



Office of the City Clerk

# The City of Morgantown

Linda L. Little, CMC  
389 Spruce Street, Room 10  
Morgantown, West Virginia 26505  
(304) 284-7439 Fax: (304) 284-7525  
[little@cityofmorgantown.org](mailto:little@cityofmorgantown.org)

**TO: Honorable Mayor Manilla & Council**

**FROM: Linda L. Little, City Clerk, CMC**

**RE: Discussion of Election and Procedural Alternatives**

**DATE: November 21, 2012**

Attached is information for Council to discuss:

- A. Discussion of proposed charter change for Election to County.
  1. Process from other cities in WV
  2. Process by charter amendment(WV State Code 8-4-8)
- B. Change 2 year terms of Council to 4 year terms.(WV State Code 8-5-5)
- C. Have odd number ward members elected two years before the even number ward representatives so that only half of the Council is up for Election every two years.

Zimbra

llittle@cityofmorgantown.org

[wvml\_list] Re: Elections

*Buckhannon***From :** Rich Clemens <rich.clemens@buckhannonwv.org>

Wed, Oct 17, 2012 07:40 PM

**Subject :** [wvml\_list] Re: Elections

📎 1 attachment

**To :** West Virginia Municipal League Listserv <wvml-listserv@wvml.org>**Reply To :** West Virginia Municipal League Listserv <wvml-listserv@wvml.org>*(Mailing list information, including how to remove yourself, is located at the end of this message.)*

All,

The City of Buckhannon combined our election with Upshur County in May 2012 with a *cash* savings of \$3,140. Actual savings would be more as office staff time typically spent during early voting and preparation for a City Election was not kept separate in the past.

In general, I would estimate our overall savings in expenses to be 50% or as much as \$5,000. We do not have wards and our precincts are in-line with the county so it became a matter of paying for the programming of additional (different) electronic and printed ballots.

In my opinion, the benefit of one community election on a holiday provided a better voter turnout and better exposure to candidates and issues than when the City ran their own elections at the higher expense.

Rich Clemens  
Recorder, City of Buckhannon

**Linda Little**

Wednesday, October 17, 2012 11:17 AM

*(Mailing list information, including how to remove yourself, is located at the end of this message.)*

How many Cities have combined their Elections with their County? And, if so how much does it cost your City or save the City in doing this? Thank you for your help in advance.:)

Linda Little, CMC  
City Clerk  
City of Morgantown  
389 Spruce St.  
Morgantown WV. 26505  
304-284-7434  
304-284-7525(fax)  
[llittle@cityofmorgantown.org](mailto:llittle@cityofmorgantown.org)

**Subscription Reminder:** You're Subscribed to: [West Virginia Municipal League Listserv](#) using the address: [llittle@cityofmorgantown.org](mailto:llittle@cityofmorgantown.org)From: [listserv@wvml.org](mailto:listserv@wvml.org)

Physical Address

**Manage Your Subscription »** or **Unsubscribe Automatically »**

Zimbra

llittle@cityofmorgantown.org

**[wvml\_list] RE: Elections***Fairmont***From :** Janet Keller <jkeller@fairmontwv.gov>

Thu, Oct 18, 2012 10:40 AM

**Subject :** [wvml\_list] RE: Elections**To :** West Virginia Municipal League Listserv <wvml-listserv@wvml.org>**Reply To :** West Virginia Municipal League Listserv <wvml-listserv@wvml.org>

(Mailing list information, including how to remove yourself, is located at the end of this message.)

The City of Fairmont has had our election with the County since 2002. The City still takes care of the candidate filing and seeing that all financial statements are turned in. The financial statements are not sent to the County. We even use the same Ballot Commissioners as the County instead of appointing our own. We have our drawing to determine the ballot position at the same time as the County. As far as the absentee ballots by mail, the voters receive a City ballot at the same time they receive their County ballot. The County takes care of mailing out all absentee ballots, therefore, they pay for all envelopes that are used along with the postage.

The City of Fairmont is billed for the printing of the paper ballots and for the publication of the sample ballot in the newspaper. After the election is over the County bills the City of Fairmont for half of their cost that they have in the City's 24 precincts. This includes the cost of the poll workers and any other expenses that the County would have for the City precincts. As the City Clerk, I assist the County in preparing all of the voting machines, assist in the poll worker training classes and help mail out the absentee ballots. As far as the savings, it is hard to tell because the County does not really bill us for everything that they should. As an estimate, it probably saves the City approximately \$20,000 for each election. Having our elections with the County is probably one of the best things that we have ever done.

Janet Keller  
City Clerk  
City of Fairmont

-----Original Message-----

From: Linda Little [mailto:llittle@cityofmorgantown.org]  
Sent: Wednesday, October 17, 2012 11:08 AM  
To: West Virginia Municipal League Listserv  
Subject: [wvml\_list] Elections

(Mailing list information, including how to remove yourself, is located at the end of this message.)

How many Cities have combined their Elections with their County? And, if so how much does it cost your City or save the City in doing this? Thank you for your help in advance.:

Linda Little, CMC  
City Clerk  
City of Morgantown  
389 Spruce St.  
Morgantown WV. 26505

Zimbra

llittle@cityofmorgantown.org

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Election

*Glen Dale*

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**From :** Jane <janelcris@aol.com>

Wed, Oct 17, 2012 11:38 AM

**Subject :** Election**To :** llittle@cityofmorgantown.org

Linda, glen dale did join with the county. Suzie did it both ways and it seems to be a lot less expensive and it is nice to not have to worry about everything since the county does it.

