

AN ORDINANCE AMENDING PORTIONS OF ARTICLE 103 OF THE CODE OF THE TOWN OF STAR CITY, AS AUTHORIZED BY WEST VIRGINIA CODE 3-1-2(A) REGARDING MUNICIPAL ELECTIONS.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF STAR CITY, THAT ARTICLE 103 IS AMENDED AND REENACTED AS FOLLOWS (additions underlined, deletions strike-through):

ARTICLE 103

Elections

103.01 Election regulations generally.

~~103.02 Registration of voters.~~

~~103.03~~ 103.02 Duties of Recorder the Clerk of the Monongalia County Commission.

103.03 Voting precincts.

103.04 Regular; special elections.

~~103.06 Precinct election officials.~~

103.05 Qualifications of candidates.

~~103.08 Notice of election.~~

~~103.09 Ballots.~~

~~103.06 Canvass.~~

~~103.11 Emergency absentee ballot commissioners.~~

~~103.07 Vote by mail early voting.~~

~~103.08~~ 103.06 Filing Fees

103.01 ELECTION REGULATIONS GENERALLY.

(a) In accordance with West Virginia Code 8-5-6, the provisions of general law with respect to the method and time for the filing of certificates of candidacy, nominating candidates, conducting primary and regular municipal elections, and determining and certifying the results of such elections, so far as applicable, shall apply to municipal elections of the Town of Star City. ~~The general laws of the State 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 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.~~

(b) All elections for offices of the Town of Star City shall be non-partisan.

(1983 Code Sec. 6-1)

~~103.02 REGISTRATION OF VOTERS.~~

~~—(a) Only persons who are bona fide residents of the Town 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 Town.~~

~~—(b) The Municipal registration records for the Monongalia County precincts which are within the Town, as they are kept and maintained by the County Commission of Monongalia County, shall be the official registration of voters for any Municipal election, and only those persons so registered shall be eligible to vote.~~

(Passed 10-27-81)

103.02 DUTIES OF RECORDER THE CLERK OF THE MONONGALIA COUNTY COMMISSION.

~~At least three days prior to each Town election, the Town Recorder Clerk of the Monongalia County Commission shall procure from the office of Town Recorder 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 Town Recorder by the Recorder County Clerk.~~

As authorized by West Virginia Code 3-1-2a(c), the Clerk of the Monongalia County Commission is appointed as Election Officer for the Town of Star City.

~~(1983 Code Sec. 6-3)~~ (Passed: March 5, 2024)

103.03 VOTING PRECINCTS.

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

(1983 Code Sec. 6-4)

103.04 REGULAR; SPECIAL ELECTIONS.

The regular election for the choice of a Mayor and a Recorder and for the choice of the members of the common council shall be held on the second Tuesday in June 2023. Officials elected in June 2023 shall serve a one-year term, beginning on July 1, 2023 and ending on June 30, 2024. Beginning in 2024 and continuing every two years thereafter, the regular election for the choice of a Mayor and a Recorder and for the choice of the members of the common council shall be conducted by the Monongalia County Clerk and held concurrently

with the state-wide primary. Officials elected in 2024 and thereafter shall serve two-year terms beginning on the July 1 immediately following the certification of election results. 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 Town. Any special election of Council shall be held as nearly as is practicable according to the provisions for a regular election.

(Passed 12-20-22)

103.06 PRECINCT ELECTION OFFICIALS.

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

~~(Passed: _____)~~

103.05 QUALIFICATIONS OF CANDIDATES.

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

103.08 NOTICE OF ELECTION.

~~—The Town Recorder The Clerk of the Monongalia County Commission shall cause to be published in a newspaper of general circulation within the Town at least thirty days prior to each election of town officers a "Notice of Election" in the following form:~~

~~—"There will be an election held in the Town of Star City, Monongalia County, West Virginia, on the second Tuesday in June, 20—, for the purpose of electing a Mayor, Recorder and five Councilmen Council Members. Rules and regulations governing the calling and conduct of nominating conventions and the certification of the results thereof may be obtained at the Municipal Building.~~

~~(1983 Code Sec. 6-8) (Passed: _____)~~

103.09 BALLOTS.

~~—The ballots shall be prepared by the Recorder Clerk of the Monongalia County Commission. 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. The ballots shall bear instructions as to the number of candidates for each office for whom the voters are entitled to vote.~~

(Passed: March 5, 2024)

103.06 CANVASS.

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

(1983 Code Sec. 6-10) (Passed: March 5, 2024)

103.11 EMERGENCY ABSENTEE BALLOT COMMISSIONERS.

~~—(a) A set of emergency absentee ballot commissioners at-large shall consist of two persons, appointed by the Monongalia County Commission in accordance with the procedure prescribed for the appointment of election commissioners under the provisions of West Virginia Code 3-1-1 et seq. Emergency absentee ballot commissioners shall have the same qualifications and rights and take the same oath required for commissioners of elections. Such commissioners shall be compensated for services and expenses in the same manner as commissioners of election obtaining and delivering election supplies.~~

~~—(b) At least one of the emergency absentee ballot commissioners receiving the balloting materials shall sign a receipt which shall be attached to the application form. Each of the emergency absentee ballot commissioners shall deliver the materials to the absent voter, await his or her completion of the application and then the ballot and return the same to the circuit clerk County Clerk and, upon delivering the application and the voted ballot to the clerk of the court County Clerk, sign an oath that no person other than the absent voter voted the ballot. The application and the voted ballot shall be returned to the clerk of the circuit court County Clerk prior to the close of the polls on election day. Any ballots received by the clerk County Clerk after the time that delivery may reasonably be made but before the closing of the polls shall be delivered to the canvassing board along with the absentee ballots challenged in accordance with the provisions of West Virginia Code 3-3-10.~~

~~—(c) If either or both of the emergency absentee ballot commissioners should refuse to sign any application for voting an emergency absentee ballot, then the voter shall be permitted to vote as an emergency absentee and any such ballot shall be challenged in accordance with law.~~

~~(Passed: _____)~~

103.07 VOTE-BY-MAIL EARLY VOTING.

The Town of Star City, being a Class IV Municipality, does hereby agree to participate in this Pilot Program (153-38-1) Class IV Municipality Phase 1 for the Towns Municipal Election of 2019 and reserves the right to continue the program through all future elections. The Town of Star City does hereby agree to follow all laws, standards and procedures set forth in the Pilot Project.

(Passed 2-12-19)

Vote-by-mail early voting is authorized and to be conducted in accordance with the general law and rules promulgated by the Clerk of the Monongalia County Commission.

~~103-08~~ 103.06 FILING FEES

(a.) Candidates' filing fee for the Office of Mayor shall be \$25.00.

(b.) Candidates' filing fee for the position of Town Recorder shall be \$20.00.

(c.) Candidates' filing fee for a position as a Council Member shall be \$10.00.

(Passed: March 5, 2024)

First Reading: February 20, 2024

Second Reading: March 5, 2024

Adopted: March 5, 2024

A handwritten signature in blue ink, appearing to read "Susan Boyle", written over a horizontal line.

Mayor

A handwritten signature in blue ink, appearing to read "Steven A. Blasco", written over a horizontal line.

Recorder