

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1962



## ENROLLED

HOUSE BILL No. 20.....

(By Mr. Speaker, Mr. Singleton



PASSED January 26 1962

In Effect From Passage



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JOE F. BURDETT  
SECRETARY OF STATE

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**House Bill No. 20**

(By MR. SPEAKER, MR. SINGLETON)

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AN ACT to provide for the submission to the voters of the state  
of an amendment to the constitution of the state, amending  
article seven thereof, relating to the executive department  
of state government.

**State Executive and Budget Amendment.**

*Be it enacted by the Legislature of West Virginia:*

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

10 be amended to read as follows:

11 **"Article VII. The Executive.**

12 **Section 1. Governor.**—The chief executive power of  
13 the State shall be vested in a Governor, who shall cause  
14 the laws to be faithfully executed. He may require the  
15 Attorney General to institute and prosecute appropriate  
16 actions and proceedings in the courts, brought in the  
17 name of the State, to enforce compliance with the laws.

18 **Sec. 2. Elected Officers.**—In addition to a Governor,  
19 there shall be an Attorney General, who shall be the  
20 chief legal officer of the State, an Auditor, who shall be  
21 the chief fiscal officer of the State, a Commissioner of  
22 Agriculture, a Secretary of State and a Treasurer. These  
23 officers shall be elected by the qualified voters of the  
24 State, and the election shall be held at such times and  
25 places as may be prescribed by law. Their terms of  
26 office shall be four years and until their successors as  
27 designated herein have qualified. Their terms shall com-  
28 mence on the first Monday after the second Wednesday  
29 of January next after their election. During their terms  
30 of office, they shall reside within the county in which

31 the seat of government is located. Unless otherwise pro-  
32 vided by law, they shall keep at the seat of government  
33 the public records, books and papers pertaining to their  
34 respective offices. They shall have such powers and per-  
35 form such duties as may be prescribed by this constitu-  
36 tion or by law.

37 **Sec. 3. Election Returns; Contests.**—The returns of  
38 every election for the officers named in section two of  
39 this article shall be sealed and transmitted by the re-  
40 turning officers to the Secretary of State, directed to the  
41 Speaker of the House of Delegates, who shall, immediately  
42 after the organization of the House, before proceeding to  
43 other business, and in the presence of a majority of the  
44 members of each House of the Legislature, open and pub-  
45 lish the returns. The person having the highest number  
46 of votes for each of the offices shall be declared elected;  
47 but if two or more shall have the highest and equal  
48 number of votes for the same office, one of them shall be  
49 chosen for the office by joint vote of a majority of the  
50 members of both Houses.

51 Contested elections for these state elective offices shall

52 be determined in such manner as may be prescribed by  
53 law.

54 **Sec. 4. Eligibility.**—None of the officers named in sec-  
55 tion two of this article shall hold any other office during  
56 the term of his service. A person who has been elected  
57 or has served as Governor during all or any part of two  
58 consecutive terms shall be ineligible for the office of  
59 Governor during any part of the term immediately fol-  
60 lowing the second of the two consecutive terms.

61 **Sec. 5. Executive and Administrative Organization.**—  
62 Except for the offices of Governor, Attorney General,  
63 Auditor, Commissioner of Agriculture, Secretary of State  
64 and Treasurer, and governing boards of institutions of  
65 higher education, all executive and administrative offices,  
66 departments, and instrumentalities of the state govern-  
67 ment, and their respective functions, powers and duties,  
68 shall be allocated by the Legislature among and within  
69 not more than twenty principal departments, in such  
70 manner as to group the same according to major purposes  
71 so far as practicable. However, temporary commissions  
72 for special purposes may be established by law, and such

73 commissions need not be allocated within a principal  
74 department.

75 Except for the offices of Attorney General, Auditor,  
76 Commissioner of Agriculture, Secretary of State and  
77 Treasurer, and the governing boards of institutions of  
78 higher education, each principal department shall be  
79 under the supervision of the Governor. The head of each  
80 such principal department shall be a single executive  
81 unless otherwise provided by law.

82 The Legislature, in compliance with these provisions,  
83 shall prior to the first day of July, one thousand nine  
84 hundred sixty-three, and may from time to time there-  
85 after, allocate by law the executive and administrative  
86 offices, departments and instrumentalities of the state  
87 government among and within the principal departments.  
88 If such allocation shall not have been completed within  
89 the time limited, the Governor shall call an extraordinary  
90 session of the Legislature to which he shall submit a plan  
91 or plans for consideration to complete such allocation;  
92 and no other matters shall be considered at such session.

