ENROLLED

SENATE BILL NO. 692

(By Senator Hunter)

PASSED April 6, 2005

In Effect from Passage
Senate Bill No. 692

(By Senator Hunter)

[Passed April 6, 2005; in effect from passage.]

AN ACT to amend and reenact §8-5-7 of the Code of West Virginia, 1931, as amended, relating to removing an unconstitutional provision providing that a mayor, a recorder and councilmen were required for the year preceding their election to have been assessed with and paid real or personal property taxes to the municipality; and related exceptions.

Be it enacted by the Legislature of West Virginia:

That §8-5-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

§8-5-7. Certain officers; wards or election districts; residency and other requirements.

(a) Unless otherwise provided in the charter of a municipality, there shall be elected a mayor, a recorder and
councilmen, who together shall form the governing body
of the municipality.

(b) When a municipality has not been divided into wards
or election districts, there shall be at least five councilmen,
but when the municipality has been divided into wards or
election districts, the governing body may, by ordinance,
determine the number of councilmen to be elected from
each ward or election district. When it is deemed neces-
sary, the governing body may, by ordinance, increase the
number of wards or election districts and change the
boundaries thereof, such wards or election districts to be
made as nearly equal as may be, in population, and when
the municipality shall be divided into wards or election
districts, or there shall be an increase in the number of
wards or election districts as aforesaid, the governing body
may increase the number of councilmen and direct an
election to be held at the next regular municipal election
in such ward or wards or election district or districts so
that each ward or election district may have its full
number of councilmen residing therein and may have
equal representation on the governing body. When a
municipality has been divided into wards or election
districts, the governing body may, by ordinance, also
provide for the election of councilmen at large in addition
to the councilmen to be elected from each ward or election
district. The provisions of this subsection shall be applica-
able to any municipality except to the extent otherwise
provided in the charter of such municipality.

(c) Unless otherwise provided by charter provision or
ordinance, the mayor, recorder and councilmen must be
residents of the municipality and must be qualified voters
entitled to vote for members of its governing body. A city
manager in a manager form of government need only be a
resident of the city at the time of his or her appointment.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 21st Day of April, 2005.

Governor