

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 5622

BY DELEGATE CHIARELLI

[Passed March 12, 2026; in effect 90 days from
passage (June 10, 2026)]

1 AN ACT to amend and reenact §8-4-8 and §8-5-5 of the Code of West Virginia, 1931, as
2 amended, relating to city charters; transferring the state repository for city charters; and
3 allowing charter amendment or superseding of provisions, ordinances, or other local
4 enactment governing municipal election days and transitional term lengths of offices.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 4. FRAMING AND ADOPTING A CHARTER OTHER THAN IMMEDIATELY
FOLLOWING INCORPORATION; REVISING OR AMENDING A CHARTER;
ELECTIONS AND EXPENSES.**

§8-4-8. Same — An alternate plan.

1 Whenever the governing body of any city shall deem it expedient to amend the charter of
2 any such city (whether such charter be a special legislative charter or a charter framed and
3 adopted or revised as a whole under the provisions of former §8A-1-1 *et seq.* of this code, under
4 §8-3-1 *et seq.* of this code, or §8-4-1 of this code, as the case may be), it shall, by ordinance, set
5 out in its proper record book the proposed amendment or amendments in full. The governing body
6 shall set a date, time, and place for a public hearing thereon, which date shall be not less than 30
7 days after the date of the first publication hereinafter required. The governing body shall cause
8 the proposed amendment or amendments, together with a notice of the date, time and place fixed
9 for the hearing thereon, to be published as a Class II-0 legal advertisement in compliance with
10 the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall
11 be the city. The notice shall state that the proposed amendment or amendments shall be
12 considered on the date and at the time and place fixed by the governing body and that any
13 qualified voter or any freeholder of the city may appear and file objections, in writing, and also
14 that if no objections are filed the said amendment or amendments shall become operative on and
15 after a date fixed in the notice, which date shall be not less than 10 days after the date of the
16 hearing. If no objections are filed, or if objections are filed and are withdrawn at the time of the

17 hearing, or within 10 days thereafter, or if the proposed amendment or amendments are made
18 solely to implement conformity with §8-5-5 and §3-1-31, the governing body shall, by ordinance,
19 adopt the amendment or amendments as an amendment or amendments to the charter, and
20 cause a copy of the amendment or amendments, ordinance, and transcript of the proceedings to
21 be certified to the West Virginia Secretary of State and to be recorded in the office of the clerk of
22 the county commission. The same shall be preserved by the West Virginia Secretary of State as
23 an authentic public record. The amendment or amendments shall take effect on the effective date
24 specified in the notice as aforesaid. After the effective date, all courts shall take judicial notice of
25 such amendment or amendments.

26 If, on the date and at the time and place set for the hearing, objections to the amendment
27 or amendments are filed and are not withdrawn then or within 10 days thereafter, the governing
28 body may abandon the proposed amendment or amendments to which objections have been
29 filed, or it may submit the proposed amendment or amendments, either as a unit or separately, at
30 the next regular municipal election, or at a special municipal election if such governing body by
31 the affirmative vote of two-thirds of its members shall determine and specify that a special
32 municipal election is necessary and if the date of such regular municipal election shall be more
33 than six months from such date, for ratification or rejection. Notice of any election at which the
34 proposed amendment or amendments shall be voted upon shall state the date and hours thereof
35 and shall set out the proposed amendment or amendments at length or state that copies may be
36 obtained by any qualified voter or any freeholder of the city from a designated person at a stated
37 place, upon request. The governing body shall cause such notice to be published as a Class II-0
38 legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the
39 publication area for such publication shall be the city. The amendment or amendments approved,
40 or such of them as may be approved, by a majority of the legal votes cast at the election thereon
41 shall take effect on the date that the declaration of the results showing approval by the voters has
42 been made by the governing body and entered in the minutes of the governing body. One copy

43 of the amendment or amendments, together with a certified copy of the declaration of results
44 attached thereto, shall be certified forthwith by the recorder of the city to the West Virginia
45 Secretary of State and another to the clerk of the county commission for recording in the office of
46 such clerk of the county commission. The same shall be preserved by said West Virginia
47 Secretary of State as an authentic public record. After the effective date of an amendment or
48 amendments so filed, all courts shall take judicial notice of such amendment or amendments. If a
49 majority of the legal votes cast at the election thereon be against any proposed amendment, the
50 same shall not be proposed again under the provisions of this section for at least one year.

51 The method of charter amendment provided for in this section is not in lieu of but is in
52 addition to the other methods prescribed in this chapter.

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

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

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

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

8 (c) Notwithstanding any other provision of this code, including any charter-amendment
9 formalities otherwise applicable under this chapter, a municipality may, for the limited purpose of
10 achieving conformity with §3-1-31 and this section, amend or supersede any charter provision,

11 ordinance, or other local enactment governing (i) the municipal election day and (ii) any
12 transitional term lengths necessary to implement the change in election day, by ordinance
13 adopted under subsection (e) of this section.

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

22 (e) Municipalities may stagger and/or change the terms of elected municipal officers. Prior
23 to any changes being made to the terms of elected municipal officers, the procedure to stagger
24 and/or change the terms shall be set by ordinance and shall be approved by a majority of the
25 voters: *Provided*, That to implement conformity with subsections (a) and (b) of this section and
26 §3-1-31, a municipality may, by ordinance adopted by the governing body, provide for the
27 staggering and/or changing of the terms of elected municipal officers without separate submission
28 to the voters: *Provided, however*, That any term-length change for purposes of such conformity
29 is limited to a one-time transitional adjustment, after which the municipality shall return to its
30 regular term structure as otherwise provided by law or local enactment. No ordinance adopted
31 under this subsection may operate to extend the current term of any incumbent elected municipal
32 officer beyond the term for which the officer was elected.

33 (f) The ordinance adopted pursuant to subsection (e) of this section for conformity with
34 subsections (a) and (b) of this section and §3-1-31 may provide for a one-time transitional
35 shortened or lengthened term for the next term of office commencing after the next election to
36 which the ordinance applies, solely for the purpose of aligning the terms to coincide with the same

37 date as a regularly scheduled statewide primary or general election day. Any transitional term
38 established under this subsection shall apply only to that next term, after which the regular term
39 length shall again apply.

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

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

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