

ARTICLE 105
Elections

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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

105.01 ADOPTION OF STATE LAW.

(a) The general laws of the State of West Virginia shall apply to and control, as near as may be, all procedures relating to elections, except as such laws relate to political parties or partisan procedure. Council shall be the Municipal Election authority, and may prescribe other rules for the conduct of other elections not inconsistent with general law or the provisions of this article.

(b) The powers and duties prescribed by State law for County Commissions shall devolve upon Council, and the powers and duties prescribed by State law for the Clerks of Circuit Courts and for Clerks of County Commissions shall devolve upon the Recorder, insofar as the State law may be made applicable to Municipal elections and subject to the provisions of this article.

(1978 Code Sec. 6-1)

105.02 PERMANENT REGISTRATION OF VOTERS ESTABLISHED.

Pursuant to West Virginia Code 8-5-13, the conduct of all Town elections shall be integrated with the system of “permanent registration of voters” as set out in West Virginia Code Article 3-2, the provisions of which, insofar as they are applicable to this Town, are hereby adopted and made a part of this article. No voter otherwise qualified shall be permitted to vote an unchallenged ballot at any election within the municipality unless he or she is duly registered under the provisions of West Virginia law. The registration record shall remain in the possession of the Clerk of the County Commission, except for use in municipal elections.

(Passed 11-8-05)

105.03 DUTIES OF RECORDER.

At least three days prior to each election of this City, it shall be the duty of the Recorder to procure from the office of the Clerk of the County Commission of Harrison County the Municipal registration records necessary for the conduct of such election. Such records shall, within ten days after the date of the Municipal election, be returned to the office of the Clerk of the County Commission by the Recorder.

(1978 Code Sec. 6-3)

105.04 ESTABLISHMENT OF VOTING PRECINCTS.

For the purpose of all Municipal elections of the City, the voting precincts in the City shall, to the extent that they lie within the confines of the City, coincide with the boundaries of the voting precincts as fixed by the County Commission of Harrison County for all State and County elections; each County precinct and each part of a County precinct within the City to constitute a separate voting precinct of the City.

(1978 Code Sec. 6-4)

105.05 REGULAR AND SPECIAL ELECTIONS.

Regular elections shall be held on the second Tuesday in June in odd numbered years. Beginning with the regular election held on the second Tuesday in June, 2017, the office of the Mayor and the three candidates for the office of Council receiving the most votes will be elected to and shall serve four-year terms of office. The office of Recorder and the two Council seats not elected to four-year terms by virtue of vote totals shall serve two-year terms. Beginning with the next regular election held on the second Tuesday in June 2019, the office of Recorder and the two (2) two-year Council seats shall be elected to and shall serve four-year terms of office. Council may by resolution, order a special election at any time to determine answers to questions to be submitted or for the election of a new Council by the qualified electors of the City/Town. Any special election of Council shall be held as nearly as is practicable according to the provisions for a regular election. (Amended 11-25-2014)

105.06 PRECINCT ELECTION OFFICIALS.

The Recorder shall appoint, subject to the approval of Council, two Commissioners and three Clerks to serve as election officials in each precinct in the City. The election officials shall, as soon as possible after closing of the polls on Election Day, deliver to the Recorder the ballots, tally sheets, certificates of results of the election, registration records, ballot boxes and other election supplies.

(Passed 6-23-81)

105.07 QUALIFICATIONS OF CANDIDATES.

Candidates for the office of Mayor, Recorder or Councilman must be residents of the City and must be qualified voters entitled to vote for members of its governing body.

105.08 NOMINATION OF CANDIDATES.

The following shall constitute the exclusive procedure for the nomination of candidates for Municipal office in the City/Town:

(a) A person shall be deemed nominated for the office of Mayor when there is filed with the Recorder or his/her appointee a Certificate of Announcement, and a filing fee of fifty dollars (\$50.00), filing date to begin January 13th and will end on or before February 1st. The Certificate of Announcement declares the office for which they are running and the filing fee is non-refundable. A person shall be deemed nominated for the office of Recorder when there is filed with the Recorder or his/her appointee a Certificate of Announcement, and a filing fee of thirty dollars (\$30.00), filing date to begin January 13th and will end on or before February 1st. The Certificate of Announcement declares the office for which they are running and the filing fee is non-refundable.

(b) A person shall be deemed nominated for the office of Council when there is filed with the Recorder or his/her appointee a Certificate of Announcement, and a filing fee of Twenty dollars (\$20.00), filing date to begin January 13th and will end on or before February 1st. The Certificate of Announcement declares the office for which they are running and the filing fee is non-refundable.

(Passed 8-8-00)

105.09 NOTICE OF ELECTION OF CITY OFFICERS.

The Recorder shall cause to be published in a newspaper of general circulation within the City at least thirty days prior to each election of City officers a "Notice of Election," in the following form:

"There will be an election held in the City of Nutter Fort, Harrison County, West Virginia, on the Second Tuesday in June, 2017, for the purpose of electing a Mayor, Recorder and five Councilmen. Rules and regulations governing the calling and conduct of nomination conventions and the certification of the results thereof may be obtained at the City Hall.

Recorder"

Future publications will read as follows:

"There will be an election held in the City of Nutter Fort, Harrison County, West Virginia, on the Second Tuesday in June, 2019, for the purpose of electing a Recorder and two Councilmen. Rules and regulations governing the calling and conduct of nomination conventions and the certification of the results thereof may be obtained at the City Hall.

Recorder"

"There will be an election held in the City of Nutter Fort, Harrison County, West Virginia, on the Second Tuesday in June, 2021, for the purpose of electing a Mayor and three Councilmen. Rules and regulations governing the calling and conduct of nomination conventions and the certification of the results thereof may be obtained at the City Hall.

Recorder"

"There will be an election held in the City of Nutter Fort, Harrison County, West Virginia, on the Second Tuesday in June, 2023, for the purpose of electing a Recorder and two Councilmen. Rules and regulations governing the calling and conduct of nomination conventions and the certification of the results thereof may be obtained at the City Hall.

Recorder"

This staggered term of election format shall continue for future elections to be held on the second Tuesday in June in odd numbered years.

105.10 BALLOTS.

The drawing for ballot positions for the municipal election shall be held at 7:00 PM on the first Tuesday in April next preceding the election.

The ballots shall be prepared by the Recorder. The full names of all candidates nominated for Mayor shall be arranged under the heading "Mayor." The full names of all candidates for the office of Recorder shall be arranged under the heading "Recorder." The full names of all candidates nominated for Council shall be arranged under the heading "Council." If two candidates for the

same office have the same surname or have names so similar as to be likely to cause confusion, the addresses of their places of residence shall be placed with their names on the ballot. Candidates shall be listed as to each office, with the slate of candidates nominated by each convention. The ballots shall bear instructions as to the number of candidates for each office for whom the voters are entitled to vote.

105.11 CANVASS.

Within a week after each election, Council shall canvass the returns of the election and declare the results. A candidate or candidates (where more than one is to be elected for the same office) who received the greatest number of votes shall be elected.

(1978 Code Sec. 6-11)

105.12 COMPENSATION FOR ELECTION WORKERS.

Municipal election workers shall be paid One hundred fifty dollars (\$150.00) each for each day worked. Those attending municipal election training will be allowed compensation for such services in the amount of Twenty Five dollars (\$25.00). After the election, the Recorder will certify to the Treasurer a list of individuals eligible for compensation and the amount due each.

(Amended 05-28-2013, Originally Passed 11-13-01)