

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-29-81

Time _____

No: 923

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 923

(By Mr. Tompkins + Mr. Seavist)

— ● —

Passed April 6, 1981

In Effect Ninety Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 923
(By MR. TOMPKINS and MR. SEACRIST)

[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 PROVI-
SIONS RELATING TO OFFICERS AND EMPLOYERS;
ELECTIONS AND PETITIONS GENERALLY; CON-
FLICT 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,
2 the regular election of officers thereof shall be held on the
3 first Tuesday in May of the appropriate year, unless other-

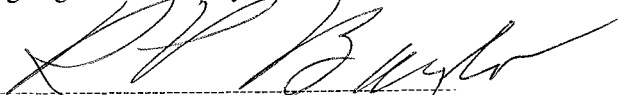
4 wise provided in the charter of said city or the special legisla-
5 tive charters of said towns or villages, as the case may be:
6 *Provided*, That no such municipal election, whether the same
7 be constituted a primary or general election may be held on
8 the same day as the county-state primary election unless the
9 voting precinct boundaries in such city, town or village coin-
10 cide with the voting precinct boundaries established by the
11 county commission and there are separate election officials pro-
12 vided for conducting the municipal election. In the event that
13 the charter of a city or the special legislative charter of a town
14 or village provides for its municipal election to be held on the
15 same day as the county-state primary election, and the voting
16 precinct boundaries established by the city, town or village do
17 not coincide with the voting precinct boundaries established by
18 the county commission, then, beginning in the year one thou-
19 sand nine hundred eighty-one, such charter provision, in the
20 case of a city, or such special legislative charter provision, in the
21 case of a town or village, shall be null and void and such muni-
22 cipal election shall be held on the first Tuesday in May: *Pro-*
23 *vided, however*, That where such charter provision provides for
24 separate registration books and separate election officials for
25 municipal elections, a city, town or village may conduct its
26 municipal election on the same day as the county-state primary
27 election notwithstanding that its voting precinct boundaries do
28 not coincide with the voting precinct boundaries established by
29 the county commission. The language of this section shall not
30 be construed to prevent any city, town or village from amending
31 the provisions of its charter or special legislative charter, as the
32 case may be, to provide that its municipal election be held on
33 some day other than the first Tuesday in May: *Provided fur-*
34 *ther*, That said amendment is not in conflict with the provisions
35 of this section. Officers of a city may be elected for a four-year
36 term at the same election at which a proposed charter, proposed
37 charter revision as a whole or charter amendment, as the case
38 may be, providing for four-year terms is voted upon and ap-
39 proved by a majority of the legal votes cast, but the ballots, or
40 ballot labels where voting machines are used, for the election of
41 officers must bear information to the effect that the officers are
42 being elected for four-year terms in the event the proposed
43 charter, the proposed charter revision as a whole or charter

44 amendment, as the case may be, is approved as aforesaid:
 45 *And provided further*, That officers of a town or village may
 46 be elected for a four-year term upon submission to the qualified
 47 voters of the town or village at a regular municipal election of a
 48 proposition calling for four-year terms and approval of such
 49 proposition by a majority of the legal votes cast with respect
 50 thereto. Officers of a town or village may be elected for
 51 a four-year term at the same election at which the proposition
 52 calling for four-year terms is voted upon and approved by a
 53 majority of the legal votes cast, but the ballots, or ballot
 54 labels where voting machines are used, for the election of
 55 officers must bear information to the effect that the officers
 56 are being elected for four-year terms in the event the proposi-
 57 tion is approved as aforesaid.

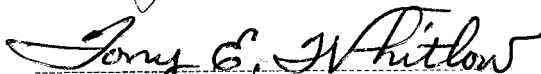
§8-5-14. Municipal executive committees; expenses of municipal primary and regular municipal elections; applicability of state primary and general election law to municipal primary and regular municipal elections; when municipal primary elections to be held.

1 Except as otherwise provided by charter provision or
 2 ordinance or this code, municipal executive committees shall
 3 exercise similar functions and be governed by the same laws
 4 in regard to municipal primary elections and regular municipal
 5 elections as county executive committees in regard to county-
 6 state primary and general elections, so far as the same may be
 7 applicable. All expenses of conducting municipal primary
 8 elections and regular municipal elections shall be paid by
 9 the municipality. The provisions of chapter three of this
 10 code, referring more particularly to primary elections and
 11 general elections, shall, so far as the same can be applied
 12 and so far as not otherwise provided by charter provision or
 13 ordinance, govern the conduct of municipal primary elections
 14 and regular municipal elections, as the case may be. No
 15 municipal primary election shall be held on the day of the
 16 county-state primary election except as provided in section
 17 five of this article nor less than twenty-five days immediately
 18 preceding the regular municipal election, unless a shorter
 19 period of time is established by charter or ordinance.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



Chairman House Committee

Originated in the House.

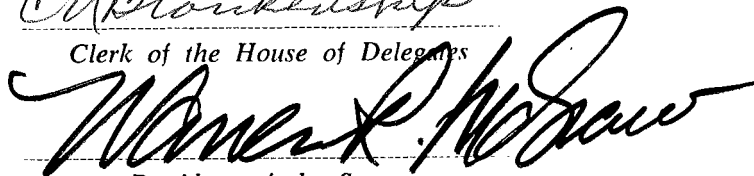
Takes effect ninety days from passage.



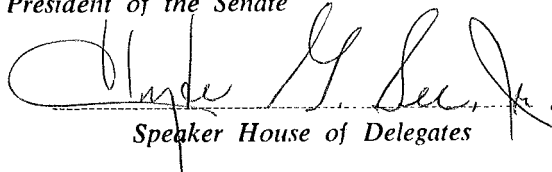
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker House of Delegates

The within in approved this the 29
day of April, 1981.



Governor

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OFFICE
SECY. OF STATE