Sent from my iPhone

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Grafton

**ORDINANCE NO. 740**

**AN ORDINANCE AMENDING ARTICLE VII, SECTION 58 AND REPEALING ARTICLE VII, SECTION 59 OF THE GRAFTON CITY CHARTER RELATING TO CANDIDATES FOR CITY COUNCIL.**

**WHEREAS**, the City Council of the City of Grafton, West Virginia, does find it necessary, due to changes in the election laws of this State, to amend those portions of the City Charter prescribing procedures for the election of members of City Council;

**AND WHEREAS**, the Council is authorized by Chapter 8, Article 4, Section 8 of the West Virginia Code, as amended, to make enact such amendments by ordinance;

**NOW, THEREFORE**, the City Council of the City of Grafton, West Virginia, pursuant to authority granted by the laws of this State, does ordain that the Grafton City Charter be amended as follows:

**Section 1: Amendment of Article VII, Section 58:**

Section 58, Article VII of the Grafton City Charter shall be amended as follows:

**SECTION 58 -- CANDIDATES FOR CITY COUNCIL; DECLARATION OF CANDIDACY; FILING FEE**

1. Any resident of the City of Grafton who is otherwise eligible to hold elective office in this State may become a candidate for City Council by filing with the City Clerk a certificate declaring their candidacy therefor. The declaration of candidacy so filed shall be substantially in form as prescribed by the City Clerk for such purpose, shall be signed before a notary public or other officer authorized to give oaths, and shall contain the following information:

- a. the date of the election in which the candidate seeks to appear on the ballot;
- b. a statement declaring the specific ward which the candidate seeks to represent or declaring an intent to seek election at-large;
- c. the legal name of the candidate and the exact name the candidate desires to appear on the ballot;
- d. the specific residence address of the candidate at the time of filing, including number and street or rural route and box number;
- e. a statement declaring that the candidate is a resident of the City, is legally eligible to hold office, and is a candidate for the office in good faith and will serve in said office if elected.

2. Every person who desires to become a candidate for election to City Council shall, at the time of filing the declaration of candidacy heretofore required, pay to the Clerk a filing fee in the amount of Twenty-Five Dollars (\$25.00). All filing fees collected shall be deposited into the General Fund and shall be applied to defray the costs of the election.

3. A person seeking election to City Council who is unable to pay the filing fee required herein may become a candidate by filing with the aforementioned declaration of candidacy a statement declaring that they are unable to pay the filing fee due to a lack of financial resources. Such statement shall be substantially in form as prescribed by the City Clerk for such purpose and shall be signed before a notary public or other officer authorized to give oaths. The statement shall be accompanied by a petition, which shall be substantially in form as prescribed by the City Clerk for such purpose, requesting that the filing fee be waived and that the candidate set forth therein be placed upon the ballot. The petition shall contain the signatures of twenty-five qualified voters residing in the ward from which they seek election or, in the case of a candidate seeking election at-large, twenty-five qualified voters residing in the City. The petition shall further contain the specific residence of address of each signator thereto. A candidate may submit a petition containing a greater number of signatures than required, but the City Clerk shall not be required to determine the validity of a greater number of signatures than that required by this section. No qualified voter shall forfeit their opportunity to participate in any election by signing any such petition, but no voter shall be permitted to sign more than one such petition in any given election.

4. All certificates of candidacy shall be filed with the City Clerk, accompanied by the appropriate filing fee or declaration of impecuniosity and in-lieu-of-filing-fee petition, no earlier than the second Monday of January next preceding the date of the election nor later than midnight, eastern standard time, on the last Saturday in January next preceding said election. If mailed, the certificate of candidacy must be postmarked by the United States Postal Service before that hour.

The Clerk shall, within a reasonable time, examine each declaration and petition so submitted to determine the sufficiency thereof. Any declaration or petition which is found to be insufficient for any reason shall be immediately returned by said Clerk, accompanied by a statement setting forth the reason for its rejection. The deficiencies of any such declaration or petition may be corrected and such declaration or petition may be filed anew during the filing period heretofore prescribed.

**Section 2: Repeal of Article VII, Section 59.**

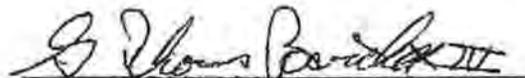
Section 59 of Article VII of the Grafton City Charter is hereby repealed.

**Section 3: Severability.**

Should any provision of this Ordinance be rendered invalid, illegal, or inoperative for any reason whatsoever by a court of competent jurisdiction, such action shall not be deemed to affect the operation or enforcement of any other provision contained herein which may be given effect without benefit the provision so rendered.

**Section 4: Effective Date; Preservation of Record.**

This Ordinance shall be in effect from the date of adoption. The Clerk is directed, upon adoption of this Ordinance, to cause a copy of these amendments, this Ordinance and a transcript of the related proceedings to be certified to the Clerk of the House of Delegates, as keeper of the rolls, for preservation as an authentic public record. It is further directed that such be recorded in the office of the Clerk of the County Court of Taylor County, West Virginia.

  
G. Thomas Bartlett III,  
Mayor

ATTEST:

  
Larry M. Richman,  
City Clerk

First Reading:	<u>November 15, 2005</u>
First Publication:	<u>November 18, 2005</u>
Second Publication:	<u>November 25, 2005</u>
Second Reading:	<u>December 6, 2005</u>
Public Hearing:	<u>December 6, 2005</u>
Adoption:	<u>December 6, 2005</u>

<i>This instrument prepared by</i> <b>Lloyd W. Spring III, Attorney at Law</b> <b>WVSB ID# 5181</b> <b>1201 West Main Street</b> <b>Grafton, West Virginia 26354-1033</b>
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**City of Grafton  
City Council Meeting  
December 6, 2005**

**10. Unfinished Business**

**C. Public Hearing Ordinance No. 740  
Amending City Charter Relating to  
Candidates for City Council**

**Mountain Statesman, Friday, November 18, 2005**

**LEGALS**

ORDINANCE NO. 740

AN ORDINANCE AMENDING  
ARTICLE VII, SECTION 58  
AND REPEALING ARTICLE VII,  
SECTION 59 OF THE  
GRAFTON CITY CHARTER  
RELATING TO CANDIDATES  
FOR CITY COUNCIL.

