

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Engrossed
Committee Substitute
for
Senate Bill 50

BY SENATORS TAYLOR AND RUCKER

[Reported February 25, 2025, from the Committee on
the Judiciary]

1 A BILL to amend and reenact §3-1-29, §3-1-31, and §8-5-5 of the Code of West Virginia, 1931,
2 as amended, relating to requiring municipal elections to be held on the same day as
3 statewide elections; and requiring municipalities to amend existing ordinances or charters
4 or adopt new ordinances or charters to require municipal elections to be held on the same
5 day as statewide elections.

Be it enacted by the Legislature of West Virginia:

CHAPTER 3. ELECTIONS.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-29. Boards of election officials; definitions, composition of boards, determination of number and type.

1 (a) For the purpose of this article:

2 (1) The term "standard receiving board" means those election officials charged with
3 conducting the process of voting within a precinct and consists of no less than five persons, to be
4 comprised as follows:

5 (A) Each precinct shall have at least one team of poll clerks, one team of election
6 commissioners for the ballot box, and one additional election commissioner; and

7 (B) At the discretion of the county clerk and county commission, any county may add
8 additional teams of poll clerks and commissioners to any precinct, as necessary to fairly and
9 efficiently conduct an election;

10 (2) The term "counting board" means those election officials charged with counting the
11 ballots at the precinct in counties using paper ballots and includes one team of poll clerks, one
12 team of election commissioners, and one additional commissioner;

13 (3) The term "team of poll clerks" or "team of election commissioners" means two persons
14 appointed by opposite political parties to perform the specific functions of the office: *Provided,*
15 That no team of poll clerks or team of election commissioners may consist of two persons with

the same registered political party affiliation or two persons registered with no political party affiliation; and

(4) The term "election official trainee" means an individual who is ~~sixteen~~ 16 or ~~seventeen~~ 17 years of age who meets the requirements of subdivisions ~~(2), (3), (4), (5) and (6), subsection (a), section twenty-eight of this article~~ §3-1-28(2-6) of this code.

(b) For each primary and general election in the county, the county commission shall designate the number and type of election boards for the various precincts according to the provisions of this section. At least ~~eighty-four~~ 84 days before each primary and general election the county commission shall notify the county executive committees of the two major political parties in writing of the number of nominations which may be made for poll clerks and election commissioners.

(c) Until July 1, 2032, ~~For~~ for each municipal election held at a time when there is no county or state election:

(1) The governing body of the municipality shall perform the duties of the county commission as provided in this section; and

(2) The standard receiving board may, at the discretion of the official charged with the administration of election, consist of as few as four persons, including one team of poll clerks and one team of election commissioners for the ballot box.

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

(a) General elections shall be held in the several election precincts of the state on the Tuesday next after the first Monday in November of each even year. Primary and special elections shall be held on the days provided by law therefor: *Provided*, That ~~beginning July 1, 2022~~ all local municipal elections ~~may~~ shall be held concurrently with a regularly scheduled statewide primary or general election. In exercising this ~~right~~ obligation, a municipality ~~may~~ shall negotiate an agreement with the county commission to establish the election date, election officials, registration

books to be used, and other matters pertaining to changing the municipal election to be held on the same day as a regularly scheduled statewide primary or general election: *Provided, however,* That a municipality which enters into an agreement with a county commission to hold elections at the same time as a regularly scheduled statewide primary or general election day pursuant to §8-5-5 of this code shall share in the administrative costs of holding the election, ~~but which costs~~ shall not exceed the municipality's pro rata share of voters registered in the municipality compared with the total voters registered in the county: *Provided further,* That the municipality shall also comply with the requirements of §8-5-5 of this code regarding an agreement with the county regarding use of county election officials in municipal elections.

(b) At every primary, general, or special election the polls shall be opened in each precinct on the day of the election at 6:30 in the morning and be closed at 7:30 in the evening.

CHAPTER 8. MUNICIPAL CORPORATIONS.

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

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

(a) After the first election of officers of a city, town, or village, the regular election of officers shall be held on the ~~second Tuesday in June of the appropriate year, unless otherwise provided in the charter of the city or the special legislative charters of the towns or villages.~~ same day and in the same manner as prescribed by §3-1-31 of this code.

(b) ~~A municipal election date established by a charter provision may fall on the same day as a regularly scheduled statewide primary or general election only when the voting precinct boundaries in the municipality coincide with the voting precinct boundaries established by the county commission or when the charter provides for separate registration books. If a municipal~~

9 ~~election falls on the same day as a regularly scheduled statewide primary or general election, the~~
10 ~~municipality and county may agree to use the county election officials in the municipal elections,~~
11 ~~if practicable, or the municipality may provide for separate election officials. Any city, town, or~~
12 ~~village whose charter requires elections to be held on a day and in a manner that conflicts with~~
13 ~~§3-1-31 of this code shall amend said charter to make the requirements set forth in §3-1-31 of~~
14 ~~this code effective by July 1, 2032.~~

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

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

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

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

35 ~~(g) (f)~~ ~~Beginning on~~ By July 1, 2022 2032, any municipality that has not previously adopted
36 a municipal charter ~~may~~ shall pass an ordinance that establishes a new municipal election day
37 upon agreement with its county commission to hold any local elections, including the regular
38 election of local officers, municipal bond elections, and municipal levy elections, on the same day
39 as a regularly scheduled statewide primary or general election. ~~The municipality shall publish~~
40 ~~notice of the public meeting during which the proposed ordinance shall be considered by the~~
41 ~~municipal governing body via Class II-O legal advertisement in a publication area sufficient to~~
42 ~~reach a majority of the municipal residents, which notice shall include the public meeting date,~~
43 ~~time, and location, any proposed extension or reduction of terms of office pursuant to paragraph~~
44 ~~(f) of this section, and the proposed election day change.~~

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

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