93 **Sec. 6. Appointment and Removal of Officers.—The**

94 Governor shall nominate and, by and with the advice and  
95 consent of the Senate (a majority of all the Senators  
96 elected concurring by yeas and nays), appoint, to serve  
97 at the pleasure of the Governor during their terms of  
98 office and until the appointment and qualification of their  
99 successors, the heads of the principal departments which  
100 are under his supervision, whether the head be a single  
101 executive or members of a board, commission, or other  
102 body prescribed by law.

103 Without such advice and consent, unless otherwise pro-  
104 vided by law, the Governor shall also appoint all other  
105 officers whose offices are established by this Constitution  
106 or shall be created by law and whose appointment or  
107 election is not otherwise provided; and no such officers,  
108 except officers of the Legislature, shall be appointed or  
109 elected by the Legislature. Except as otherwise provided  
110 by general laws, such officers shall serve at the pleasure  
111 of the Governor. He shall also have the power to remove  
112 any officer, in the manner prescribed by law, for incom-  
113 petency, neglect of duty, gross immorality, malfeasance  
114 in office, or official misconduct. The Governor shall fill

115 any vacancies in such offices in the manner prescribed by  
116 law. Unless removed, such officers shall continue to serve  
117 until their successors are appointed and qualified.

118 **Sec. 7. Governor's Messages.**—The Governor shall, at  
119 the beginning of each session, and at such other time as  
120 he may deem necessary, give to the Legislature infor-  
121 mation by message as to the condition and affairs of the  
122 State, and shall in like manner recommend such measures  
123 as he shall deem desirable or expedient.

124 **Sec. 8. Extraordinary Legislative Session.**—The Gover-  
125 nor may convene the Legislature in extraordinary session  
126 whenever, in his opinion, the interest of the State requires  
127 it; and it shall be his duty to convene the Legislature on  
128 application in writing of three fifths of the members  
129 elected to each House. When convened at the Governor's  
130 instance, the Legislature shall enter upon no business  
131 except that stated in the proclamation by which it was  
132 convened.

133 **Sec. 9. Legislature's Meeting Place.**—The Governor  
134 may direct that sessions of the Legislature be held at  
135 some convenient place other than the seat of government



136 whenever from the presence of an enemy, or from any  
137 other cause, it shall become an unsafe place for the meet-  
138 ing of the Legislature.

139 **Sec. 10. Commander-in-Chief of Armed Forces.**—The  
140 Governor shall be commander-in-chief of the armed forces  
141 of the State (except when they shall be called into the  
142 service of the United States), and may call the same out  
143 to enforce the execution of the laws, suppress insurrec-  
144 tion, or repel invasion.

145 **Sec. 11. Executive Clemency.**—The Governor shall  
146 have and may exercise general powers of executive clem-  
147 ency, including the power to commute capital punish-  
148 ment and other sentences, to grant reprieves, to remit  
149 fines and penalties in whole or in part, and except where  
150 the prosecution has been carried on by the House of  
151 Delegates, to grant full or conditional pardons after con-  
152 viction. The Legislature may by law provide for a board  
153 composed of not more than three members, to be appoint-  
154 ed by the Governor and to serve during his will and  
155 pleasure, to which board he may delegate any or all of  
156 his powers of executive clemency, except the power to

157 commute capital punishment. The Governor or the board,  
158 as the case may be, shall report to each House of the  
159 Legislature at every regular session thereof, and at such  
160 other times as required by either House, the particulars  
161 of every case in which executive clemency has been  
162 granted since the last preceding report. The report shall  
163 be in such form and detail as may be prescribed by law.