Grafton City Council will conduct the  
second reading and public hearing  
on Ordinance No. 740 at the regular  
council meeting, on Tuesday,  
December 6, 2005, at 8:30 p.m. in  
the Lecture Room, First Floor, The  
International Mother's Day Shrine,  
11 East Main Street, Grafton, WV  
26354.

Larry M. Richman  
City Clerk

Legal 9837  
11/18, 11/25

**Mountain Statesman, Friday, November 25, 2005**

**LEGAL**

ORDINANCE NO. 740

AN ORDINANCE AMENDING  
ARTICLE VII, SECTION 58  
AND REPEALING ARTICLE VII,  
SECTION 59 OF THE  
GRAFTON CITY CHARTER  
RELATING TO CANDIDATES  
FOR CITY COUNCIL.

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Larry M. Richman  
City Clerk

Legal 9837  
11/18, 11/25

*Huntington*

if he or she deems it desirable and shall revise them in accord with any supplemental, emergency, reduced or transferred appropriations, subject to any limitations imposed by general law.

#### SECTION 10.9: TRANSFERS OF APPROPRIATIONS

Except as otherwise provided by general law, the Mayor may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department, division or agency. At the request of the Mayor and within the last three months of the budget year, Council may, by resolution, transfer any unencumbered appropriation balance or portion thereof from one office, department, division or agency to another.

### ARTICLE ELEVEN NOMINATIONS AND ELECTIONS

#### SECTION 11.1: GENERAL ELECTION LAWS TO CONTROL; TERMS OF OFFICERS

Except as otherwise provided herein, the provisions of general law with respect to primary and general elections, so far as applicable, shall govern the method of nominating and electing the Mayor and members of Council, whose terms of office shall be concurrent and run for a period of four years. *See revision dated 9/13/93*

#### SECTION 11.2: MUNICIPAL EXECUTIVE COMMITTEES

Each Municipal Executive Committee shall be composed of those members of the County Executive Committees of Cabell and Wayne counties whose geographical jurisdiction, as county executive committee members, includes areas of the City. Municipal Executive Committee members shall serve for terms concurrent with their respective terms as county executive committee members.

#### SECTION 11.3: POWERS AND DUTIES

Municipal Executive Committees shall be governed by Chapter 8, Article 5, Section 14, of the Official Code of West Virginia and shall have all powers and duties prescribed by said law, this Charter and ordinance in conformity therewith.

#### SECTION 11.4: PRIMARY ELECTIONS; TIME, PLACE AND CERTIFICATIONS OF CANDIDACY

Except as otherwise provided herein concerning the first officers to be elected under this Charter, primary

elections shall be held at the voting places in each of the election districts of the City for the purpose of nominating candidates for the office of Mayor and all Council members for the next general election on the first Tuesday in April in the year 1989 and on such day in each fourth year thereafter. \*Any eligible person desiring nomination for any municipal elected office to be filled at such election shall file with the City Clerk a certificate declaring himself or herself to be a candidate for the nomination for office, together with payment of the filing fee as hereinafter prescribed, which certificate and filing fee must be received by the City Clerk after midnight on the first day of January next preceding the primary election day or if mailed, shall be postmarked after that hour and before midnight on the thirty-first day of January next preceding the primary election day or if mailed, shall be postmarked before that hour and which certificate shall be in form or effect as follows:

\*See revision dated 9/13/93

"CERTIFICATE OF CANDIDACY

I, \_\_\_\_\_, hereby certify that I am a candidate for the nomination for and election to the office of \_\_\_\_\_ to represent the district \_\_\_\_\_ or city at-large (circle one), and the political party. I desire my name printed on the official ballot to be voted at the primary election to be held on the \_\_\_\_\_ day of April, 19\_\_\_\_. I hereby certify that I am a legally qualified elector of the City of Huntington, \_\_\_\_\_ County, West Virginia; that my residence is located at \_\_\_\_\_ in said City; that I am eligible to hold the said office; and that I am a candidate for said office in good faith.

\_\_\_\_\_  
CANDIDATE SIGNATURE

\_\_\_\_\_  
PRINT NAME

Signed and acknowledged before me this day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Notary Public in and for Cabell or Wayne Counties, West Virginia, (or some other officer qualified to administer oaths)"

Every person who becomes a candidate in any such primary election shall, at the time of filing such certificate of candidacy, pay a filing fee as follows: a candidate for Mayor shall pay a fee of Two Hundred Fifty Dollars; a candidate for Council member shall pay a fee of Sixty

Dollars. Council may, by ordinance, change the filing fees specified herein. No person shall file more than one Certificate of Candidacy in any primary election.

SECTION 11.5: GENERAL ELECTIONS; TIME AND PLACE

Except as otherwise provided herein concerning the election of the first officers to be elected under this Charter, general elections for the offices of Mayor and all Council members shall be held on the first Tuesday in June in the year 1989 and on such day in each fourth year thereafter. The officers elected thereat shall assume office on the first day of July of the year in which such general election is held with their terms to expire as soon as their successors have been elected and qualified. *\* See Revision dated 9/13/93*

SECTION 11.6: FIRST OFFICERS UNDER THIS CHARTER; NOMINATIONS, ELECTION AND TERMS

The first primary municipal election under this Charter shall be held on Tuesday, September 10, 1985, and the first general municipal election shall be held on Tuesday, November 5, 1985, to elect a Mayor and all Council members provided for under this Charter, whose terms shall begin on January 1, 1986, and expire as soon as their successors have been elected and qualified. The certificates of candidacy for such first primary municipal election shall be filed after midnight July 1, 1985, and before midnight on July 31, 1985, or if mailed, postmarked after midnight July 1, 1985, and before midnight July 31, 1985. *\* See Revision dated 9/13/93.*

SECTION 11.7: MAJORITY VOTE REQUIRED

No candidate for office shall be declared elected to any office under this Charter without having received as a candidate in the immediately preceding general election a majority of the votes cast for that particular office; provided, however, nothing herein shall apply to candidates for the office of at-large Council member.

