
WEST VIRGINIA CODE CHAPTER 60
ARTICLE 5

WV Legislature

§60-5-1. Election in county, magisterial district, or municipality.

A county or any municipality may in an election held especially for the purpose, determine whether the sale of alcoholic liquors for beverage purposes shall be permitted within that county or municipality.

A local option election shall be held at the same time as the next regularly scheduled primary or general election.

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§60-5-2. Election called on petition of five percent of qualified voters.

The county commission, or the governing body of the municipality, shall call a special local option election upon the filing of a petition signed by not less than five percent of the qualified voters within the county or municipality.

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§60-5-3. Form of petition.

The petition shall be in the following form:

Petition for Local Option Election

We, the undersigned legally qualified voters, resident within the county (municipality) of _____, do hereby petition that a special election be held within the county (city, town) of _____ on the at the date of the next regularly scheduled primary or general election upon the following question:

Shall the sale of alcoholic beverages under the West Virginia Alcohol Beverage Control Commissioner be (permitted) (prohibited) in _____?

Name Address Date

(Post office or street and number)

§60-5-4. Notice of election; when held; election officers.

The county commission or governing body of the municipality shall give notice of the special local option election by publication thereof 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 area in which the election is to be held. Such notice shall be so published within 14 consecutive days next preceding the election. The election shall be held at the same time as the next regularly scheduled primary or general election. The regular election officers of the county or municipal corporation shall open the polls and conduct the election in the same manner provided for general elections.

§60-5-5. Form of ballot.

On the ballot shall be printed the following:

Shall the sale of alcoholic liquors for off-premises consumption under the West Virginia Alcohol Beverage Control Commissioner be permitted in _____?

Yes.

No.

(Place a cross mark in the square opposite your choice.)

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§60-5-6. How election conducted and results certified.

The ballots shall be counted, returns made and canvassed as in general elections, and the results certified by the commissioners of election to the county commission of the county, or the governing body of the municipality. The county commission or governing body shall without delay certify the result of the election to the commissioner.

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§60-5-7. Discontinuance of state stores and agencies in local option territory.

Within 30 days after a local option election in which a majority has voted No, the commissioner shall order the closing of all stores selling alcoholic liquor for off-premises consumption within the county, or municipality.

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§60-5-8. When another election may be held.

When a local option election has been held in a county, or municipality, another such election may not be held for a period of two years.

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§60-5-9. Allowing state-wide off premises of alcoholic liquors; exceptions; procedures.

(a) Effective July 1, 2020, the sale of alcoholic liquors for off-premises consumption is authorized in all counties and municipalities of the state.

(b) Notwithstanding the provisions of subsection (a) of this section, a county or municipality which prior to January 1, 2020, prohibited the sale of alcoholic liquors for off-premises consumption may, pursuant to this subsection, hold a local option election to maintain the prohibition against the sale of alcoholic liquors for off-premises consumption without the petition required by the provisions of §60-5-2 of this code, if it enters an order to hold a local option election on the issue on or before July 1, 2020, in which event the election shall be held concurrent with the 2020 general election. The county commission or municipality may require the state to reimburse it for the actual cost of conducting the local option election authorized by this subsection: *Provided*, That, as an alternative to the local option election authorized by this subsection, the county commission or governing body of a municipality which prior to January 1, 2020, had prohibited the sale of alcoholic liquors for off-premises consumption may vote to maintain the prohibition and provide certification of the result of the vote to the commissioner on or before July 1, 2020.

(c) A county or municipality which prohibits the sale of alcoholic liquors for off-premises consumption pursuant to subsection (b) of this section may later reconsider its action using the procedures set forth in §60-5-1 *et seq.* of this code.