regular municipal election of a
39 proposition calling for four-term terms. The ballots or ballot
40 labels used for the election of officers must indicate that the
41 officers will be elected for four-year terms if the proposition
42 is approved.

43 (f) Municipalities are authorized to stagger and/or change
44 the terms of elected municipal officers. Prior to any changes
45 being made to the terms of elected municipal officers, the
46 procedure to stagger and/or change the terms shall be set by
47 ordinance and must be approved by a majority of the voters.

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

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

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

59 (4) Selection of elected officers whose term is shortened
60 shall be determined by a random chance with an equal chance
61 for each official's term to be shortened.

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 _____ this the _____
day of _____, 2012.

Governor