

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.