

**ARTICLE 107**  
**Elections**

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| <p><b>107.01</b> Date of elections; terms of office.</p> <p><b>107.02</b> Election official.</p> <p><b>107.03</b> Persons entitled to vote; permanent registration of voters.</p> <p><b>107.04</b> Voting by absentees.</p> <p><b>107.05</b> Nomination of municipal officials.</p> <p><b>107.06</b> Filing fee; disposition.</p> <p><b>107.07</b> Publication of list of candidates prior to general election.</p> <p><b>107.08</b> Election precincts.</p> <p><b>107.09</b> Precinct polling places.</p> <p><b>107.10</b> Nonpartisan election.</p> | <p><b>107.11</b> Ballot Commissioners.</p> <p><b>107.12</b> Ballots and election supplies; duties of officials.</p> <p><b>107.13</b> Voting hours; challenges; applicability of State laws.</p> <p><b>107.14</b> Ascertaining results; contest; tie vote.</p> <p><b>107.15</b> Applicability of State election laws.</p> <p><b>107.16</b> Election costs.</p> <p><b>107.17</b> City Attorney to instruct election officials.</p> <p><b>107.18</b> Petitions for certificates of candidacy.</p> |
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**CROSS REFERENCES**

- Municipal elections - see W.Va. Code 3-1-2a
- Municipal voting precincts - see W.Va. Code 3-1-6
- Municipal precinct registration records - see W.Va. Code 3-1-27
- Absentee voting in municipal elections - see W.Va. Code 3-3-13
- Integration of municipal elections with systems of permanent registration - see W.Va. Code 8-5-13
- Special elections - see W.Va. Code 8-5-15a

**107.01 DATE OF ELECTIONS; TERMS OF OFFICE.**

Regular elections for the purpose of selecting municipal officials shall be held quadrennially on the first Tuesday in June, beginning with the year 1984. Terms of office of all officials shall commence on the first of July, following election.  
(Ord. 83-5. Passed 5-17-83.)

**107.02 ELECTION OFFICIAL.**

The chief election official of the City shall be the City Recorder who shall perform such duties as required by ordinance and by West Virginia Code Chapter 3.

**107.03 PERSONS ENTITLED TO VOTE; PERMANENT REGISTRATION OF VOTERS.**

(a) Only persons who are bona fide residents of the City and are registered to vote as provided by law shall be entitled to vote in any municipal election, and the provisions of the "Permanent Registration Law," being West Virginia Code 8-5-13, so far as applicable to municipalities, is hereby adopted to govern any election in the City.

(b) The municipal registration records for the Kanawha County and Putnam County precincts which are within the City, as they are kept and maintained by the County Courts of those Counties, shall be the official registration of voters for any municipal election, and only those persons so registered shall be eligible to vote.

(1975 Code 8-1)

**107.04 VOTING BY ABSENTEES.**

Any qualified elector of the City may vote at City elections by absentee ballot in the manner provided and in accordance with the procedure outlined by West Virginia Code Article 3-3, except that the duties required of the circuit clerk and the county clerk therein shall be done and performed by the City Recorder.

(1975 Code 8-2)

**107.05 NOMINATION OF MUNICIPAL OFFICIALS.**

Nominations for the offices of Mayor, City Recorder and Councilman at Large shall be made by certificate of candidacy supported by petition addressed to Council and signed by a minimum of twenty-five qualified electors in the City; and for the office of Ward Councilman, by a minimum of twenty qualified electors of the ward from which the candidate for Council seeks election. Such certificates for nomination shall be filed with the City Recorder upon forms provided by the City, and shall be verified by the person so nominated. All such nominating petitions shall be examined by Council and, if found to be bona fide, in proper form and signed by the required number of electors, the persons so nominated shall be certified as candidates for the particular offices sought.

(Ord. 00-02. Passed 2-15-00.)

**107.06 FILING FEE; DISPOSITION.**

Every person who becomes a candidate for any elective office in the City shall, at the time of filing his certificate of candidacy, pay a filing fee of ten dollars (\$10.00). All money received for such fees shall be certified by the City Recorder to the City Treasurer for credit to the General City Fund.

(1975 Code 8-4)

**107.07 PUBLICATION OF LIST OF CANDIDATES PRIOR TO GENERAL ELECTION.**

At least ten days before any City election at which candidates for any City office are to be voted on, the City Recorder shall cause to be published the nominations of persons for offices regularly certified to be voted upon at such election.

(1975 Code 8-5)

**107.08 ELECTION PRECINCTS.**

Election precincts for the holding of City elections within that area of the City lying within Kanawha County shall coincide with and bear the same designations as those precincts within the City established by the Board of Commissioners of Kanawha County; and election precincts for the holding of City elections within that area of the City lying within Putnam County shall coincide with and bear the same designations as those precincts within the City established by the Board of Commissioners of Putnam County.

(1975 Code 8-6)

**107.09 PRECINCT POLLING PLACES.**

It shall be the duty of Council in each year in which an election is to be held in the City to make provision for the holding thereof, and to that end, among other duties, to provide a suitable polling place for each precinct and to require the City Recorder to publish a list of the precinct polling places not less than ten days prior to the election.

(1975 Code 8-7)

**107.10 NONPARTISAN ELECTION.**

Regular elections for selecting the municipal officials shall be by nonpartisan ballot, or by voting machine upon which no party designation of any candidate shall appear.

