

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 3039**

BY DELEGATE SPONAUGLE

BY REQUEST

[Introduced March 14, 2017; Referred  
to the Committee on Political Subdivisions then the  
Judiciary.]

1 A BILL to amend and reenact §8-4-10 of the Code of West Virginia, 1931, as amended, relating  
 2 to allowing municipalities to cancel elections when only one person is running for each  
 3 office up for election and deeming those elected by acclamation.

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

1 That §8-4-10 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
 2 to read as follows:

**ARTICLE 4. FRAMING AND ADOPTING A CHARTER OTHER THAN IMMEDIATELY  
 FOLLOWING INCORPORATION; REVISING OR AMENDING A CHARTER;  
 ELECTIONS AND EXPENSES.**

**PART III. ELECTIONS; EXPENSES.**

**§8-4-10. Conduct of elections; general provisions concerning canvass and declaration of  
 results; election supplies; election officials; providing for dispensing of election  
 when single candidate for all offices in election.**

1 (a) The governing body of a city shall canvass the returns within relatively the same time  
 2 with reference to an election held under the provisions of this article and in the same manner as  
 3 county courts are required to do with respect to general elections, and shall declare the results of  
 4 any such election. This requirement shall apply to any election held under the provisions of this  
 5 article, whether it be a special municipal election or voting conducted in conjunction with a general  
 6 election or a regular municipal election. The canvass and declaration of results shall be entered  
 7 in the minutes of the governing body on the date made. Unless otherwise provided by charter  
 8 provision, any such special municipal election or voting conducted in conjunction with a general  
 9 election or a regular municipal election shall be held and conducted under the supervision at each  
 10 precinct of three commissioners of election and two clerks who shall be appointed by the  
 11 governing body and shall be conducted as nearly as may be in accordance with the laws of this  
 12 state governing general elections, subject, however, in the case of a special municipal election to

13 the provisions of section eleven of this article. For any special municipal election or voting  
14 conducted in conjunction with a general election or a regular municipal election, in accordance  
15 with the provisions of this article, the governing body shall arrange for and provide at its expense  
16 registration books, challenges and other election supplies as provided by law in general elections,  
17 and polling places in any such special municipal election or with respect to any such voting  
18 conducted in conjunction with a regular municipal election. In the event any commissioner or clerk  
19 appointed by the governing body shall fail or refuse to serve, such vacancy may be filled in like  
20 manner as such vacancies are filled in general elections under the laws of this state governing  
21 general elections, except that the governing body shall act in the place and stead of the county  
22 court. A recount may be had, as in general elections, upon the party or parties desiring such  
23 recount providing adequate assurance to the governing body that ~~he or they~~ the party or parties  
24 will pay all costs of such recount.

25 (b) Notwithstanding any code provision to the contrary, when the filing period has closed  
26 for persons to file as a candidate for municipal office, and as of the end of the filing period there  
27 is only one person having filed for each office up for election, the governing body may cancel the  
28 upcoming election, and all those persons so filed shall be deemed elected by acclamation to those  
29 offices. The governing body shall publish notice, instead of a sample ballot as required prior to  
30 an election pursuant to article six, chapter three of this code, sufficient to give notice of the  
31 cancellation of the upcoming election and the names of those who will serve in office. The term  
32 of office and all other aspects of holding said office shall apply as if the candidates were lawfully  
33 elected pursuant to an election.

NOTE: The purpose of this bill is to allow municipalities to cancel municipal elections and appoint candidates by acclamation, if there is only one candidate running for each municipal office up for election.

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