164 **Sec. 12. Governor's Approval or Disapproval of Bills**  
165 **Passed by the Legislature.**—Except as otherwise pro-  
166 vided in this Constitution, every bill passed by the Legis-  
167 lature shall, before it becomes a law, be presented to the  
168 Governor. If he approves, he shall sign it, and thereupon  
169 it shall become a law; but if not, he shall return it, with  
170 his objections, to the House in which it originated, which  
171 House shall enter the objections at large upon its journal,  
172 and may proceed to reconsider the bill. Upon such re-  
173 consideration, if a majority of the members elected to  
174 that House agree to pass the bill, it shall be sent, together  
175 with the objections of the Governor to the other House,  
176 by which it may likewise be reconsidered, and if approved  
177 by a majority of the members elected to that House, it

178 shall become a law notwithstanding the objections of  
179 the Governor: *Provided*, That, if upon such reconsider-  
180 ation the bill be amended and reenacted, then it shall  
181 be again sent to the Governor and he shall act upon it  
182 as if it were before him for the first time. In all such  
183 cases, the vote of each House shall be determined by  
184 yeas and nays to be entered on the journal.

185 Any bill which shall not be returned by the Governor  
186 within five days, Sunday excepted, after it shall have  
187 been presented to him, shall be a law, in the same manner  
188 as if he had signed it, unless the Legislature shall, by  
189 adjournment, prevent its return; in which case it shall  
190 be filed with his objections in the office of an officer pre-  
191 scribed by law within fifteen days, Sundays excepted,  
192 after such adjournment, or become a law.

193 **Sec. 13. Salaries of Elected Officers.**—The Governor,  
194 Attorney General, Auditor, Commissioner of Agriculture,  
195 Secretary of State and Treasurer shall each receive for  
196 his services a salary to be fixed by law, which shall not  
197 be increased or diminished during his official term, and  
198 for the performance of any official duty he shall not re-

199 ceive to his own use any fees, costs, perquisites of office  
200 or compensation, except his salary. He shall account for  
201 and pay over in the manner provided by law all moneys  
202 collected by him by virtue of his office.

203     **Sec. 14. Vacancy in Governorship; Judicial Determina-**  
204 **tion.**—In the event of a vacancy in the office of Governor  
205 resulting from death, resignation or removal of a Governor  
206 in office, or the death of a Governor-elect or his failure  
207 to qualify, or from any other cause, the functions, powers,  
208 duties and emoluments of the office shall devolve, first,  
209 upon the President of the Senate; second, upon the  
210 Speaker of the House of Delegates; and then upon such  
211 officers and in such order of succession as may be pro-  
212 vided by law; and in any of these cases, except as other-  
213 wise provided herein, the person designated shall serve  
214 until a successor shall be elected and qualified as herein  
215 provided.

216     The office of Governor shall be deemed vacant if the  
217 Supreme Court of Appeals finds and declares that a Gov-  
218 ernor in office is unable to discharge the duties of the  
219 office by reason of his mental, physical, or other disability;

220 *Provided, however,* That such vacancy shall cease to exist  
221 if, prior to the election of a person to fill the vacancy,  
222 the court shall find and declare that the inability to dis-  
223 charge the duties of the office by reason of his mental,  
224 physical or other disability has ceased to exist.

225     Upon the filing of a verified petition in writing by one  
226 third of the members elected to each House of the Legis-  
227 lature, alleging valid and reasonable grounds for declar-  
228 ing the office of Governor vacant or that the inability  
229 which created a vacancy has ceased to exist, the Supreme  
230 Court of Appeals shall have original jurisdiction, by quo  
231 warrant or other appropriate proceedings, to hear and  
232 determine questions concerning a vacancy in the office  
233 of Governor. The court may proceed to hearing on such  
234 petition and make such findings and determinations as  
235 may be warranted. Such proceedings shall have preced-  
236 ence over all other matters before the court, and may be  
237 heard in a regular or special term. In the event the court  
238 finds that a vacancy does or does not exist, a mandate  
239 declaratory thereof shall be issued by the court. The  
240 provisions of this section may be implemented by rules

241 of court, but no rule shall impede or unnecessarily delay  
242 the expeditious hearing and determination herein con-  
243 templated.

244     **Sec. 15. Other Elective Office Vacancies.**—In the event  
245 of a vacancy in the office of Attorney General, Auditor,  
246 Commissioner of Agriculture, Secretary of State or Treas-  
247 urer resulting from death, resignation, or removal of the  
248 person in office, or the death of the person elected to  
249 the office, or from any other cause, the Governor shall  
250 nominate and, by and with the advice and consent of  
251 the Senate (a majority of all the Senators elected con-  
252 curring by yeas and nays), appoint a person to fill the  
253 vacancy. The appointee shall, upon qualifying, hold the  
254 office, unless he be removed, until his successor shall be  
255 appointed, or elected, and qualified.

