

COMMITTEE SUBSTITUTE

FOR

H. B. 4279

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

(Originating in the Committee on the Judiciary)
[February 24, 2012]

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

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. ~~as the case may~~
6 ~~be~~

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

16 officials in the municipal elections, if practicable, or the
17 municipality may provide for separate election officials.

18 (c) A municipal election date established by charter
19 provision may fall within twenty-five days of a county-state
20 primary or general election only where separate registration
21 books are provided and maintained for the municipal 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 ~~shall~~ may not be
26 construed to prevent any city, town or village from amending
27 the provisions of its charter or special legislative charter, as
28 ~~the case may be~~ to provide that its municipal election be held
29 on some day other than the second Tuesday in June.

30 (e) Officers of a city may be elected for a four-year term at
31 the same election at which a proposed charter, proposed charter
32 revision or charter amendment providing for four-year terms is
33 voted upon. The ballots or ballot labels used for the election of
34 officers must indicate that the officers will be elected for four-
35 year terms if the proposed charter, revision or amendment is
36 approved. Officers of a town or village may be elected for a
37 four-year term upon approval by a majority of the legal votes

38 cast at a regular municipal election of a proposition calling for
39 four-term terms. The ballots or ballot labels used for the election
40 of officers must indicate that the officers will be elected for four-
41 year terms if the proposition is approved.

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

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

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

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

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