

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2062

By Delegates Kump and Ridenour

[Introduced February 12, 2025; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §8-5-5 of the Code of West Virginia, 1931, as amended, relating to
2 requiring that all municipal elections be held on West Virginia state and federal general
3 election dates.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 5. ELECTION, APPOINTMENT, QUALIFICATION AND COMPENSATION OF
OFFICERS; GENERAL PROVISIONS RELATING TO OFFICERS AND
EMPLOYEES; ELECTIONS AND PETITIONS GENERALLY; CONFLICT OF
INTEREST. (PTS. I — VIII)**

Part II. Election of Officers

§8-5-5. Regular election of officers; establishment of longer terms.

1 (a) After the first election of officers of a city, town, or village, the regular election of officers
2 shall be held on the ~~second Tuesday in June of the appropriate year, unless otherwise provided in~~
3 ~~the charter of the city or the special legislative charters of the towns or villages same day as the~~
4 federal and state general elections occur in West Virginia.

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

13 (c) ~~A municipal election date established by charter provision may fall within 25 days of a~~
14 ~~regularly scheduled statewide primary or general election only where separate~~ Separate
15 registration books are may be provided and maintained for the municipal election depending on

16 need.

17 ~~(d) Any municipality which establishes its election date by charter provision must comply~~
18 ~~with the provisions of this section or the election date shall be the second Tuesday of June. The~~
19 ~~language of this section may not be construed to prevent any city, town, or village from amending~~
20 ~~the provisions of its charter or special legislative charter, to provide that its municipal election be~~
21 ~~held on some day other than the second Tuesday in June~~

22 ~~(e)~~ (d) Officers of a city may be elected for a four-year term at the same election at which a
23 proposed charter, proposed charter revision, or charter amendment providing for four-year terms
24 is voted upon. The ballots or ballot labels used for the election of officers must indicate that the
25 officers shall be elected for four-year terms if the proposed charter, revision or amendment is
26 approved. Officers of a town or village may be elected for a four-year term upon approval by a
27 majority of the legal votes cast at a regular municipal election of a proposition calling for four-year
28 terms. The ballots or ballot labels used for the election of officers must indicate that the officers
29 shall be elected for four-year terms if the proposition is approved.

30 ~~(f)~~ (e) Municipalities are authorized to stagger and/or change the terms of elected
31 municipal officers. Prior to any changes being made to the terms of elected municipal officers, the
32 procedure to stagger and/or change the terms shall be set by ordinance and must be approved by
33 a majority of the voters.

34 ~~(g) Beginning on July 1, 2022, any municipality that has not previously adopted a municipal~~
35 ~~charter may pass an ordinance that establishes a new municipal election day upon agreement~~
36 ~~with its county commission to hold any local elections, including the regular election of local~~
37 ~~officers, municipal bond elections, and municipal levy elections, on the same day as a regularly~~
38 ~~scheduled statewide primary or general election. The municipality shall publish notice of the public~~
39 ~~meeting during which the proposed ordinance shall be considered by the municipal governing~~
40 ~~body via Class II-0 legal advertisement in a publication area sufficient to reach a majority of the~~
41 ~~municipal residents, which notice shall include the public meeting date, time, and location, any~~

42 ~~proposed extension or reduction of terms of office pursuant to paragraph (f) of this section, and the~~
43 ~~proposed election day change.~~

44 ~~(h) The ordinance proposed pursuant to paragraph (g) of this section may call for an~~
45 ~~extension or reduction of the terms of office for the purpose of aligning the terms to coincide with~~
46 ~~the same date as a regularly scheduled statewide primary or general election day, which question~~
47 ~~shall be resolved by majority vote of the participating voters in the county: *Provided*, That the~~
48 ~~governing body shall not propose an extension of the terms of those offices by more than 18~~
49 ~~months: *Provided, however*, That nothing in this section modifies a municipality's authority to~~
50 ~~reduce current elected officials' terms of office in any other manner provided by law~~

51 ~~(i) (f) A municipality which enters into an agreement with the county commission to hold~~
52 ~~elections at the same time as a regularly scheduled statewide primary or general election day~~
53 ~~pursuant to this section is Municipalities are required to share in the administrative costs of holding~~
54 ~~the election elections, but which costs shall not exceed the municipality's pro rata share of voters~~
55 ~~registered in the municipality compared with the total voters registered in the county.~~

NOTE: The purpose of this bill is to require that all municipal elections be held on West Virginia state and federal general election dates.

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