256     **Sec. 16. Elections to Fill Vacancies.**—Whenever a va-  
257' cancy shall occur in the office of Governor, Attorney Gen-  
258 eral, Auditor, Commissioner of Agriculture, Secretary of  
259 State or Treasurer, a successor shall be elected to fill the  
260 unexpired term at the general election next succeeding  
261 the vacancy, unless the vacancy shall occur within sixty

262 days immediately preceding such general election, in  
263 which case a successor shall not be elected to fill the  
264 unexpired term.

265 Notwithstanding the provisions of section three of this  
266 article, the returns of an election for any such officer for  
267 an unexpired term shall be directed to an officer pre-  
268 scribed by law who shall open and publish the returns,  
269 and declare the results in such manner as may be provided  
270 by law: *Provided, however,* That if two or more candi-  
271 dates have the highest and equal number of votes for the  
272 same office, one of them shall be chosen and declared  
273 elected to the office by joint vote of a majority of the  
274 members of both Houses of the Legislature in the regular  
275 or extraordinary session next succeeding the election.

276 **Sec. 17. Vacancies Filled in Recess of Legislature.**—In  
277 the event of a vacancy, during a recess of the Senate,  
278 in any office the appointment to which requires confirma-  
279 tion by the Senate, the Governor shall appoint a person  
280 to such office, who, upon qualifying, shall hold the office,  
281 unless he be removed, for the time herein provided.

282 The nomination of the person thus appointed during a

283 recess shall be deemed made to the Senate by the Gov-  
284 ernor at the time of the appointment, unless the nomina-  
285 tion be withdrawn by the Governor prior to confirmation  
286 by the Senate. A person so nominated, when confirmed  
287 by the Senate (a majority of all the Senators elected  
288 concurring by yeas and nays), shall hold the office during  
289 the remainder of the term, unless he be removed, and  
290 until his successor shall be appointed, or elected, and  
291 qualified. If such an interim appointment is not confirmed,  
292 it shall expire upon the adjournment of the regular or  
293 extraordinary session of the Legislature next after the  
294 appointment or when the appointee has been rejected by  
295 the Senate, whichever shall first occur.

296 If a vacancy in any such office shall exist during a  
297 regular or extraordinary session of the Legislature, the  
298 Governor shall, if practicable, forward to the Senate be-  
299 fore its adjournment the name of the person nominated  
300 to fill such vacancy.

301 No person, after being rejected by the Senate, shall be  
302 again nominated for the same office, during the same  
303 session, unless at the request of the Senate; nor shall a



304 person, whose nomination for an office failed to be con-  
305 firmed, be eligible, prior to the next regular session of the  
306 Legislature, for an interim appointment to the same  
307 office.

308 **Sec. 18. Budget and Supplementary Appropriation Bills.**

309 —The Legislature shall not appropriate any money out of  
310 the treasury except in accordance with the provisions of  
311 this section.

312 **Sub-Section A—Appropriation Bills**

313 (1) Every appropriation bill shall be either a budget  
314 bill, or a supplementary appropriation bill, as hereinafter  
315 provided.

316 **Sub-Section B—Budget Bills**

317 (2) Within ten days after the convening of the regular  
318 session of the Legislature in odd-numbered years, unless  
319 such time shall be extended by the Legislature, and on  
320 the second Wednesday of January in even-numbered  
321 years, the Governor shall submit to the Legislature a  
322 budget for the next ensuing fiscal year. The budget shall  
323 contain a complete plan of proposed expenditures and  
324 estimated revenues for the fiscal year and shall show the

325 estimated surplus or deficit of revenues at the end of the  
326 fiscal year. Accompanying each budget shall be a state-  
327 ment showing: (a) An estimate of the revenues and ex-  
328 penditures for the current fiscal year, including the actual  
329 revenues and actual expenditures to the extent available,  
330 and the revenues and expenditures for the next preceding  
331 fiscal year; (b) the current assets, liabilities, reserves and  
332 surplus or deficit of the State; (c) the debts and funds  
333 of the State; (d) an estimate of the State's financial con-  
334 dition as of the beginning and end of the fiscal year  
335 covered by the budget; (e) any explanation the Governor  
336 may desire to make as to the important features of the  
337 budget and any suggestions as to methods for reduction  
338 or increase of the State's revenue.

