

1 **H. B. 4485**

2
3 (By Delegates Morgan and Poore)

4 [Introduced February 12, 2014; referred to the
5 Committee on Political Subdivisions then the Judiciary.]

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10 A BILL to amend and reenact §8-5-7 of the Code of West Virginia,
11 1931, as amended, relating to increasing or decreasing the
12 number of municipal wards or election districts and council
13 members.

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

15 That §8-5-7 of the Code of West Virginia, 1931, as amended, be
16 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 **§8-5-7. Certain officers; wards or election districts; residency**
22 **and other requirements.**

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

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

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

1 provide for the election of ~~councilmen~~ council members at large in
2 addition to the ~~councilmen~~ council members to be elected from each
3 ward or election district. The provisions of this subsection ~~shall~~
4 ~~be~~ is applicable to any municipality except to the extent otherwise
5 provided in the charter of ~~such~~ the municipality.

6 (c) Unless otherwise provided by charter provision or
7 ordinance, the mayor, recorder and ~~councilmen~~ council members must
8 be residents of the municipality and must be qualified voters
9 entitled to vote for members of its governing body. A city manager
10 in a manager form of government need only be a resident of the city
11 at the time of his or her appointment.

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.