SECTION 11.8: DETERMINATION OF ELECTION RESULTS

Every qualified elector shall be entitled to vote for one candidate for the office of Mayor, one candidate for the office of district Council member to represent the district in which the qualified elector resides and two candidates for the office of at-large Council member. No person shall be elected to city office without being nominated in the manner provided herein at a partisan primary election to be held at the times and places specified in Sections 11.5 and 11.7 of this Charter. Immediately upon expiration of the time for filing Certificates of Candidacy as required by Sections 11.5

and 11.7 of this Charter, the City Clerk shall cause to be published in a newspaper having general circulation in the City the names of the candidates as they will appear on the ballot for the primary election. Names of the candidates for each nomination shall be placed on the ballot and in addition to the requirements of Section 11.10 of this Charter, the ballot shall contain instructions to vote for one nominee or candidate, except where the offices to be filled are for Council members at-large, in which case the instructions shall inform the voter to vote for two nominees or candidates. Votes shall be counted as provided by general election law. In primary elections, the candidates representing each political party and receiving the highest number of votes for nomination for Mayor and each district Council member office shall be nominated. As to the offices of at-large Council members in primary elections, the candidates representing each political party and receiving the highest and next highest number of votes with no more than one residing in any one of the municipal election districts set out in Section 3.3 of this Charter shall be nominated. In general elections the names of the successful nominees shall be placed on the ballot. In the general election, the nominee receiving the highest number of votes for election to the offices of Mayor and each district Council member office shall be elected. As to the offices of at-large Council members in general elections, the two nominees receiving the highest and next highest number of votes with no more than one residing in any one of the municipal election districts set out in Section 3.3 of this Charter shall be elected to the offices of Council member at-large.

#### SECTION 11.9: BALLOTS FOR MUNICIPAL ELECTIONS

The ballot to be used in all municipal elections shall contain the names of all candidates, specify their respective residence address and the election district wherein such residence is located together with their political party affiliation, unless such candidate is independent from any political party, in which case the ballot shall so state. The order in which names of nominees and candidates appear on the ballot shall be determined by drawing of lot. The City Clerk shall conduct said drawing in accordance with the requirements of general law. It shall be the duty of the City Clerk to prepare the ballot for all regular and special municipal elections in accordance with the provisions of general law and not less than ten days prior to any election, the City Clerk shall cause a sample ballot to be published in a newspaper having general circulation in the City.

**SECTION 11.10: APPOINTMENT OF ELECTION OFFICIALS**

It shall be the duty of the Municipal Executive Committees to nominate qualified electors to serve as precinct election officials during a municipal election and the Municipal Executive Committees shall publicly encourage qualified electors to apply for nomination. The Municipal Executive Committees shall submit their nominations to Council not less than thirty days prior to the election in which the election officials are to serve. After determining that the qualified electors nominated by the Municipal Executive Committees possess the qualifications set forth by the general election laws of the State of West Virginia and not less than twenty days prior to the election in which the election officials are to serve, Council shall appoint the qualified persons nominated by the Municipal Executive Committees to serve as election officials in said election. In the event Council shall determine that any person nominated by the election commission is not qualified to serve as an election official or in the event any person appointed by Council shall refuse to serve as an election official, Council shall proceed to fill the vacancy at the earliest possible time by the same procedure.

**SECTION 11.11: ELECTION OFFICIALS; COMPENSATION**

A uniform election board consisting of three commissioners and two clerks, shall be appointed as aforesaid to serve in each voting precinct of the City during a municipal election. Each election board shall be composed of one clerk representing each political party and at least one commissioner representing each political party. By resolution adopted not less than forty-five days prior to each election, Council shall determine the compensation to be paid to the precinct commissioners and clerks, but in no event shall such compensation exceed the compensation payable under general law to precinct election officials serving during a general election of the State of West Virginia.

**SECTION 11.12: REGISTRATION RECORDS, RETURN OF BALLOTS AND SUPPLIES, CANVASSING RETURNS, ELECTION CONTESTS**

At least three days before a municipal election, the City Clerk shall procure from the Clerk of the County Commissions of Cabell and Wayne counties the necessary registration records and shall deliver them, together with all ballots and other election supplies, to the election official in each precinct designated by Council. The election officials shall, as soon as possible after the closing of the polls, return to the City Clerk the ballots,

tally sheets, certificates of the result of the election, registration records, poll books, ballot boxes and any other election supplies. On the first Monday following the election, Council shall canvass the returns of the election and declare and certify the result within five days thereafter. In case of a contest, Council shall be judge of the election, nomination and qualification of all candidates. Notwithstanding the foregoing, Council may, by resolution, contract with the County Commissions of Cabell and Wayne counties or the Clerks thereof, to furnish, distribute, receive and store the ballots and other election supplies, or any part thereof, and to provide facilities for the canvassing of ballots.

#### SECTION 11.13: USE OF VOTING DEVICES

In addition to any other requirements for the conduct of municipal elections, Council shall contract with the County Commissions of Cabell and Wayne counties for the use, in all municipal elections, of any electronic, mechanical or other voting devices available to, owned by or used by such counties for the conduct of county, state and national elections.

#### SECTION 11.14: REGULATIONS OF ELECTIONS

Council shall make regulations which it considers needful or desirable, not inconsistent with this Charter, for the proper conduct of municipal elections and for the prevention of fraud in such elections.

#### SECTION 11.15: QUALIFIED ELECTOR DEFINED

The term "qualified elector" as used in this Charter shall mean a citizen having the qualifications required by general law to vote in the City and who is at that time registered to vote.

