

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1960



ENROLLED

HOUSE BILL No. 25.....

(By Mr. Parker & Rainden.....)



PASSED Feb 2..... 1960

In Effect 90 days from..... Passage



Filed in Office of the Secretary of State
of West Virginia FEB 13 1960
JOE F. BURDETT
SECRETARY OF STATE

ENROLLED
House Bill No. 28
(BY MR. PARKER AND MR. RAIRDEN)

[Passed February 2, 1960; in effect ninety days from passage.]

AN ACT to provide for the submission to the voters of an amendment to the constitution of the state, providing for a preamble thereto.

Be it enacted by the Legislature of West Virginia:

Section 1. *Submitting an Amendment to the State Constitution.*—The question of 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 to provide for a preamble to the constitution to read as follows:

P R E A M B L E

“Since through Divine Providence we enjoy the bless-

12 ings of civil, political and religious liberty, we, the people
13 of West Virginia, in and through the provisions of this
14 Constitution, reaffirm our faith in and constant reliance
15 upon God and seek diligently to promote, preserve and
16 perpetuate good government, in the state of West Virginia
17 for the common welfare, freedom and security of our-
18 selves and our posterity."

Sec. 2. *Amendment to Be Known as the "Preamble for
2 the Constitution Amendment."*—For convenience in re-
3 ferring to said proposed amendment, and in the prepara-
4 tion of the form of the ballot hereinafter provided for,
5 said proposed amendment is hereby designated as the
6 "Preamble for the Constitution Amendment."

Sec. 3. *Form of Ballot; Election.*—For the purpose of
2 enabling the voters of the state to vote on the question
3 of said proposed amendment to the constitution at the
4 said general election to be held in the year one thousand
5 nine hundred sixty, the board of ballot commissioners
6 of each county is hereby required to place upon, and in
7 first position at the foot of, the official ballot to be voted
8 at that election, the following:

9 *Amendment No. 1*

10 Ballot on "Preamble for the Constitution Amendment".

11 ☐ For ratification.12 ☐ Against ratification.

13 The said election on the proposed amendment at each
14 place of voting shall be superintended, conducted and
15 returned, and the result thereof ascertained by the same
16 officers and in the same manner as the election of officers
17 to be voted for at said election, and all provisions of the
18 law relating to general elections, including all duties to
19 be performed by any officer or board, as far as practicable,
20 and not inconsistent with anything herein contained, shall
21 apply to the election held under the provisions of this act,
22 except when it is herein otherwise provided. The ballots
23 cast on the question of said proposed amendment shall be
24 counted as other ballots cast at said 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 the
4 canvassors (if there be any), or a majority of them, at
5 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 eighth day of November, one
12 thousand nine hundred sixty, upon the question of the
13 ratification or rejection of the proposed constitutional
14 amendment, do hereby certify that the result of said
15 election is as follows:

16 "For ratification of Preamble for the Constitution
17 Amendment _____ votes.

18 "Against ratification of Preamble for the Constitution
19 Amendment _____ votes.

20 "Given under our hand 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
26 canvassers 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 election of the members of the Legislature
37 are laid before them; and as soon as the result of said
38 election in the county upon the question of such ratifica-
39 tion or rejection is ascertained, two certificates of such
40 result shall be made out and signed by said commissioners
41 as a board of canvassers, in the form or to the following
42 effect:

43 "We, the board of canvassers of the county of _____,
44 having carefully and impartially examined the returns
45 of the election held in said county, in each district there-
46 of, on the eighth day of November, one thousand nine
47 hundred sixty, do certify that the results of the election

48 in said county, on the question of the ratification or
49 rejection of the proposed amendment is as follows:

50 "For ratification of Preamble for the Constitution
51 Amendment _____ votes.

52 "Against ratification of Preamble for the Constitution
53 Amendment _____ votes.

54 "Given under our hands this _____ day of November,
55 one thousand nine hundred sixty."

56 One of the certificates shall be filed in the office of the
57 clerk of the county court, and the other forwarded by
58 mail to the secretary of state, who shall file and preserve
59 the same until the day on which the results of said
60 election in the state is to be ascertained, as hereinafter
61 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
5 ascertain 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.

8 If 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
12 the constitution of the state.

Sec. 6. *Publication of Proposed Amendment by Gov-*
2 *ernor.*—The governor shall cause the said proposed
3 amendment, with the proper designation for the same as
4 hereinbefore prescribed, to be published one time at
5 least three months before such election in some newspaper
6 in every county in which a newspaper is printed, at a
7 price to be agreed upon in advance, in writing, and the
8 cost of such advertising shall in the first instance, if found
9 necessary by him, be paid out of the governor's contingent
10 fund and be afterwards repaid to such fund by appropria-
11 tion of the Legislature.

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

Thomas Davis, 2nd

 Chairman Senate Committee

J. Tom Godby

 Chairman House Committee

Originated in the House of Delegates

Takes effect *90 days from* _____ passage.

Thomas Myers

 Clerk of the Senate

C. Blankenship

 Clerk of the House of Delegates

Ralph J. Bean

 President of the Senate

H. R. Bailey

 Speaker, House of Delegates

The within *approved* _____ this the *11th*

day of *February*, 1960.

J. D. Underwood

 Governor



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 of West Virginia **FEB 13 1960**

JOE F. BURDETT
SECRETARY OF STATE