

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 1021

By Senator Taylor

[Introduced February 20, 2026; referred
to the Committee on the Judiciary]

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 generally to municipal elections; and creating a limited purpose ordinance
 3 procedure.

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 16 filed, or if objections are filed and are withdrawn at the time of the hearing, or within 10 days
 17 thereafter, or if the proposed amendment or amendments are made solely to implement

18 conformity with §8-5-5 and §3-1-31 of this code, the governing body shall, by ordinance, adopt the
19 amendment or amendments as an amendment or amendments to the charter, and cause a copy of
20 the amendment or amendments, ordinance, and transcript of the proceedings to be certified to the
21 Clerk of the House of Delegates, as keeper of the rolls, and to be recorded in the office of the clerk
22 of the county commission. The same shall be preserved by such Clerk of the House of Delegates
23 as an authentic public record. The amendment or amendments shall take effect on the effective
24 date specified in the notice as aforesaid. After the effective date, all courts shall take judicial notice
25 of such amendment or amendments.

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27 amendments are filed and are not withdrawn then or within 10 days thereafter, the governing body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

44 thereto, shall be certified forthwith by the recorder of the city to the Clerk of the House of
 45 Delegates, as keeper of the rolls, and another to the clerk of the county commission for recording
 46 in the office of such clerk of the county commission. The same shall be preserved by said Clerk of
 47 the House of Delegates as an authentic public record. After the effective date of an amendment or
 48 amendments so filed, all courts shall take judicial notice of such amendment or amendments. If a
 49 majority of the legal votes cast at the election thereon be against any proposed amendment, the
 50 same shall not be proposed again under the provisions of this section for at least one year.

51 The method of charter amendment provided for in this section is not in lieu of but is in
 52 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.

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 or otherwise revise its
 5 governing election provisions to make the requirements set forth in §3-1-31 of this code effective
 6 by July 1, 2032. Any amendment or revision authorized by this subsection may be accomplished
 7 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 of this code and this section, amend or

12 supersede any charter provision, ordinance, or other local enactment governing (i) the municipal
13 election day and (ii) any transitional term lengths necessary to implement the change in election
14 day, by ordinance 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.~~

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

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

43 (f) The ordinance adopted pursuant to subsection (e) of this section for conformity with
44 subsections (a) and (b) of this section and §3-1-31 of this code may provide for a one-time
45 transitional shortened or lengthened term for the next term of office commencing after the next
46 election to which the ordinance applies, solely for the purpose of aligning the terms to coincide with
47 the same date as a regularly scheduled statewide primary or general election day. Any transitional
48 term established under this subsection shall apply only to that next term, after which the regular
49 term length shall again apply.

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

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

62 ~~(g) The ordinance proposed pursuant to paragraph (f) of this section may call for an~~
63 ~~extension or reduction of the terms of office for the purpose of aligning the terms to coincide with~~

64 ~~the same date as a regularly scheduled statewide primary or general election day, which question~~
65 ~~shall be resolved by majority vote of the participating voters in the county: *Provided*, That the~~
66 ~~governing body shall not propose an extension of the terms of those offices by more than 18~~
67 ~~months: *Provided, however*, That nothing in this section modifies a municipality's authority to~~
68 ~~reduce current elected officials' terms of office in any other manner provided by law.~~

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

NOTE: The purpose of this bill relates generally to municipal elections, and creates a limited-purpose ordinance procedure.

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