

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-2-79

Time 3:00 p.m.

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1979

— ● —

ENROLLED

Committee Substitute for
HOUSE BILL No. 795

(By Mr. Martin, 35th District, + Mr. Moler)

— ● —

Passed February 23, 1979

In Effect From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 795

(By MR. MARTIN, 35TH DISTRICT, and MR. MOLER)

[Passed February 23, 1979; in effect from passage.]

AN ACT to amend article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eight-a, relating to the conducting of local option elections in counties having horse or dog racetracks into the question of permitting the holding of racing meets on Sundays; the procedures with respect to such elections; the form of the ballot or ballot labels with respect thereto; and the effect of the results of such election.

Be it enacted by the Legislature of West Virginia:

That article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eight-a, to read as follows:

ARTICLE 23. HORSE AND DOG RACING.

**PART V-A. LOCAL OPTION ELECTION
CONCERNING SUNDAY RACING.**

**§19-23-8a. Local option election procedure; form of ballot or
ballot labels; effect of such election.**

- 1 (a) The county commission of any county in which a horse

2 or dog race meeting is licensed under the provisions of section
3 one of this article is hereby authorized to call a local option
4 election for the purpose of determining the will of the quali-
5 fied voters within said county as to whether the racing com-
6 mission, notwithstanding any other provision of law, shall
7 approve an application for a license which contains racing
8 dates which fall on Sunday, if the application and the appli-
9 cant are otherwise in compliance with the provisions of this
10 article. Such approval shall limit Sunday racing to the hours
11 between one p.m. and six p.m., local time.

12 (b) The county commission may, and upon the written pe-
13 tition of qualified voters residing within the county equal to at
14 least fifteen percent of the number of persons who voted in
15 that county in the next preceding general election, which pe-
16 tition may be in any number of counterparts, shall order an
17 election to determine whether it is the will of the voters of
18 said county that racing be permitted on Sundays in said
19 county.

20 (c) No election to determine whether it is the will of the
21 voters of said county that racing be permitted on Sundays in
22 said county shall be held at a general or primary election or
23 within sixty days of any such election or in conjunction with
24 any other election.

25 (d) The county commission shall give notice of such elec-
26 tion by publication of such notice as a Class II-O legal adver-
27 tisement in accordance with the provisions of article three,
28 chapter fifty-nine of this code. Such notice shall be published
29 within twenty-one consecutive days next preceding the date
30 of said election.

31 (e) The ballot, or the ballot labels where voting machines are
32 used, shall have printed thereon substantially the following:

33 "Shall the West Virginia Racing Commission be authorized
34 to approve horse racing on Sundays between the hours of
35 one p.m. and six p.m. in _____ County,
36 West Virginia?

37 ☐ Yes ☐ No

38 (Place a cross mark in the square opposite your choice.)"

39 In a county in which dog racing is conducted, the term
40 "dog racing" shall be substituted for "horse racing" on the
41 ballot or ballot label.

42 (f) Each individual qualified to vote in said county shall
43 be qualified to vote at the local option election. The votes in
44 said local option election shall be counted and returns made
45 by the election officers and the results certified by the com-
46 missioners of election to said county commission, which shall
47 canvass the ballots, all in accordance with the laws of this
48 state relating to general elections insofar as the same are ap-
49 plicable. The county commission shall, without delay, can-
50 vass the votes cast at such local option election and certify
51 the results thereof to the racing commission, and shall trans-
52 mit a certified copy of said results to the secretary of state.

53 (g) The racing commission shall, after the certification of
54 the results of such local option election, thereafter approve an
55 application for a license which contains racing dates which fall
56 on Sunday if a majority of the voters voting at such local option
57 election vote yes, and on such racing dates all racing and other
58 activities authorized by this article shall be lawful, any other
59 provision of this code to the contrary notwithstanding.

60 (h) After an election to determine whether it is the will of
61 the voters of said county that racing be permitted on Sundays
62 in said county, another election on such issue shall not be held
63 for a period of five years.

64 (i) If at such election a majority of the voters of said coun-
65 ty shall approve racing on Sundays in said county, it shall be
66 lawful for the county commission, after five years from such
67 approval, and it shall be the duty of the county commission
68 upon a petition in writing of qualified voters residing within
69 the county equal to at least fifteen percent of the number of
70 persons who voted in that county in the next preceding general
71 election, which petition may be in any number of counterparts,
72 to order an election to determine whether it is the will of the
73 voters of said county that racing on Sundays be discontinued
74 in said county. The provisions of subsections(c) and (d) and
75 (f) of this section shall govern said election. The ballot, or the

76 ballot labels where voting machines are used, shall have print-
77 ed thereon substantially the following:

78 "Shall racing of horses on Sunday in _____
79 County, West Virginia, be discontinued?

80 ☐ Yes ☐ No

81 (Place a cross mark in the square opposite your choice.)"

82 In a county in which dog racing is conducted, the word "dogs"
83 shall be substituted for "horses" on the ballot or ballot label.
84 If it be the will of a majority of the voters of said county that
85 Sunday racing be discontinued in said county, it shall be the
86 duty of the racing commission thereafter, for a period of at
87 least five years and until a subsequent election shall otherwise
88 direct, to deny applications to race on Sundays in said county.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Robert C. Thurston
Chairman House Committee

Originated in the House.

Takes effect from passage.

J. Chilton, Jr.
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

H. B. Bostain
President of the Senate

John M. Lee, Jr.
Speaker House of Delegates

The within is approved this the 2
day of March, 1979.

Paul R. Ryan
Governor

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~~MAR. 1~~ 12 19 PM '79
OFFICE OF THE GOVERNOR

SECRET OF STATE

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