WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

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ENROLLED

Com. Sub. for
HOUSE BILL No. 923

(By Mr. Tompkins) and Mr. Decriest)

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Passed April 6, 1981

In Effect Ninety Days From Passage
AN ACT to amend and reenact sections five and fourteen, article five, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the time of holding municipal elections in the year one thousand nine hundred eighty-one and thereafter; providing that certain municipal elections may be held at the same time as state elections; and providing for certain conditions applicable to such elections.

Be it enacted by the Legislature of West Virginia:

That sections five and fourteen, article five, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 5. ELECTION, APPOINTMENT, QUALIFICATION AND COMPENSATION OF OFFICERS; GENERAL PROVISIONS RELATING TO OFFICERS AND EMPLOYERS; ELECTIONS AND PETITIONS GENERALLY; CONFLICT OF INTEREST.

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

1 After the first election of officers of a city, town or village, the regular election of officers thereof shall be held on the first Tuesday in May of the appropriate year, unless other-
wise provided in the charter of said city or the special legisla-
tive charters of said towns or villages, as the case may be:
Provided, That no such municipal election, whether the same
be constituted a primary or general election may be held on
the same day as the county-state primary election unless the
voting precinct boundaries in such city, town or village coin-
cide with the voting precinct boundaries established by the
county commission and there are separate election officials pro-
vided for conducting the municipal election. In the event that
the charter of a city or the special legislative charter of a town
or village provides for its municipal election to be held on the
same day as the county-state primary election, and the voting
precinct boundaries established by the city, town or village do
not coincide with the voting precinct boundaries established by
the county commission, then, beginning in the year one thou-
sand nine hundred eighty-one, such charter provision, in the
case of a city, or such special legislative charter provision, in the
case of a town or village, shall be null and void and such muni-
cipal election shall be held on the first Tuesday in May: Pro-
vided, however, That where such charter provision provides for
separate registration books and separate election officials for
municipal elections, a city, town or village may conduct its
municipal election on the same day as the county-state primary
election notwithstanding that its voting precinct boundaries do
not coincide with the voting precinct boundaries established by
the county commission. The language of this section shall not
be construed to prevent any city, town or village from amending
the provisions of its charter or special legislative charter, as the
case may be, to provide that its municipal election be held on
some day other than the first Tuesday in May: Provided fur-
ther, That said amendment is not in conflict with the provisions
of this section. Officers of a city may be elected for a four-year
term at the same election at which a proposed charter, proposed
charter revision as a whole or charter amendment, as the case
may be, providing for four-year terms is voted upon and ap-
proved by a majority of the legal votes cast, but the ballots, or
ballot labels where voting machines are used, for the election of
officers must bear information to the effect that the officers are
being elected for four-year terms in the event the proposed
charter, the proposed charter revision as a whole or charter
amendment, as the case may be, is approved as aforesaid:

And provided further, That officers of a town or village may
be elected for a four-year term upon submission to the qualified
voters of the town or village at a regular municipal election of a
proposition calling for four-year terms and approval of such
proposition by a majority of the legal votes cast with respect
thereto. Officers of a town or village may be elected for
a four-year term at the same election at which the proposition
calling for four-year terms is voted upon and approved by a
majority of the legal votes cast, but the ballots, or ballot
labels where voting machines are used, for the election of
officers must bear information to the effect that the officers
are being elected for four-year terms in the event the proposi-
tion is approved as aforesaid.

§8-5-14. Municipal executive committees; expenses of municipal
primary and regular municipal elections; applicability
of state primary and general election law to municipal
primary and regular municipal elections; when munici-
apal primary elections to be held.

Except as otherwise provided by charter provision or
ordinance or this code, municipal executive committees shall
exercise similar functions and be governed by the same laws
in regard to municipal primary elections and regular municipal
elections as county executive committees in regard to county-
state primary and general elections, so far as the same may be
applicable. All expenses of conducting municipal primary
elections and regular municipal elections shall be paid by
the municipality. The provisions of chapter three of this
code, referring more particularly to primary elections and
general elections, shall, so far as the same can be applied
and so far as not otherwise provided by charter provision or
ordinance, govern the conduct of municipal primary elections
and regular municipal elections, as the case may be. No
municipal primary election shall be held on the day of the
county-state primary election except as provided in section
five of this article nor less than twenty-five days immediately
preceding the regular municipal election, unless a shorter
period of time is established by charter or ordinance.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within _______ in _____ this the ______ day of ________, 1981.

[Signature]
Governor

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