

H. B. 2816

(By Delegates Howell (By Request) A. Evans, Rowan,
Espinosa, Ireland, Folk, Shott, J. Nelson,
Miller, Westfall and Frich)

[Introduced March 5, 2013; referred to the
Committee on Political Subdivisions then the Judiciary.]

A BILL to amend and reenact §8-5-7 of the Code of West Virginia,
1931, as amended, relating to municipalities; residency
requirements of candidates for council; and requiring six-
month residency before being eligible to run for election to
city or municipal council.

Be it enacted by the Legislature of West Virginia:

That §8-5-7 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.**

**§8-5-7. Certain officers; wards or election districts; residency
and other requirements.**

(a) Unless otherwise provided in the charter of a

1 municipality, there shall be elected a mayor, a recorder and
2 councilmen, who together shall form the governing body of the
3 municipality.

4 (b) When a municipality has not been divided into wards or
5 election districts, there shall be at least five councilmen, but
6 when the municipality has been divided into wards or election
7 districts, the governing body may, by ordinance, determine the
8 number of councilmen to be elected from each ward or election
9 district. When it is deemed necessary, the governing body may, by
10 ordinance, increase the number of wards or election districts and
11 change the boundaries thereof, such wards or election districts to
12 be made as nearly equal as may be, in population, and when the
13 municipality shall be divided into wards or election districts, or
14 there shall be an increase in the number of wards or election
15 districts as aforesaid, the governing body may increase the number
16 of councilmen and direct an election to be held at the next regular
17 municipal election in such ward or wards or election district or
18 districts so that each ward or election district may have its full
19 number of councilmen residing therein and may have equal
20 representation on the governing body. When a municipality has been
21 divided into wards or election districts, the governing body may,
22 by ordinance, also provide for the election of councilmen at large
23 in addition to the councilmen to be elected from each ward or
24 election district. The provisions of this subsection shall be

1 applicable to any municipality except to the extent otherwise
2 provided in the charter of such municipality.

3 (c) Unless otherwise provided by charter provision or
4 ordinance, the mayor, recorder and councilmen must be residents of
5 the municipality and must be qualified voters entitled to vote for
6 members of its governing body. A city manager in a manager form of
7 government need only be a resident of the city at the time of his
8 or her appointment: Provided, That a candidate for city or
9 municipal council shall be a resident of the municipality for at
10 least six months prior to a primary election. The date the
11 residency began shall be determined from the date the candidate
12 registered to vote within the municipality.

NOTE: The purpose of this bill is to require six-month residency before being eligible to run for election to city or municipal council.

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