Senate Bill No. 547

(By Senators Palumbo, Beach and Nohe)

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[Introduced February 12, 2014; referred to the Committee on Government Organization; and then to the Committee on the Judiciary.]

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A BILL to amend and reenact §8-5-7 of the Code of West Virginia, 1931, as amended, relating to increasing or decreasing the number of municipal wards or election districts and council members.

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.

1   (a) Unless otherwise provided in the charter of a

2   municipality, there shall be elected a mayor, a recorder and

3   ~~councilmen~~ council members, who together shall form the

4   governing body of the municipality.

5   (b) When a municipality has not been divided into wards

6   or election districts, there shall be at least five ~~councilmen~~

7   council members, but when the municipality has been

8   divided into wards or election districts, the governing body

9   may, by ordinance, determine the number of ~~councilmen~~

10   council members to be elected from each ward or election

11   district. When it is ~~deemed~~ considered necessary, the

12   governing body may, by ordinance, increase or decrease the

13   number of wards or election districts and change the

14 boundaries thereof, ~~such~~ the wards or election districts to be

15 made as nearly equal as may be, in population, and when the

16 municipality ~~shall be~~ is divided into wards or election

17 districts, or there ~~shall be~~ is an increase or decrease in the

18 number of wards or election districts as aforesaid, the

19 governing body may increase or decrease the number of

20 ~~councilmen~~ council members and, in the case of an increase

21 in the number of council members, direct an election to be

22 held at the next regular municipal election in ~~such~~ the

23 additional ward or wards or election district or districts so

24 that each ward or election district may have its full number

25 of ~~councilmen~~ council members residing therein and may

26 have equal representation on the governing body. When a

27 municipality has been divided into wards or election districts,

28 the governing body may, by ordinance, also provide for the

29 election of ~~councilmen~~ council members at large in addition

30 to the ~~councilmen~~ council members to be elected from each

31 ward or election district. The provisions of this subsection

32 ~~shall be~~ are applicable to any municipality except to the

33   extent otherwise provided in the charter of ~~such~~ the

34   municipality.

35   (c) Unless otherwise provided by charter provision or

36   ordinance, the mayor, recorder and ~~councilmen~~ council

37   members must be residents of the municipality and must be

38   qualified voters entitled to vote for members of its governing

39   body. A city manager in a manager form of government need

40   only be a resident of the city at the time of his or her

41   appointment.

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(NOTE: The purpose of this bill is to make clear that municipalities have the power to both increase and decrease the number of voting wards and/or council members serving its governing body.

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