### ARTICLE TWELVE INITIATIVE, REFERENDUM AND RECALL

#### SECTION 12.1: INITIATIVE

Qualified electors of the City shall have power to propose ordinances to Council and if Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a City election; provided, however, such power shall not extend to the budget, capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees.

AN ORDINANCE AMENDING SECTIONS 2.2, 3.2, 11.1, 11.4,  
11.5 AND 11.6 OF THE CHARTER OF THE CITY OF HUNTINGTON,  
WEST VIRGINIA.

WHEREAS, Chapter 8, Article 4, Section 8 of the West Virginia Code, as amended, provides that a Charter may be amended by ordinance; and

WHEREAS, the Council has determined that there is a considerable need to amend certain sections of the Charter to change the dates on which the City Primary and General Elections are held to the same dates as those on which the Primary and General Elections for the United States of America, the State of West Virginia and the County of Cabell are held; and

WHEREAS, the Council is desirous of the next City Primary and General Elections being held at the same time as those for the United States of America, the State of West Virginia and the County of Cabell in the year 2000 and at subsequent four (4) year elections periods thereafter; and

WHEREAS, the Council is further desirous of clearly defining the length of time for which a person may serve as Mayor or on the Council,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF HUNTINGTON, CABELL AND WAYNE COUNTIES, WEST VIRGINIA, that Sections 2.2, 3.2, 11.1, 11.4, 11.5 and 11.6 of the Charter of the City of Huntington, West Virginia shall be amended, modified and re-enacted to read as follows:

**ARTICLE TWO  
MAYOR**

**SECTION 2.2. ELECTION AND TERM OF MAYOR.**

The qualified electors of the City shall elect the Mayor from the City at-large in the manner provided in Article Eleven of this Charter, to serve for a term of four years. No person who shall have previously been elected for three full and consecutive terms as Mayor shall be eligible to succeed himself or herself in that office and the Mayor shall not, during his or her term of office, hold any other public office or position, or be a member of any political executive committee.

**ARTICLE THREE  
COUNCIL**

**SECTION 3.2. NUMBER, SELECTION AND TERMS.**

The City shall have a Council consisting of eleven members. Eleven Council members shall be elected, one from each of the nine municipal election districts hereinafter described and two members elected at-large. Each of the nine district Council members shall be elected by the qualified electors residing in the particular district from which he or she is to be elected, to serve for a term of four years. Each at-large Council member shall be elected by the qualified electors residing in the entire City for a term of four years. However, no more than one at-large Council member shall be a resident of any one municipal election district at the time of his or her election. In no case shall any member of Council serve more than three full and consecutive terms as a Council member. All elections for members of Council shall be conducted according to the provisions set forth in Article Eleven of this Charter.

**ARTICLE ELEVEN  
NOMINATIONS AND ELECTIONS**

**SECTION 11.1. GENERAL ELECTION LAWS TO CONTROL; TERMS OF OFFICERS.**

Except as otherwise provided herein, the provisions of general law with respect to primary and general elections, so far as applicable, shall govern the method of nominating and electing the Mayor and members of Council, whose terms of office shall be concurrent and run for a period of four years, provided that, the terms of office for the Mayor and members of Council elected in the 1997 general election shall run for a period of three years and six months commencing on the first day of July, 1997, and ending on the thirty-first

day of December, 2000, and said term shall constitute a full term of office. All subsequent terms of office for the Mayor and members of Council shall run for a period of four years.

**SECTION 11.4. PRIMARY ELECTIONS; TIME, PLACE AND CERTIFICATES OF CANDIDACY.**

Except as otherwise provided herein concerning the first officers to be elected under this Charter, primary elections shall be held at the voting places in each of the election districts of the City for the purpose of nominating candidates for the office of Mayor and all Council members for the next general election on the first Tuesday in April in the year 1989 and on such day in each fourth year thereafter, provided that, beginning in the year 2000, the primary election shall be held on the same day in said year as the primary election for the State of West Virginia and the County of Cabell, and on such day in each fourth year thereafter. Any eligible person desiring nomination for any municipal elected office to be filled at such election shall file with the City Clerk a certificate declaring himself or herself to be a candidate for the nomination for office, together with payment of the filing fee as hereinafter prescribed, which certificate and filing fee must be received by the City Clerk after midnight on the first day of January next preceeding the primary election day or if mailed, shall be postmarked after that hour and before midnight on the thirty-first day of January next preceeding the primary election day or if mailed, shall be postmarked before that hour and which certificate shall be in form or effect as follows:

"CERTIFICATE OF CANDIDACY

I, \_\_\_\_\_, hereby certify that I am a candidate for the nomination for and election to the office of \_\_\_\_\_ to represent the \_\_\_\_\_ district or city at-large (circle one), and the \_\_\_\_\_ political party. I desire my name printed on the official ballot to be voted at the primary election to be held on the \_\_\_\_\_ day of May 20 \_\_\_\_\_. I hereby certify that I am a legally qualified elector of The City of Huntington, \_\_\_\_\_ County, West Virginia; that my residence is located at \_\_\_\_\_ in said City; that I am eligible to hold the said office; and that I am a candidate for said office in good faith.

\_\_\_\_\_  
CANDIDATE SIGNATURE

\_\_\_\_\_  
PRINT NAME

Signed and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for Cabell or Wayne Counties, West Virginia, (or some other officer qualified to administer oaths)"

Every person who becomes a candidate in any such primary election shall, at the time of filing such certificate of candidacy, pay a filing fee as follows: a candidate for Mayor shall pay a fee of Two Hundred Fifty Dollars; a candidate for Council member shall pay a fee of Sixty Dollars. Council may, by ordinance, change the filing fees specified herein. No person shall file more than one Certificate of Candidacy in any primary election.

