

NO: 164



WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1986



ENROLLED

SENATE BILL NO. 164

(By Senators Lucht and Cook)



PASSED March 8. 1986

In Effect from Passage



ENROLLED
Senate Bill No. 164
(BY SENATORS LUCHT AND COOK)

[Passed March 8, 1986; in effect from passage.]

AN ACT to amend and reenact section five, article five, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to changing the election date of municipal officers to the second Tuesday in June unless otherwise provided in the charter and eliminating the requirement of separate election officials for municipal elections held on the same day as county-state primary elections.

Be it enacted by the Legislature of West Virginia:

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

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

PART II. REGULAR ELECTION OF OFFICERS.

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

1 After the first election of officers of a city, town or vil-
2 lage, the regular election of officers shall be held on the
3 second Tuesday in June of the appropriate year, unless
4 otherwise provided in the charter of the city or the special

5 legislative charters of the towns or villages, as the case
6 may be.

7 A municipal election date established by a charter
8 provision may fall on the same day as the county-state
9 primary or general election only when the voting precinct
10 boundaries in the municipality coincide with the voting
11 precinct boundaries established by the county commission
12 or when the charter provides for separate registration
13 books. If a municipal election falls on the same day as the
14 county-state primary or general election, the municipality
15 and county may agree to use the county election officials in
16 the municipal elections, if practicable, or the municipality
17 may provide for separate election officials.

18 A municipal election date established by charter
19 provision may fall within twenty-five days of a county-
20 state primary or general election only where separate
21 registration books are provided and maintained for the
22 municipal election.

23 Any municipality which establishes its election date by
24 charter provision must comply with the provisions of this
25 section or the election date shall be the second Tuesday of
26 June. The language of this section shall not be construed to
27 prevent any city, town or village from amending the pro-
28 visions of its charter or special legislative charter, as the
29 case may be, to provide that its municipal election be held
30 on some day other than the second Tuesday in June.

31 Officers of a city may be elected for a four-year term at
32 the same election at which a proposed charter, proposed
33 charter revision or charter amendment providing for four-
34 year terms is voted upon. The ballots or ballot labels used
35 for the election of officers must indicate that the officers
36 will be elected for four-year terms if the proposed charter,
37 revision or amendment is approved. Officers of a town or
38 village may be elected for a four-year term upon approval
39 by a majority of the legal votes cast at a regular municipal
40 election of a proposition calling for four-year terms. The
41 ballots or ballot labels used for the election of officers must
42 indicate that the officers will be elected for four-year terms
43 if the proposition is approved.

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

Bruce O. Williams
Chairman Senate Committee

Floyd Fulla
Chairman House Committee

Originated in the Senate.

In effect from passage.

Todd C. Mullis
Clerk of the Senate

Donald D. Kopp
Clerk of the House of Delegates

Russ Tamburini
President of the Senate

Joseph P. Allright
Speaker House of Delegates

The within approved this the 25th
day of March, 1986.

Archa Shaver Jr.
Governor



PRESENTED TO :

GOVERNOR

Date 3/20/86

Time 9:18 p.m.

RECEIVED
1968 MAR 26 PM 4:30
SECRETARY OF STATE

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86