

# WEST VIRGINIA LEGISLATURE

## 2024 REGULAR SESSION

Introduced

### House Bill 4422

FISCAL  
NOTE

By Delegate Mallow

[Introduced January 10, 2024; Referred  
to the Committee on Political Subdivisions then the  
Judiciary ]

1 A BILL to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended, relating to  
 2 requiring all local and state special elections to be held on the days and hours of general or  
 3 primary or state elections; and providing an exception for run-off elections.

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

**ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.**

**§3-1-31. Days and hours of elections; scheduling of local elections; extension or shortening of terms of certain elected local officials.**

1 (a) General elections shall be held in the several election precincts of the state on the  
 2 Tuesday next after the first Monday in November of each even year. Primary and special elections  
 3 shall be held on the days provided by law therefor: *Provided*, ~~That beginning July 1, 2022, all local~~  
 4 ~~municipal elections may be held concurrently with a regularly scheduled statewide primary or~~  
 5 ~~general election. In exercising this right, a municipality may negotiate an agreement with the~~  
 6 ~~county commission to establish the election date, election officials, registration books to be used,~~  
 7 ~~and other matters pertaining to changing the municipal election to be held on the same day as a~~  
 8 ~~regularly scheduled statewide primary or general election~~ That beginning July 1, 2024, all state  
 9 and local special elections shall be held on the days and hours of general or primary state  
 10 elections: *Provided, however,* That run-off elections may be held on days as determined by the  
 11 local and state governments: *Provided, however further,* That a municipality which enters into an  
 12 agreement with a county commission to hold elections at the same time as a regularly scheduled  
 13 statewide primary or general election day pursuant to §8-5-5 of this code shall share in the  
 14 administrative costs of holding the election, but which costs shall not exceed the municipality’s pro  
 15 rata share of voters registered in the municipality compared with the total voters registered in the  
 16 county: *Provided further,* That the municipality shall also comply with the requirements of §8-5-5 of  
 17 this code regarding an agreement with the county regarding use of county election officials in  
 18 municipal elections.

19 (b) At every primary, general, or special election the polls shall be opened in each precinct

20 on the day of the election at 6:30 in the morning and be closed at 7:30 in the evening.

NOTE: The purpose of this bill is to require local and state elections to be held at times of general, primary, or state-wide elections. The bill provides an exception for run-off elections.

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