

1 **H. B. 4279**

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

5 [Introduced January 25, 2012; referred to the
6 Committee on Political Subdivisions then the Judiciary.]
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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; and making stylistic changes.

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

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

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

21 PART II. REGULAR ELECTION OF OFFICERS.

22 **§8-5-5. Regular election of officers; establishment of longer**
23 **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 otherwise
4 provided in the charter of the city or the special legislative
5 charters of the towns or villages. ~~as the case may be~~

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

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

20 (d) Any municipality which establishes its election date by
21 charter provision must comply with the provisions of this section
22 or the election date shall be the second Tuesday of June. The
23 language of this section ~~shall~~ may not be construed to prevent any
24 city, town or village from amending the provisions of its charter

1 or special legislative charter, ~~as the case may be~~ to provide that
2 its municipal election be held on some day other than the second
3 Tuesday in June.

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

16 (f) Notwithstanding any provision of this code or charter to
17 the contrary, a municipality may stagger the terms of its elected
18 officers and are authorized to:

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

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

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

1 year term of office.

NOTE: The purpose of this bill is to permit municipalities to stagger the terms of elected officers. The bill permits municipalities stagger the terms of current office holders. The bill also makes minor stylistic changes.

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