

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959

ENROLLED

SENATE BILL NO. 349

(By Mr. Common to the Judiciary)

PASSED March 12 1959

In Effect 90 days from Passage



Filed in Office of the Secretary of State
of West Virginia **MAR 20 1959**
JOE F. BURDETT
SECRETARY OF STATE

ENROLLED

Senate Bill No. 349

(Originating in the Committee on the Judiciary)

[Passed March 12, 1959; in effect ninety days from passage.]

AN ACT to provide for the submission to the voters of the state an amendment to the constitution of the state, amending article six thereof by adding thereto a new section designated section fifty-four, providing for continuity of governmental operations in event of enemy attack.

Be it enacted by the Legislature of West Virginia:

Section 1. *Submitting an Amendment to the State Constitution.*—That the question of the ratification or rejection of an amendment to the constitution of West Virginia, proposed in accordance with the provisions of section two, article fourteen of said constitution, shall be submitted to the voters of the state at the next general election, to be held in the year one thousand nine hundred sixty, which proposed amendment is as follows:

Article VI. The Legislature.

Sec. 54. *Continuity of Government Amendment.*—The
2 Legislature of West Virginia, in order to insure continuity
3 of state and local governmental operations in periods of
4 emergency resulting from disasters caused by enemy at-
5 tack, shall have the power and the immediate duty (1)
6 to provide for prompt and temporary succession to the
7 powers and duties of public offices, of whatever nature
8 and whether filled by election or appointment, the in-
9 cumbents of which may become unavailable for carrying
10 on the powers and duties of such offices, and (2) to adopt
11 such other measures as may be necessary and proper for
12 insuring the continuity of governmental operations.

Sec. 2. *Amendment to be Known as the "Continuity of
2 Government Amendment"*.—For convenience in referring
3 to said proposed amendment, and in the preparation of
4 the form of the ballot hereinafter provided for, said pro-
5 posed amendment is hereby designated as the "Continu-
6 ity of Government Amendment".

Sec. 3. *Form of Ballot Election.*—For the purpose of
2 enabling the voters of the state to vote on the question of

3 said proposed amendment to the constitution at the said
4 general election to be held in the year one thousand nine
5 hundred sixty, the board of ballot commissioners of each
6 county is hereby required to place upon, and at the foot
7 of, the official ballot to be voted at that election, the fol-
8 lowing:

9 Ballot on "Continuity of Government Amendment".

10 ☐ For ratification of Continuity of Government
11 Amendment.

12 ☐ Against ratification of Continuity of Government
13 Amendment.

14 The said election on the proposed amendment at each
15 place of voting shall be superintended, conducted and re-
16 turned, and the result thereof ascertained by the same
17 officers and in the same manner as the election of of-
18 ficers to be voted for at said election, and all provisions
19 of the law relating to general elections, including all duties
20 to be performed by any officer or board, as far as prac-
21 ticable, and not inconsistent with anything herein con-
22 tained, shall apply to the election held under the pro-
23 visions of this act, except when it is herein otherwise pro-

24 vided. The ballots cast on the question of said proposed
25 amendment shall be counted as other ballots cast at said
26 election.

Sec. 4. *Certificates of Election Commissioners; Canvass*
2 of *Vote; Certifying Result*.—As soon as the result is ascer-
3 tained, the commissioners, or a majority of them, and
4 the canvassers (if there be any), or a majority of them,
5 at each place of voting, shall make out and sign two cer-
6 tificates thereof in the following form or to the following
7 effect:

8 “We, the undersigned, who acted as commissioners (or
9 canvassers, as the case may be) of the election held at
10 Precinct No. —, in the district of —, in the
11 county of —, on the fourth day of November,
12 one thousand nine hundred sixty, upon the question of
13 the ratification or rejection of the proposed constitutional
14 amendment, do hereby certify that the result of said elec-
15 tion is as follows:

16 “For ratification of Continuity of Government Amend-
17 ment — votes.

18 “Against ratification of Continuity of Government
19 Amendment — votes.

20 "Given under our hands this — day of November,
21 one thousand nine hundred sixty."

22 The said two certificates shall correspond with each
23 other in all respects and contain the full and true returns
24 of said election at each place of voting on said question.
25 The said commissioners, or any one of them (or said can-
26 vassers or any one of them, as the case may be), shall,
27 within four days, excluding Sunday, after that on which
28 said election was held, deliver one of said certificates to
29 the clerk of the county court of his county, together with
30 the ballots, and the other to the clerk of the circuit court
31 of the county.

32 The said certificates, together with the ballots cast on
33 the question of said proposed amendment, shall be laid
34 before the commissioners of the county court at the court-
35 house at the same time the ballots, poll books, and the
36 certificates of elections of the members of the Legislature
37 are laid before them; and as soon as the result of said elec-
38 tion in the county upon the question of such ratification or
39 rejection is ascertained, two certificates of such result
40 shall be made out and signed by said commissioners as a

41 board of canvassers, in the form or to the following effect:

42 “We, the board of canvassers of the county of ———,

43 having carefully and impartially examined the returns of

44 the election held in said county, in each district thereof,

45 on the fourth day of November, one thousand nine hun-

46 dred sixty, do certify that the results of the election in

47 said county, on the question of the ratification or rejection

48 of the proposed amendment is as follows:

49 “For ratification of Continuity of Government Amend-

50 ment — votes.

51 “Against ratification of Continuity of Government

52 Amendment — votes.

53 “Given under our hands this — day of November,

54 one thousand nine hundred sixty.”

55 One of the certificates shall be filed in the office of the

56 clerk of the county court, and the other forwarded by mail

57 to the secretary of state, who shall file and preserve the

58 same until the day on which the result of said election

59 in the state is to be ascertained, as hereinafter stated.

Sec. 5. Proclamation of Result of Election by Governor.

2—On the twenty-fifth day after the election is held, or as

3 soon thereafter as practicable, the said certificates shall
4 be laid before the governor, whose duty it shall be to as-
5 certain therefrom the result of said election in the state,
6 and declare the same by proclamation published in one
7 or more newspapers printed at the seat of government. If
8 a majority of the votes cast at said election upon said
9 question be for ratification of said amendment, the pro-
10 posed amendment so ratified shall be in force and effect
11 from and after the time of such ratification, as part of the
12 constitution of the state.

Sec. 6. *Publication of Proposed Amendment by Gover-*
2 *nor.*—The governor shall cause the said proposed amend-
3 ment, with the proper designation for the same as here-
4 inbefore adopted, to be published one time at least three
5 months before such election in some newspaper in every
6 county in which a newspaper is printed, at a price to be
7 agreed upon in advance, in writing, and the cost of such
8 advertising shall in the first instance, if found necessary
9 by him, be paid out of the governor's contingent fund and
10 be afterwards repaid to such fund by appropriation of the
11 Legislature.


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


Chairman Senate Committee



Chairman House Committee


Originated in the Senate.

Takes effect 90 days from passage.

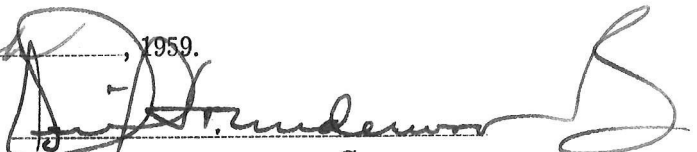

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within approved this the 20th
day of March, 1959.


Governor

