

Chapmanville Election Modernization Ordinance

An ordinance to Strike, insert, and amend Chapter 12 of the ordinances of the Town of Chapmanville WV as it pertains to elections, bringing our ordinances up to date with state laws and other changes. These include making Chapmanville one precinct for the purpose of Municipal elections, establishing Town Hall as the polling place, mandating use of standardized forms provided by the WV Secretary of State, adding sections for Write-in Candidates and Campaign finance, and how to fill vacancies on the council.

Chapter 12 Elections

Article 1. In General

Sec. 1—Integration of Conduct of town elections with permanent registration of voter’s system.

The conduct of all municipal elections in the town shall be integrated with the “Permanent Voters Registration Law” (West Virginia State code 3-2-1)

Sec. 2—Adoption of the county-state election registration books.

The town hereby adopts the county-state election registration books for use in the municipal elections to be held within all precincts within the town insofar as they pertain to the registration of town voters living within the town limits.

Sec. 3—Publication of notice as to voter registration

The town recorder shall cause to be published in a newspaper of general circulation in the county, and on all social media and internet presence actively maintained by the Town of Chapmanville and its departments, for one time at least 42 days prior to the general election to be held in the town, the cost of which is to be borne by the town, the following notice:

To Voters of the Town of Chapmanville

Any person residing in the Town of Chapmanville and entitled to vote in the municipal election, may register at the office of the clerk of the County Court of Logan County, West Virginia, at the Court House thereof, or apply online with the WV Secretary of State at sos.wv.gov/elections , any time except during twenty- one days preceding the municipal election. The polling place for the town is the Town Hall (insert current Town Hall Address here). It is your duty to register and to vote. In order to vote you must be registered.

Sec. 4—Duty of town recorder with reference to town registration records, voting machines, etc.

The town recorder is hereby designated the appropriate officer to produce from the office of the clerk of the county court of the county, the town registration records, voting machines and supplies from the clerk of the county court of the county, necessary for the conduct of the municipal elections in the town. The town recorder shall obtain by at least the previous business day prior to the start of early voting for the municipal election such town registration records, voting machines and supplies from such county clerk, giving his receipts therefor, and within ten days after the date of any primary or general election, the town registration records, taking a receipt therefor from the county clerk of the county court.

Article 2

Voting Precinct and places for Voting

Sec. 1—Establishment.

The voting precincts and places for voting therein set out in the following section of this article are hereby established as and for the voting precincts and voting places within such precincts for all town elections hereafter held in the town.

Sec. 2—Precincts and voting places.

It is the duty of the Recorder to be up to date with precinct borders and know how many voting precincts, established by the County Commission, are represented in the Corporate Limits of Chapmanville. The borders are redrawn every 10 years along with the most recent census, and county and state redistricting. The voting places for all precincts will be the Town Hall.

Sec. 3—Composition of town authorities.

The municipal authorities of the said Town of Chapmanville shall consist of a mayor, town recorder and five council members, who shall constitute the council of said town in the corporate name of said town, unless otherwise provided by state law or town ordinance.

Sec. 4—All corporate powers generally.

All the corporate powers and functions pertaining to said town shall be exercised by its council, or under its authority.

Sec. 5—Election of Mayor, Recorder, and Council members to be on a non-partisan basis; application of state election laws; duties of recorder pertaining to elections.

All officers of the Town of Chapmanville, which shall be elected by the electorate of the Town of Chapmanville, Shall consist of a Mayor, Recorder, and Councilpersons, as heretofore recited in Section Three (3), shall be elected on a non-partisan basis at a general election to be held on the 2nd Tuesday in June, every four years, beginning with the election held in 1995. Candidates for these positions must reside within the corporate limits of Chapmanville and a qualified voter of the municipality prior to filing their candidacy or pre-candidacy papers. The terms of all of which shall be four years from July 1, to June 30, and no other names shall be printed on the

ballots used at the general election except those prescribed as follows: Any person who is eligible to hold the office of Mayor, Recorder, or Councilperson may file in the Mayors office (Town Hall) a certificate declaring himself or herself a candidate for the election to such office, which certificate shall be the most up to date version of the Candidate Filing Form for municipal elections from the WV Secretary of State.