**SECTION 11.5. GENERAL ELECTIONS; TIME AND PLACE.**

Except as otherwise provided herein concerning the election of the first officers to be elected under this Charter, general elections for the offices of Mayor and all Council members shall be held on the first Tuesday in June in the year 1989 and on such day in each fourth year thereafter. The officers elected thereat shall assume office on the first day of July of the year in which such general election is held with their terms to expire as soon as their successors have been elected and qualified. Beginning in the year 2000, general elections for the offices of Mayor and all Council members shall be held on the Tuesday next after the first Monday in November of such year, and on such day in each fourth year thereafter. The officers elected thereat shall assume office on the first day of January of the year next after such general election is held with their terms of office to expire as soon as their successors have been elected and qualified.

**SECTION 11.6. FIRST OFFICERS UNDER THIS CHARTER; NOMINATIONS, ELECTION AND TERMS.**

The first primary municipal election under this Charter shall be held on Tuesday, September 10, 1985, and the first general municipal election shall be held on Tuesday, November 5, 1985, to elect a Mayor and all Council members provided for under this Charter, whose terms shall begin on January 1, 1986, and expire as soon as their successors have been elected and qualified. The certificates of candidacy for such first primary municipal election shall be filed after midnight July 1, 1985, and before midnight on July 31, 1985, or if mailed, postmarked after midnight July 1, 1985, and before midnight July 31, 1985. The dates of all subsequent primary and general elections and filings of certificates of candidacy shall be governed by the provisions of Sections 11.1, 11.4 and 11.5 of this Charter.

BE IT FURTHER ORDAINED that if, on the date and at the time and place set for the public hearing on this Ordinance, written objections to the proposed amendments herein are filed and are not withdrawn then or within ten (10) days thereafter, that the proposed amendments herein, as a unit, shall be submitted to the voters for ratification or rejection at a special municipal election to be held and

conducted concurrently with the State of West Virginia and County of Cabell General Election in November of 1996, provided that, this Council, by affirmative vote of two-thirds (2/3) of its members, shall determine and specify that a special municipal election is necessary, and further provided that, the date of the next regular municipal election is more than six (6) months from the date of the public hearing on this matter.

SPONSORED BY Councilman B. W. Ellis

APPROVED AS TO FORM FGS, III

FIRST READING 8-9-93; This will be advertised. Motion by Dallon Fields to place issue on the 1996 election ballot for term to begin in year 2000; the first term for those elected would be 3 1/2 years; seconded by B. W. Ellis. Amendment passed (8 yeas; 2 nays - Barrett, Hawkins - 1 absent - Grubb.)

SECOND READING ADOPTED (8 yeas; 2 nays - Alexander, Johnson; 1 absent - Ritter). Note: Councilmen Nolan Grubb and Bill Taylor filed written objections. Mr. Tom McCallister filed a written objection.

DATE September 13, 1993

Ann C. Shaye  
ANN C. SHAYE, CITY CLERK

DATE September 14, 1993

Jean Dean  
JEAN DEAN, MAYOR

✓  
APPROVE

DATE 9-14-93

        
VETO

Zimbra

llittle@cityofmorgantown.org

---

**[wvml\_list] RE: Elections***Marshall County***From :** suziesante@comcast.net

Wed, Oct 17, 2012 03:25 PM

**Subject :** [wvml\_list] RE: Elections**To :** West Virginia Municipal League Listserv <wvml-listserv@wvml.org>**Reply To :** West Virginia Municipal League Listserv <wvml-listserv@wvml.org>*(Mailing list information, including how to remove yourself, is located at the end of this message.)*

All five municipalities in Marshall County have turned their elections over to the county clerk, as far as I was concerned when I was still working it was one of the best decisions the city made.

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**From:** "Fredda Ray" <fray@hurricanewv.com>**To:** "West Virginia Municipal League Listserv" <wvml-listserv@wvml.org>**Sent:** Wednesday, October 17, 2012 1:16:32 PM**Subject:** [wvml\_list] RE: Elections

(Mailing list information, including how to remove yourself, is located at the end of this message.)

—  
Hurricane has NOT yet!

-----Original Message-----

**From:** Linda Little [mailto:llittle@cityofmorgantown.org]**Sent:** Wednesday, October 17, 2012 11:04 AM**To:** West Virginia Municipal League Listserv**Subject:** [wvml\_list] Elections

(Mailing list information, including how to remove yourself, is located at the end of this message.) \_\_

How many Cities have combined their Elections with their County? And, if so how much does it cost your City or save the City in doing this? Thank you for your help in advance.~)

Linda Little, CMC

City Clerk

Zimbra

llittle@cityofmorgantown.org

[wvml\_list] RE: Elections

*Moundsville***From :** Sondra Hewitt <shewitt@cityofmoundsville.com>

Fri, Oct 19, 2012 09:55 AM

**Subject :** [wvml\_list] RE: Elections**To :** West Virginia Municipal League Listserv <wvml-listserv@wvml.org>**Reply To :** West Virginia Municipal League Listserv <wvml-listserv@wvml.org>

(Mailing list information, including how to remove yourself, is located at the end of this message.)

Linda,

The City of Moundsville does the same as the City of Fairmont except that I don't help with the voting machines or absentee ballots. Moundsville has only 10 precincts and has a savings of between \$8,000 to \$10,000 not including the overtime that was accumulated for myself and a few other office employees.

Sondra J. Hewitt  
 City Clerk  
 City of Moundsville  
 800 Sixth Street  
 Moundsville WV 26041  
 shewitt@cityofmoundsville.com

-----Original Message-----

From: Linda Little [mailto:llittle@cityofmorgantown.org]  
 Sent: Wednesday, October 17, 2012 11:20 AM  
 To: West Virginia Municipal League Listserv  
 Subject: [wvml\_list] Elections

(Mailing list information, including how to remove yourself, is located at the end of this message.) \_\_\_

How many Cities have combined their Elections with their County? And, if so how much does it cost your City or save the City in doing this? Thank you for your help in advance..)

