WEST VIRGINIA CODE: §8-5-5

§8-5-5. Regular election of officers; establishment of longer terms.

(a) After the first election of officers of a city, town, or village, the regular election of officers shall be held on the same day and in the same manner as prescribed by §3-1-31 of this code.

(b) Any city, town, or village whose charter requires elections to be held on a day and in a manner that conflicts with §3-1-31 of this code shall amend said charter or otherwise revise its governing election provisions to make the requirements set forth in §3-1-31 of this code effective by July 1, 2032. Any amendment or revision authorized by this subsection may be accomplished pursuant to subsection (e) of this section.

(c) Notwithstanding any other provision of this code, including any charter-amendment formalities otherwise applicable under this chapter, a municipality may, for the limited purpose of achieving conformity with §3-1-31 and this section, amend or supersede any charter provision, ordinance, or other local enactment governing (i) the municipal election day and (ii) any transitional term lengths necessary to implement the change in election day, by ordinance adopted under subsection (e) of this section.

(d) Officers of a city may be elected for a four-year term at the same election at which a proposed charter, proposed charter revision, or charter amendment providing for four-year terms is voted upon. The ballots or ballot labels used for the election of officers shall indicate that the officers shall be elected for four-year terms if the proposed charter, revision, or amendment is approved. Officers of a town or village may be elected for a four-year term upon approval by a majority of the legal votes cast at a regular municipal election of a proposition calling for four-year terms. The ballots or ballot labels used for the election of officers shall indicate that the officers shall be elected for four-year terms if the proposition is approved.

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

(f) The ordinance adopted pursuant to subsection (e) of this section for conformity with

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

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

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

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

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