

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 50

By Senators Taylor, Deeds, Oliverio, Willis, Hamilton,
and Rucker

[Passed April 12, 2025; in effect from passage]

1 AN ACT 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*, 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 16 or 17 years of age who meets the requirements of subdivisions §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 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 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 all local municipal elections shall be held concurrently with a regularly scheduled statewide primary or general election. In exercising this obligation, a municipality 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

8 statewide primary or general election: *Provided, however,* That a municipality which enters into an
9 agreement with a county commission to hold elections at the same time as a regularly scheduled
10 statewide primary or general election day pursuant to §8-5-5 of this code shall share in the
11 administrative costs of holding the election, which shall not exceed the municipality's pro rata
12 share of voters registered in the municipality compared with the total voters registered in the
13 county: *Provided further,* That the municipality shall also comply with the requirements of §8-5-5 of
14 this code regarding an agreement with the county regarding use of county election officials in
15 municipal elections.

16 (b) At every primary, general, or special election the polls shall be opened in each precinct
17 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.

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 same day and in the same manner as prescribed by §3-1-31 of this code.

3 (b) Any city, town, or village whose charter requires elections to be held on a day and in a
4 manner that conflicts with §3-1-31 of this code shall amend said charter to make the requirements
5 set forth in §3-1-31 of this code effective by July 1, 2032.

6 (c) Any municipality which establishes its election date by charter provision shall comply
7 with the provisions of this section.

8 (d) Officers of a city may be elected for a four-year term at the same election at which a
9 proposed charter, proposed charter revision, or charter amendment providing for four-year terms

10 is voted upon. The ballots or ballot labels used for the election of officers shall indicate that the
11 officers shall be elected for four-year terms if the proposed charter, revision, or amendment is
12 approved. Officers of a town or village may be elected for a four-year term upon approval by a
13 majority of the legal votes cast at a regular municipal election of a proposition calling for four-year
14 terms. The ballots or ballot labels used for the election of officers shall indicate that the officers
15 shall be elected for four-year terms if the proposition is approved.

16 (e) Municipalities may stagger and/or change the terms of elected municipal officers. Prior
17 to any changes being made to the terms of elected municipal officers, the procedure to stagger
18 and/or change the terms shall be set by ordinance and shall be approved by a majority of the
19 voters.

20 (f) By July 1, 2032, any municipality that has not previously adopted a municipal charter
21 shall pass an ordinance that establishes a new municipal election day upon agreement with its
22 county commission to hold any local elections, including the regular election of local officers,
23 municipal bond elections, and municipal levy elections, on the same day as a regularly scheduled
24 statewide primary or general election.

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

32 (h) Municipalities are required to share in the administrative costs of holding elections with
33 county commissions, but those costs shall not exceed the municipality's pro rata share of voters
34 registered in the municipality compared with the total voters registered in the county.

The Clerk of the Senate and the Clerk of the House of Delegates hereby
certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect from passage.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2025.

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Governor