Linda Little, CMC

City Clerk

City of Morgantown

389 Spruce St.

Morgantown WV. 26505

304-284-7434

304-284-7525(fax)

llittle@cityofmorgantown.org

Zimbra

llittle@cityofmorgantown.org

---

**[wvml\_list] Re: Elections***Pennsboro***From :** City of Pennsboro <cityofpennsboro@zoominternet.net>

Thu, Oct 18, 2012 09:20 AM

**Subject :** [wvml\_list] Re: Elections**To :** West Virginia Municipal League Listserv <wvml-listserv@wvml.org>**Reply To :** West Virginia Municipal League Listserv <wvml-listserv@wvml.org>*(Mailing list information, including how to remove yourself, is located at the end of this message.)*

Our City Attorney changed the charter, and ordinance to go along with state guidelines. Which was run in the paper with the time frame required and Council voted on the change.

**Beckie Talkington**

City Recorder

City of Pennsboro

422 Main Street

Pennsboro, WV 26415

304-659-2377

Fax: 304-659-3309

Email: [cityofpennsboro@zoominternet.net](mailto:cityofpennsboro@zoominternet.net)**From:** Mabailey44@aol.com [mailto:Mabailey44@aol.com]**Sent:** Wednesday, October 17, 2012 6:20 PM**To:** West Virginia Municipal League Listserv**Subject:** [wvml\_list] Re: Elections*(Mailing list information, including how to remove yourself, is located at the end of this message.)*

Clarksburg.....NO,.....Our election time is dictated by charter and would, again, require another election to obtain the approval of the voters for any changes.

In a message dated 10/17/2012 11:10:52 A.M. Eastern Daylight Time, [llittle@cityofmorgantown.org](mailto:llittle@cityofmorgantown.org) writes:

(Mailing list information, including how to remove yourself, is located at the end of this message.)

How many Cities have combined their Elections with their County? And, if so how much does it cost your City or save the City in doing this? Thank you for your help in advance.:)

Linda Little, CMC  
City Clerk  
City of Morgantown  
389 Spruce St.

Zimbra

llittle@cityofmorgantown.org

**[wvml\_list] RE: Elections***Pennsboro***From :** City of Pennsboro <cityofpennsboro@zoominternet.net>

Wed, Oct 17, 2012 05:20 PM

**Subject :** [wvml\_list] RE: Elections**To :** West Virginia Municipal League Listserv <wvml-listserv@wvml.org>**Reply To :** West Virginia Municipal League Listserv <wvml-listserv@wvml.org>

(Mailing list information, including how to remove yourself, is located at the end of this message.)

The City of Pennsboro runs their elections through the County (Ritchie). In 2010 the County charged the City \$1,638.76. At this time we have not received an invoice from the County Clerk for the May 2012 election. It is well worth having the County conduct the elections then there are no questions asked.

The City still takes care of candidates filing forms for office and they are returned to the City. After the filing period is over a certified list of candidates that have filed is sent to the County Clerk in the order of the drawing position on the ballot. The City does the drawing positions. The City is also responsible for seeing that the financial statements that are required from the candidates are turned into the City. The financial statements are not sent to the County Clerk.

I personally am VERY glad that we went with the County?

Beckie Talkington  
City Recorder  
City of Pennsboro  
422 Main Street  
Pennsboro, WV 26415  
304-659-2377  
Fax: 304-659-3309  
Email: cityofpennsboro@zoominternet.net

-----Original Message-----

From: Fredda Ray [mailto:fray@hurricanewv.com]  
Sent: Wednesday, October 17, 2012 12:55 PM  
To: West Virginia Municipal League Listserv  
Subject: [wvml\_list] RE: Elections

(Mailing list information, including how to remove yourself, is located at the end of this message.) \_\_

Hurricane has NOT yet!

-----Original Message-----

From: Linda Little [mailto:llittle@cityofmorgantown.org]  
Sent: Wednesday, October 17, 2012 11:04 AM  
To: West Virginia Municipal League Listserv  
Subject: [wvml\_list] Elections

(Mailing list information, including how to remove yourself, is located at the end of this message.) \_\_

How many Cities have combined their Elections with their County? And, if so how much does it cost your City or save the City in doing this? Thank you for your help in advance.:

Linda Little, CMC

Zimbra

llittle@cityofmorgantown.org

**[wvml\_list] RE: Elections***Vienna***From :** Carla Starcher <carlastarcher@suddenlinkmail.com>

Wed, Oct 17, 2012 09:25 PM

**Subject :** [wvml\_list] RE: Elections**To :** West Virginia Municipal League Listserv <wvml-listserv@wvml.org>**Reply To :** West Virginia Municipal League Listserv <wvml-listserv@wvml.org>

(Mailing list information, including how to remove yourself, is located at the end of this message.)

—

The City of Vienna has done this. We save approximately \$25,000. The City has a primary and a general election.

-----Original Message-----

From: Linda Little [mailto:llittle@cityofmorgantown.org]

Sent: Wednesday, October 17, 2012 10:58 AM

To: West Virginia Municipal League Listserv

Subject: [wvml\_list] Elections

(Mailing list information, including how to remove yourself, is located at the end of this message.)

