

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **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16 filed, or if objections are filed and are withdrawn at the time of the hearing, or within 10 days

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

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28 amendments are filed and are not withdrawn then or within 10 days thereafter, the governing body  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

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

53 The method of charter amendment provided for in this section is not in lieu of but is in  
54 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 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~~  
34 ~~current terms, to the extent necessary to achieve conformity with §3-1-31 of this code.~~

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

40 (e) Municipalities may stagger and/or change the terms of elected municipal officers. Prior  
41 to any changes being made to the terms of elected municipal officers, the procedure to stagger  
42 and/or change the terms shall be set by ordinance and shall be approved by a majority of the  
43 voters: *Provided*, That to implement conformity with subsections (a) and (b) of this section and §3-  
44 1-31, a municipality may, by ordinance adopted by the governing body, provide for the staggering  
45 and/or changing of the terms of elected municipal officers without separate submission to the  
46 voters: *Provided, however*, That any term-length change for purposes of such conformity is limited  
47 to a one-time transitional adjustment, after which the municipality shall return to its regular term  
48 structure as otherwise provided by law or local enactment. No ordinance adopted under this  
49 subsection may operate to extend the current term of any incumbent elected municipal officer  
50 beyond the term for which the officer was elected.

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

56 (f) The ordinance adopted pursuant to subsection (e) of this section for conformity with  
57 subsections (a) and (b) of this section and §3-1-31 may provide for a one-time transitional  
58 shortened or lengthened term for the next term of office commencing after the next election to  
59 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.

NOTE: The purpose of this bill is to modify city charters.

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