Such certificate shall be filed in the Mayor's Office (Town Hall) on or before the 1st day of April, and shall be signed and acknowledged by the candidate before some officer qualified to administer oaths, who shall certify the same. If April 1 falls outside of normal Town Hall business hours, the date shall be extended to the end of the next business day. Such certificate shall not be filed prior to March 15, of the year of election.

Each candidate filing shall pay a filing fee of Five Dollars (\$5.00) upon the filing of the same except that any candidate shall have the filing fee waived by filing an oath that he/she is unable to pay the filing fee.

Any candidate desiring to withdraw from the ballot may do so by filing a completed and notarized copy of the "Notice of Withdrawal of Candidacy" form from the WV Secretary of State if the same is received by the Town Recorder by the third Tuesday following the close of filing, the candidate's name will be removed from the ballot.

On the fourth Tuesday after the close of candidate filing, drawing shall be held as required by the West Virginia Code to determine the ballot positions as required by law.

The Town Recorder shall assume the responsibilities for ballots which are assigned to the Circuit Clerk in State Law. The Town Recorder shall appoint two other ballot commissioners between January 15, and January 30, of the election year, with the exception of the election to be held in 1995, when the two other ballot commissioners shall be appointed between March 15, and March 30, of the election year. The ballot commissioners should be of different parties and Recorder should work with the Municipal Council to identify those persons to appoint.

The Town Recorder and the ballot commissioners shall then constitute the Board of Ballot Commissioners and their duties shall include the certification and ordering of the ballots and signing of all absentee ballots.

The ballot commissioners shall also perform the duties of the emergency absentee voting commissioners as described in West Virginia State Code 3-3-5c.

Immediately after the drawing for ballot positions, the Mayor shall cause to be published once per week for two consecutive weeks in a newspaper of general circulation serving the Chapmanville area the names of the persons as they are to appear upon the respective ballot and the Mayor shall have the ballot printed and authenticated with a facsimile of his or her signature.

The Town Council shall meet by the 2nd Tuesday in April preceding the general election and shall appoint teams of two election commissioners, and two poll clerks for said election for each voting precinct in the town. The meeting shall be a public meeting and the appointment shall give due consideration to any recommendations made by voters of the town or by candidates

on the ballot. Two alternates for each position shall also be appointed in case a worker or commissioner is unable to perform their duties. Each Team of officials will be registered to different parties. If unable to nominate and appoint an appropriate number of qualified people for each precinct, the Recorder may assign members of one precinct's standard receiving board to serve simultaneously on the standard receiving board of another precinct where the polling places of both precincts are located within the same physical building or facility: Provided, That no more than three precincts within the same building or facility may share board members in this manner.

Sec. 6—Write-in Candidates

Write-in candidates are required to file a certificate of announcement using the most recent "Write-in Candidates Certificate of Announcement" form from the WV Secretary of State at least 49 days before the general election to have votes for them counted. The filing must be physically in the Town Hall office by the deadline. No filing fee is required for official write-in candidates. (W. Va. Code § 3-6-4a)

Only votes for certified write-in candidates are to be counted. Precincts are notified of official write-in candidates. Posting of official write-in candidates are required at all voting precincts, including the early voting location established by city council.

Sec. 7—Financial Statements

All candidates will file campaign financial statements with the Recorder in accordance with the dates and forms set forth by the WV Secretary of State's office. Any candidate who wishes to raise money for his/her campaign before the official candidate filing period must first file a Pre-Candidacy Registration Form with the municipal clerk/recorder.

Sec. 8— Early Voting

Early Voting will take place no earlier than 13 days prior to the election and will continue until 3 days before the election begins. This will include the Saturdays during this time frame from 9:00AM to 5:00 PM. The location for early voting will be the Town Hall in Chapmanville, WV.

