

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1960



ENROLLED

HOUSE BILL No...*48*.....

(By Mr. *Armistead & Kessel*)



PASSED *Feb. 2* 1960

In Effect *90 days from* Passage



Filed in Office of the Secretary of State
of West Virginia **FEB 15 1960**
JOE F. BURDETT
SECRETARY OF STATE

ENROLLED

House Bill No. 48

(BY MR. ARMISTEAD AND MR. KESSEL)

[Passed February 8, 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, amending section two, article fourteen thereof, relating to amendments to the constitution.

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 amend section two, article fourteen of the constitution to read as follows:

“Section 2. *How Amendments are Made.*—Any amend-

11 ment to the Constitution of the State may be proposed in
12 either House of the Legislature; and if the same, being
13 read on three several days in each House, be agreed to on
14 its third reading, by two thirds of the members elected
15 thereto, the proposed amendment, with the yeas and nays
16 thereon, shall be entered on the journals, and it shall be
17 the duty of the Legislature to provide by law, for sub-
18 mitting the same to the voters of the State for ratification
19 or rejection at the next general election thereafter, and
20 cause the same to be published, at least three months be-
21 fore such election in some newspaper in every county in
22 which a newspaper is printed. And if a majority of the
23 qualified voters, voting on the question at the polls held
24 pursuant to such law, ratify the proposed amendment, it
25 shall be in force from the time of such ratification, as part
26 of the Constitution of the State. If two or more amend-
27 ments be submitted at the same time, the vote on the
28 ratification or rejection shall be taken on each separately,
29 but an amendment may relate to a single subject or to
30 related subject matters and may amend or modify as many
31 articles and as many sections of the Constitution as may

32 be necessary and appropriate in order to accomplish the
33 objectives of the amendment."

Sec. 2. *Amendment to Be Known as the "Procedure for
2 Amending the Constitution Amendment."*—For conven-
3 ience in referring to said proposed amendment, and in the
4 preparation of the form of the ballot hereinafter provided
5 for, said proposed amendment is hereby designated as the
6 "Procedure for Amending 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 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 in second
7 position at the foot of, the official ballot to be voted at that
8 election, the following:

9 *Amendment No. 2*

10 Ballot on "Procedure for Amending the Constitution
11 Amendment".

12 ☐ For ratification.

13 ☐ Against ratification.

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 officers
18 to be voted for at said election, and all provisions of the
19 law relating to general elections, including all duties to
20 be performed by any officer or board, as far as practicable,
21 and not inconsistent with anything herein contained, shall
22 apply to the election held under the provisions of this act,
23 except when it is herein otherwise provided. The ballots
24 cast on the question of said proposed amendment shall be
25 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 as-
3 certained, 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 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 elec-
15 tion is as follows:

16 "For ratification of Procedure for Amending the Con-
17 stitution Amendment _____ votes.

18 "Against ratification of Procedure for Amending the
19 Constitution 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 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 of
45 the election held in said county, in each district thereof,
46 on the eighth day of November, one thousand nine hun-
47 dred sixty, do certify that the results of the election in
48 said county, on the question of the ratification or rejection
49 of the proposed amendment is as follows:

50 "For ratification of Procedure for Amending the Con-
51 stitution Amendment.....votes.

52 "Against ratification of Procedure for Amending the
53 Constitution 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 mail
58 to the secretary of state, who shall file and preserve the
59 same until the day on which the results of said election in
60 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 be
4 laid before the governor, whose duty it shall be to ascer-
5 tain therefrom the result of said election in the state, and
6 declare the same by proclamation published in one or
7 more newspapers printed at the seat of government. If a
8 majority of the votes cast at said election upon said ques-
9 tion be for ratification of said amendment, the proposed
10 amendment so ratified shall be in force and effect from

11 and after the time of such ratification, as part of the con-
12 stitution of the state.

Sec. 6. *Publication of Proposed Amendment by Gov-*
2 *ernor.*—The governor shall cause said proposed amend-
3 ment, with the proper designation for the same as herein-
4 before prescribed, 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.

Thomas Davis, Jr.
Chairman Senate Committee

Eudora Andrew
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

Thomas Myers
Clerk of the Senate

C. B. Landership
Clerk of the House of Delegates

Ralph Bean
President of the Senate

H. A. Raulsey
Speaker, House of Delegates

The within approved this the 15th
day of February, 1960.

Lee D. Underwood
Governor



Filed in Office of the Secretary of State
of West Virginia FEB 15 1960
JOE F. BURDETT
SECRETARY OF STATE