

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 5622

By Delegate Chiarelli

[Originating in the Committee on Government

Organization; Reported on February 26, 2026]

1 A BILL to amend and reenact §8-4-8 and §8-5-5 of the Code of West Virginia, 1931, as amended,
2 relating to city charters; transferring the state repository for city charters; and allowing
3 charter amendment or superseding of provisions, ordinances, or other local enactment
4 governing municipal election days and transitional term lengths of offices.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 4. FRAMING AND ADOPTING A CHARTER OTHER THAN IMMEDIATELY
FOLLOWING INCORPORATION; REVISING OR AMENDING A CHARTER;
ELECTIONS AND EXPENSES.**

§8-4-8. Same — An alternate plan.

1 Whenever the governing body of any city shall deem it expedient to amend the charter of
2 any such city (whether such charter be a special legislative charter or a charter framed and
3 adopted or revised as a whole under the provisions of former §8A-1-1 *et seq.*, of this code, under
4 §8-3-1 *et seq.*, of this code, or §8-4-1 of this code, as the case may be), it shall, by ordinance, set
5 out in its proper record book the proposed amendment or amendments in full. The governing body
6 shall set a date, time, and place for a public hearing thereon, which date shall be not less than 30
7 days after the date of the first publication hereinafter required. The governing body shall cause the
8 proposed amendment or amendments, together with a notice of the date, time and place fixed for
9 the hearing thereon, to be published as a Class II-0 legal advertisement in compliance with the
10 provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be the
11 city. The notice shall state that the proposed amendment or amendments shall be considered on
12 the date and at the time and place fixed by the governing body and that any qualified voter or any
13 freeholder of the city may appear and file objections, in writing, and also that if no objections are
14 filed the said amendment or amendments shall become operative on and after a date fixed in the
15 notice, which date shall be not less than 10 days after the date of the hearing. If no objections are
16 filed, or if objections are filed and are withdrawn at the time of the hearing, or within 10 days

thereafter, or if the proposed amendment or amendments are made solely to implement conformity with §8-5-5 and §3-1-31, the governing body shall, by ordinance, adopt the amendment or amendments as an amendment or amendments to the charter, and cause a copy of the amendment or amendments, ordinance, and transcript of the proceedings to be certified to the ~~Clerk of the House of Delegates~~West Virginia Secretary of State, ~~as keeper of the rolls,~~ and to be recorded in the office of the clerk of the county commission. The same shall be preserved by such ~~Clerk of the House of Delegates~~the West Virginia Secretary of State as an authentic public record. The amendment or amendments shall take effect on the effective date specified in the notice as aforesaid. After the effective date, all courts shall take judicial notice of such amendment or amendments.

If, on the date and at the time and place set for the hearing, objections to the amendment or amendments are filed and are not withdrawn then or within 10 days thereafter, the governing body may abandon the proposed amendment or amendments to which objections have been filed, or it may submit the proposed amendment or amendments, either as a unit or separately, at the next regular municipal election, or at a special municipal election if such governing body by the affirmative vote of two-thirds of its members shall determine and specify that a special municipal election is necessary and if the date of such regular municipal election shall be more than six months from such date, for ratification or rejection. Notice of any election at which the proposed amendment or amendments shall be voted upon shall state the date and hours thereof and shall set out the proposed amendment or amendments at length or state that copies may be obtained by any qualified voter or any freeholder of the city from a designated person at a stated place, upon request. The governing body shall cause such notice to be published as a Class II-0 legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be the city. The amendment or amendments approved, or such of them as may be approved, by a majority of the legal votes cast at the election thereon shall take effect on the date that the declaration of the results showing approval by the voters has been made

by the governing body and entered in the minutes of the governing body. One copy of the amendment or amendments, together with a certified copy of the declaration of results attached thereto, shall be certified forthwith by the recorder of the city to the ~~Clerk of the House of Delegates~~West Virginia Secretary of State, as keeper of the rolls, and another to the clerk of the county commission for recording in the office of such clerk of the county commission. The same shall be preserved by said ~~Clerk of the House of Delegates~~West Virginia Secretary of State as an authentic public record. After the effective date of an amendment or amendments so filed, all courts shall take judicial notice of such amendment or amendments. If a majority of the legal votes cast at the election thereon be against any proposed amendment, the same shall not be proposed again under the provisions of this section for at least one year.

The method of charter amendment provided for in this section is not in lieu of but is in addition to the other methods prescribed in this chapter

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

(b) Any city, town, or village whose charter requires elections to be held on a day and in a manner that conflicts with §3-1-31 of this code shall amend said charter or otherwise revise its governing election provisions to make the requirements set forth in §3-1-31 of this code effective by July 1, 2032. Any amendment or revision authorized by this subsection may be accomplished pursuant to subsection (e) of this section.