Sec. 9—Take office

The mayor, recorder and council members shall take office on July 1st of each ~~odd~~ year following a Municipal Election

Sec. 10—Oath and compensation of elected or appointed officers.

Every person elected or appointed to any office in the Town of Chapmanville before exercising any of the duties of such office, shall make oath to support the constitution of the United States and the Constitution of the State of West Virginia and will faithfully perform his duties of the best of his or her skill or judgment.

Sec. 11—Vacancies in council

Vacancies in the office of the council, including mayor, shall be filled by the remaining members of the council, who shall first offer the vacancy to other candidates for the office from the previous election who received votes from the electorate. If no other candidate existed, or said candidate will not accept the office, the council is free to fill the vacancy as they see fit. If this vacancy is due to a recall special election, the Council may not appoint the officer who was just removed from office.

Sec. 12—Terms of office

Mayor, recorder and council shall serve for a term of four years and thereafter until their successors in office have elected and qualified.

Sec. 13—Salaries

Salaries shall be fixed by the council (mayor and recorder voting)

Sec. 14—Removal of officers

All officials may be recalled by the following steps:

- (a) A petition of no less than 20% of the qualified voters of the municipality, bearing their signatures in their own handwriting shall be presented to the Council at a regular or special meeting. The Town of Chapmanville shall validate the signatures on the petition with the Voter Registration before the next regularly scheduled meeting.
- (b) If the petition was valid, the Town of Chapmanville will schedule a special municipal election, to submit to the qualified voters of Chapmanville the question of the recall of an elected officer within 45 days of the validation of the petition.
- (c) This will create a vacancy on the council which shall be filled according to Sec 11 of this ordinance.
- (d) In accordance with state code 8-12-4, only one recall election can be held per position per term of office.

Sec. 15—Condemnation—real estate

The council shall have the right in the name of the Town of Chapmanville to institute and prosecute in the circuit court of Logan County, West Virginia, condemnation proceedings for the purpose of condemning real estate for streets, alleys, roadways, drain, sewers, and other town purposes. Said condemnation proceedings shall conform to and be governed by the general laws of West Virginia relating to condemnation of real estate for public uses.

Sec. 16—Continuation of ordinances

All ordinances, by laws, orders and resolutions of the Town of Chapmanville, in force at the same time these ordinances go into effect shall continue in force so far as they are not inconsistent with these ordinances.

Sec. 17—Chapter Eight (8) Code of West Virginia

The provision of the Chapter eight (8) of the Code of West Virginia shall be applicable to the Town of Chapmanville and shall take precedence, insofar as they are in conflict with these

ordinances. Insofar as any matter required by Chapter Eight (8) of the Code of West Virginia regarding elections is omitted or not fully addressed by the ordinances of the Town of Chapmanville, Chapter Eight (8) of the Code of West Virginia shall apply.

Sec 18—Police

The mayor, with the consent of the council shall appoint and employ a chief of police and such other police officers as shall be necessary.

Sec 19—The mayor with the consent of the council shall appoint a city solicitor

Sec. 20—Committeemen

Committeemen, Effective with the election in 1995 the office of committeemen is eliminated.

Sec. 21—Canvass of elections.

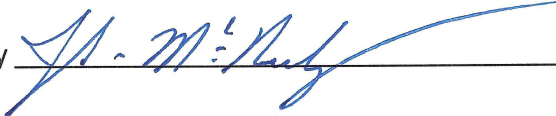
Chapter 8 of the Code of West Virginia in describing method of canvass shall be followed.

Sec. 22—Effective Date

This ordinance shall be in effect from passage.




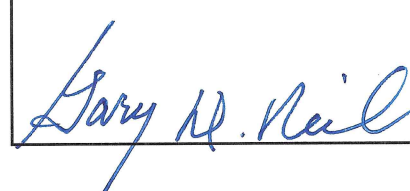
First Reading: 02/14/23

Second Reading: 3/14/23

Mayor Joel McNeely 

Recorder Phillip Williamson II 

Council Members

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