

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.