(1975 Code 8-8)

**107.11 BALLOT COMMISSIONERS.**

(a) The City Recorder and two persons appointed by the Mayor and confirmed by Council shall constitute a Board of Ballot Commissioners. Ballot Commissioners shall be appointed for terms of four years each and shall perform the duties of such Commissioners at all regular and special elections held in the City.

(b) It shall be the duty of the Board of Ballot Commissioners to provide printed ballots for every election at which paper ballots are to be used, and cause to be printed on the appropriate ballot the names of all candidates certified to be voted upon for municipal office and to provide printed ballots for special elections.

(c) It shall be the duty of the Board of Ballot Commissioners to provide ballot labels for every election at which voting machines are to be used, and cause to be printed thereon the names of all candidates certified to be voted upon for municipal office and to provide printed ballot labels for special elections.

(1975 Code 8-9)

### **107.12 BALLOTS AND ELECTION SUPPLIES; DUTIES OF OFFICIALS.**

(a) Upon the certification of the candidates as provided in Section 107.05 it shall be the duty of the City Recorder to have the ballots or ballot labels, as the case may be, printed, and to procure and have available before the day of such election all necessary supplies, including oaths for commissioners and clerks, poll books, tally sheets, ballot boxes, voting machines, booths, forms for certifying returns and whatever further supplies are needed for holding the election and making the return thereof. All such ballots, ballot labels and supplies shall be delivered by the City Recorder to one or more of the commissioners of election at each of the precincts of the City.

(b) Council shall, at least two weeks prior to any election, appoint such number of commissioners of election and poll clerks as may be required by law for the several voting precincts within the City. The commissioners and clerks, after the closing of the polls, shall complete the tabulation of the results and shall then join in certifying and attesting the returns of the election and make out a certificate of the result. At least five days before any such election the City Recorder shall publish a list of election officers so appointed.  
(1975 Code 8-10)

### **107.13 VOTING HOURS; CHALLENGES; APPLICABILITY OF STATE LAWS.**

(a) The hours for holding an election shall be the same as for State elections.

(b) Challenging of the right of any person to vote shall be in the manner provided by law for State elections.  
(1975 Code 8-11)

### **107.14 ASCERTAINING RESULTS; CONTEST; TIE VOTE.**

Council shall be ex officio a board of canvassers and shall ascertain and declare the result of every election. They shall convene within five days (Sunday excepted) after any election for that purpose. All contests shall be heard and decided by Council. In case two or more persons voted upon for a particular office in any election shall have the highest and an equal number of votes so that the election to the office is not decided by the returns, Council shall decide the tie by the election of one of such persons. The procedure to be followed by Council hereunder shall be governed so far as applicable by the State law.  
(1975 Code 8-12)

### **107.15 APPLICABILITY OF STATE ELECTION LAWS.**

The provisions of West Virginia Code Chapter 3, insofar as they are not incompatible with nonpartisan elections and insofar as they can be made applicable to any municipal election, whether for the nomination or election of candidates for municipal offices or for a referendum on any question to be submitted to the electorate of the City, shall govern all City elections, and the powers and duties provided by State law for county clerks and clerks of circuit courts shall devolve upon the City Recorder and the powers and duties provided by State law for county courts shall devolve upon Council, except as may be provided otherwise by any home rule charter or home rule ordinance or by this Code or other ordinance of Council.  
(1975 Code 8-13)

**107.16 ELECTION COSTS.**

All necessary cost and expense attendant upon the holding and conducting of any City election and ascertaining and certifying the results thereof shall be paid out of the Treasury of the City; subject, however, to the provisions of West Virginia Code 3-7-9, whereby the costs of an election contest shall be chargeable to the contestant if the results of the election are not materially changed.

(1975 Code 8-14)

**107.17 CITY ATTORNEY TO INSTRUCT ELECTION OFFICIALS.**

As soon as may be practicable following the appointment of commissioners and clerks of election, and not less than two days prior to the holding of any City election, the City Attorney shall hold a meeting for all commissioners and clerks of election, the City Recorder and his assistants and the Chief of Police or his representative, at which time the City Attorney shall give a comprehensive explanation of the election laws to those in attendance to enable them to exercise their powers and perform their duties thereunder properly and in an efficient manner.

(1975 Code 8-15)

**107.18 PETITIONS FOR CERTIFICATES OF CANDIDACY.**

In each quadrennial election of officials for the City, the Recorder for the City shall first accept petitions for certificates of candidacy for Mayor, Recorder, Council at Large and Councilmen for Wards I, II, III and IV on the second Monday of March in that year with the last date of acceptance of these petitions being the last Friday of March at the close of the City business day. The last day of withdrawal of petitions for candidacy shall be the first Monday of April in the election year. The first Tuesday in April in the election year, said petitions for candidacy shall be examined by Council to determine proper residency and as registered voters with the correct number of signatures on the petitions i.e. Mayor, Recorder and Council at Large shall have 25 signatures and ward Councilmen shall have 20 signatures. A filing fee of ten dollars (\$10.00) shall be required from each petitioner paid at the time of filing. A drawing for ballot position in each category as listed herein, i.e.: Mayor, Recorder, Council at Large and each ward listed after certification by Council in that same meeting.

(Ord. 96-02. Passed 3-5-96.)