

1 **Senate Bill No. 547**

2 (By Senators Palumbo, Beach and Nohe)

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4 [Introduced February 12, 2014; referred to the Committee on
5 Government Organization; and then to the Committee on the
6 Judiciary.]
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11 A BILL to amend and reenact §8-5-7 of the Code of West Virginia,
12 1931, as amended, relating to increasing or decreasing the
13 number of municipal wards or election districts and council
14 members.

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

16 That §8-5-7 of the Code of West Virginia, 1931, as amended, be
17 amended and reenacted to read as follows:

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

22 **§8-5-7. Certain officers; wards or election districts; residency**
23 **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 governing
4 body of the municipality.

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

1 election districts, the governing body may, by ordinance, also
2 provide for the election of ~~councilmen~~ council members at large in
3 addition to the ~~councilmen~~ council members to be elected from each
4 ward or election district. The provisions of this subsection ~~shall~~
5 ~~be~~ are applicable to any municipality except to the extent
6 otherwise provided in the charter of ~~such~~ the municipality.

7 (c) Unless otherwise provided by charter provision or
8 ordinance, the mayor, recorder and ~~councilmen~~ council members must
9 be residents of the municipality and must be qualified voters
10 entitled to vote for members of its governing body. A city manager
11 in a manager form of government need only be a resident of the city
12 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.)