

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

**House Bill 4080**

**FISCAL  
NOTE**

By Delegates Willis, Chiarelli, Stephens, Phillips,

Hornby, Holstein, Hite, Martin, and Funkhouser

[Introduced January 14, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §8-5-5 and §8-5-6 of the Code of West Virginia, 1931, as amended,  
2 relating to making mayor or city council elections to be partisan and preventing mayors  
3 from being appointed except when filling a vacancy.

*Be it enacted by the Legislature of West Virginia:*

**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) By July 1, 2032, municipal elections for city council members and mayor shall be  
33 conducted as partisan elections. Mayors shall not be decoded by appointment or in any other  
34 manner besides popular vote, except as permitted by §3-10-1 et seq. of this code. Any city, town,  
35 or village whose charter conflict with this subsection shall amend said charter to make these  
36 requirements effective by July 1, 2032.

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

PART III. CHARTER PROVISIONS PERTAINING TO  
ELECTION OF OFFICERS.

**§8-5-6. Charter provisions concerning officers and elections, etc.; provisions of general law concerning same.**

1       (a) The charter of every city framed and adopted or revised as a whole under the  
2 provisions of article three or article four of this chapter, as the case may be, shall provide a method  
3 and time for the filing of certificates of candidacy, nominating candidates, conducting primary and  
4 regular municipal elections, and determining and certifying the results of such elections. Except as  
5 otherwise provided in the charter of any municipality, the provisions of general law with respect to  
6 the method and time for the filing of certificates of candidacy, nominating candidates, conducting  
7 primary and regular municipal elections, and determining and certifying the results of such  
8 elections, so far as applicable, shall apply to municipal elections: *Provided*, That the provisions of  
9 section thirteen of this article shall be construed as mandatory.

10       (b) Starting July 1, 2032, all elections for city council members and mayor shall be partisan  
11 elections. Any city, town, or village whose charter conflicts with this section shall amend said  
12 charter to make the requirements set forth in §3-1-31 of this code effective by July 1, 2032.

NOTE: The purpose of this bill is to require mayor and city council elections to be partisan.

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