How many Cities have combined their Elections with their County? And, if so how much does it cost your City or save the City in doing this? Thank you for your help in advance. :) Linda Little, CMCCity ClerkCity of Morgantown389 Spruce St.Morgantown WV. 26505304-284-7434304-284-7525(fax)llittle@cityofmorgantown.org

—

Subscription Reminder: You're Subscribed to, West Virginia Municipal League Listserv Using the address: carlastarcher@suddenlinkmail.com

From: listserv@wvml.org  
Physical Address

Unsubscribe Automatically:  
[http://www.wvml.org/cgi-bin/dada/mail.cgi/u/wvml\\_list](http://www.wvml.org/cgi-bin/dada/mail.cgi/u/wvml_list)

—

Subscription Reminder: You're Subscribed to, West Virginia Municipal League Listserv Using the address: llittle@cityofmorgantown.org

From: listserv@wvml.org  
Physical Address

Unsubscribe Automatically:  
[http://www.wvml.org/cgi-bin/dada/mail.cgi/u/wvml\\_list](http://www.wvml.org/cgi-bin/dada/mail.cgi/u/wvml_list)

Zimbra

llittle@cityofmorgantown.org

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**[wvml\_list] RE: Elections***Wardensville***From :** John Sayers <john.sayers@wardensville.com>

Wed, Oct 17, 2012 12:30 PM

**Subject :** [wvml\_list] RE: Elections**To :** West Virginia Municipal League Listserv <wvml-listserv@wvml.org>**Reply To :** West Virginia Municipal League Listserv <wvml-listserv@wvml.org>

(Mailing list information, including how to remove yourself, is located at the end of this message.)

Wardensville will begin cooperative elections run by Hardy County in 2014. We estimate it will save us \$1,700 per election (about \$6.25 per capita). :)

-----Original Message-----

From: Linda Little [mailto:llittle@cityofmorgantown.org]

Sent: Wednesday, October 17, 2012 11:08 AM

To: West Virginia Municipal League Listserv

Subject: [wvml\_list] Elections

(Mailing list information, including how to remove yourself, is located at the end of this message.)

How many Cities have combined their Elections with their County? And, if so how much does it cost your City or save the City in doing this? Thank you for your help in advance. :)

Linda Little, CMC  
City Clerk  
City of Morgantown  
389 Spruce St.  
Morgantown WV. 26505  
304-284-7434  
304-284-7525(fax)  
llittle@cityofmorgantown.org

Subscription Reminder: You're Subscribed to, West Virginia Municipal League Listserv Using the address:  
john.sayers@wardensville.com

From: listserv@wvml.org  
Physical Address

Unsubscribe Automatically:  
[http://www.wvml.org/cgi-bin/dada/mail.cgi/u/wvml\\_list](http://www.wvml.org/cgi-bin/dada/mail.cgi/u/wvml_list)

Subscription Reminder: You're Subscribed to, West Virginia Municipal League Listserv  
Using the address: llittle@cityofmorgantown.org

Zimbra

llittle@cityofmorgantown.org

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elections

*wheeling*

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**From :** Janice Jones <jjones@wheelingwv.gov>

Fri, Oct 19, 2012 11:07 AM

**Subject :** elections**To :** llittle@cityofmorgantown.org

Hi Lou:

We hold our elections in conjunction with Ohio County – it saves us approximately \$40,000.00 a year. This year I will be working with them on Election Day to oversee the office workers and absentee ballots. They put our Mayor and Council race this year on the agenda (primary) in May; but this was our final election as we do not have a primary but it was the primary for the presidential election as you know.

I love it – I did it myself once or twice and what a headache!!!!

Take care. Missed seeing you in Canton.

Love, Janice

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## **DISCUSSION OF PROPOSED CHARTER CHANGE FOR ELECTION TO COUNTY:**

- 1. Council can adopt a charter amendment by ordinance.**
- 2. Council must set a time and place for a public hearing on the proposed amendment, which hearing shall not be less than 30 days from the date of publication of a Class II legal ad.**
- 3. The legal ad shall set forth the entire, proposed amendments in full, announce the date, time and place of the public hearing, stated that the proposed amendments will be considered on the date, time and place by Morgantown City Council and that any qualified voter or any freeholder of the city may appear and file objections *in writing*, and also if no objections are filed the said amendments shall become operative on and after a dated fixed in the notice, which dated shall not be less than 10 days after the dated of the public hearing. (We will have to put a date in the ad that meets the foregoing 10 days requirement.)**
- 4. If no objections are filed in writing at the public hearing, or if objections are filed and are withdrawn at the time of the public hearing, or within 10 days thereafter, Council shall be ordinance adopt the amendments and cause a copy thereof and a transcript of the proceedings to be certified to the Clerk of the House of Delegates, and cause a copy to be recorded with the Clerk of the County Commission.**
- 5. The amendment is to take affect on the effective date specified in the legal ad.**
- 6. If a written objection is filed at the public hearing and is not withdrawn within 10 days thereafter, Council may abandon the proposed amendment, or may submit it to either a regular or special municipal election.**

		<h1>West Virginia Legislature</h1>			
		<small>3RD SESSION OF THE 50TH LEGISLATURE</small>			
Senate	House	Joint	Bill Status	WV Code	Audits/ Reports
			Educational	Contact	

**WEST VIRGINIA CODE****§8-5-5. Regular election of officers; establishment of longer terms.**

(a) After the first election of officers of a city, town or village, the regular election of officers shall be held on the second Tuesday in June of the appropriate year, unless otherwise provided in the charter of the city or the special legislative charters of the towns or villages.

(b) A municipal election date established by a charter provision may fall on the same day as the county-state primary election or general election only when the voting precinct boundaries in the municipality coincide with the voting precinct boundaries established by the county commission or when the charter provides for separate registration books. If a municipal election falls on the same day as the county-state primary or general election, the municipality and county may agree to use the county election officials in the municipal elections, if practicable, or the municipality may provide for separate election officials.

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

(d) Any municipality which establishes its election date by charter provision must comply with the provisions of this section or the election date shall be the second Tuesday of June. The language of this section may not be construed to prevent any city, town or village from amending the provisions of its charter or special legislative charter, to provide that its municipal election be held on some day other than the second Tuesday in June.

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

(f) Municipalities are authorized to stagger and/or change the terms of elected municipal officers. Prior to any changes being made to the terms of elected municipal officers, the procedure to stagger and/or change the terms shall be set by ordinance and must be approved by a majority of the voters.

Note: WV Code updated with legislation passed through the 2012 1st Special Session