8 ~~(c) Any municipality which establishes its election date by charter provision shall comply~~
9 ~~with the provisions of this section. Notwithstanding any other provision of this code, including any~~
10 ~~charter-amendment formalities otherwise applicable under this chapter, a municipality may, for the~~
11 ~~limited purpose of achieving conformity with §3-1-31 and this section, amend or supersede any~~
12 ~~charter provision, ordinance, or other local enactment governing (i) the municipal election day and~~
13 ~~(ii) any transitional term lengths necessary to implement the change in election day, by ordinance~~
14 ~~adopted under subsection (e) of this section.~~

15 (d) Officers of a city may be elected for a four-year term at the same election at which a
16 proposed charter, proposed charter revision, or charter amendment providing for four-year terms
17 is voted upon. The ballots or ballot labels used for the election of officers shall indicate that the
18 officers shall be elected for four-year terms if the proposed charter, revision, or amendment is
19 approved. Officers of a town or village may be elected for a four-year term upon approval by a
20 majority of the legal votes cast at a regular municipal election of a proposition calling for four-year
21 terms. The ballots or ballot labels used for the election of officers shall indicate that the officers
22 shall be elected for four-year terms if the proposition is approved.

23 ~~(e) Municipalities may stagger and/or change the terms of elected municipal officers. Prior~~
24 ~~to any changes being made to the terms of elected municipal officers, the procedure to stagger~~
25 ~~and/or change the terms shall be set by ordinance and shall be approved by a majority of the~~
26 ~~voters. adopted by the governing body. An ordinance adopted under this subsection may also~~
27 ~~establish a municipal election day that conforms to §3-1-31 of this code. Any term-length change~~
28 ~~authorized by this subsection is limited to a one-time transitional adjustment made solely to~~
29 ~~implement the change in municipal election day required by §3-1-31 of this code, and thereafter~~
30 ~~the municipality shall return to its regular term structure as otherwise provided by law or local~~
31 ~~enactment. No ordinance adopted under this subsection may operate to extend the term of any~~
32 ~~incumbent elected municipal officer beyond the term for which the officer was elected. An~~
33 ~~ordinance adopted under this subsection may provide for the reduction of term lengths, including~~

~~current terms, to the extent necessary to achieve conformity with §3-1-31 of this code. Notwithstanding §6B-2-5(j) of this code, participation by an incumbent elected municipal officer in the adoption of an ordinance under this subsection that reduces the length of the incumbent's current term solely to achieve conformity with §3-1-31 of this code shall not be deemed a financial interest and shall not require recusal, abstention, or disclosure under the West Virginia Governmental Ethics Act~~

(e) Municipalities may stagger and/or change the terms of elected municipal officers. Prior to any changes being made to the terms of elected municipal officers, the procedure to stagger and/or change the terms shall be set by ordinance and shall be approved by a majority of the voters: *Provided*, That to implement conformity with subsections (a) and (b) of this section and §3-1-31, a municipality may, by ordinance adopted by the governing body, provide for the staggering and/or changing of the terms of elected municipal officers without separate submission to the voters: *Provided, however*, That any term-length change for purposes of such conformity is limited to a one-time transitional adjustment, after which the municipality shall return to its regular term structure as otherwise provided by law or local enactment. No ordinance adopted under this subsection may operate to extend the current term of any incumbent elected municipal officer beyond the term for which the officer was elected.

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

(f) The ordinance adopted pursuant to subsection (e) of this section for conformity with subsections (a) and (b) of this section and §3-1-31 may provide for a one-time transitional shortened or lengthened term for the next term of office commencing after the next election to which the ordinance applies, solely for the purpose of aligning the terms to coincide with the same

60 date as a regularly scheduled statewide primary or general election day. Any transitional term
61 established under this subsection shall apply only to that next term, after which the regular term
62 length shall again apply.

63 An ordinance adopted under this subsection shall be read by title at not fewer than two
64 meetings of the governing body, with at least one week intervening between the meetings. The
65 ordinance shall state that it is a conformity ordinance adopted pursuant to this section for the
66 limited purpose of implementing subsection (b) of this section and §3-1-31.

67 No additional procedural requirement otherwise applicable to municipal ordinances or
68 charter amendments applies as a condition of adoption or effectiveness of an ordinance under this
69 subsection, including the charter amendment provisions of this chapter (Chapter 8, Article 4) and
70 the general ordinance enactment procedures of this chapter (Chapter 8, Article 11); and no
71 municipal charter provision or local enactment imposing additional procedural requirements shall
72 apply. No submission to the voters, referendum, petition, or charter-amendment election is
73 required for such ordinance to be effective: *Provided*, That any transitional term established under
74 this subsection shall not exceed the regular term by more than 18 months.

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

82 ~~(h)-(g)~~ Municipalities are required to share in the administrative costs of holding elections
83 with county commissions, but those costs shall not exceed the municipality's pro rata share of
84 voters registered in the municipality compared with the total voters registered in the county.