339 (3) Each budget shall embrace an itemized estimate  
340 of the appropriations, in such form and detail as the  
341 Governor shall determine or as may be prescribed by  
342 law, (a) for the Legislature as certified to the Governor in  
343 the manner hereinafter provided; (b) for the executive  
344 department; (c) for the judiciary department, as pro-  
345 vided by law, certified to the Governor by the Auditor;

346 (d) for payment and discharge of the principal and in-  
347 terest of any debt of the State created in conformity with  
348 the Constitution, and all laws enacted in pursuance there-  
349 of; (e) for the salaries payable by the State under the  
350 Constitution and laws of the State; (f) for such other  
351 purposes as are set forth in the Constitution and in laws  
352 made in pursuance thereof.

353 (4) The Governor shall deliver to the presiding officer  
354 of each House the budget and a bill for all the proposed  
355 appropriations of the budget clearly itemized and classi-  
356 fied, in such form and detail as the Governor shall de-  
357 termine or as may be prescribed by law; and the presiding  
358 officer of each House shall promptly cause the bill to be  
359 introduced therein, and such bill shall be known as the  
360 'Budget Bill'. The Governor may, with the consent of the  
361 Legislature, before final action thereon by the Legislature,  
362 amend or supplement the budget to correct an oversight,  
363 or to provide funds contingent on passage of pending  
364 legislation, and in case of an emergency, he may deliver  
365 such an amendment or supplement to the presiding officers  
366 of both Houses; and the amendment or supplement shall

367 thereby become a part of the budget bill as an addition  
368 to the items of the bill or as a modification of or a sub-  
369 stitute for any item of the bill the amendment or supple-  
370 ment may affect.

371 (5) The Legislature shall not amend the budget bill so  
372 as to create a deficit but may amend the bill by increasing  
373 or diminishing the items therein: *Provided, however, That*  
374 the Legislature shall not increase the estimate of revenues  
375 submitted in the budget without the approval of the Gov-  
376 ernor: *Provided further, That, except as otherwise pro-*  
377 *vided in this Constitution, the salary or compensation of*  
378 *any public officer shall not be increased or diminished*  
379 *during his term of office; and the bill when and as passed*  
380 *by both Houses shall be law immediately without further*  
381 *action by the Governor.*

382 (6) The Governor and such representatives of the ex-  
383 ecutive departments, boards, officers and commissions of  
384 the State expending or applying for state moneys as have  
385 been designated by the Governor for this purpose, shall  
386 have the right, and when requested by either House of  
387 the Legislature it shall be their duty, to appear and be

388 heard with respect to any budget bill, and to answer  
389 inquiries relative thereto.

390 **Sub-Section C—Supplementary Appropriation Bills**

391 (7) Neither House shall consider other appropriations  
392 for the next ensuing fiscal year until the budget bill for  
393 such year has been finally acted upon by both Houses,  
394 and no such other appropriations whether supplementing  
395 the budget for a current fiscal year or the next ensuing  
396 fiscal year, shall be valid except in accordance with the  
397 provisions following: (a) Every such appropriation shall  
398 be embodied in a separate bill limited to some single work,  
399 object or purpose therein stated and called therein a  
400 supplementary appropriation bill; (b) each supplementary  
401 appropriation bill shall provide the revenue necessary to  
402 pay the appropriation thereby made by a tax, direct or  
403 indirect, to be laid and collected as shall be directed in  
404 the bill, unless it appears from such budget that there is  
405 sufficient revenue available; (c) no supplementary appro-  
406 priation bill shall become a law unless it be passed in  
407 each House by a vote of a majority of the members pres-  
408 ent, and the yeas and nays recorded on its final passage.

409 Each supplementary appropriation bill shall be presented  
410 to the Governor of the State as provided in section twelve  
411 of this article and thereafter all the provisions of that  
412 section shall apply.

413           **Sub-Section D—General Provisions**

414       (8) If the budget bill shall not have been finally acted  
415 upon by the Legislature three days before the expiration  
416 of its regular session, the Governor shall issue a proclama-  
417 tion extending the session for such further period as may,  
418 in his judgment, be necessary for the passage of the bill;  
419 but no matter other than the bill shall be considered dur-  
420 ing the extended session except a provision for the cost  
421 thereof.

422       (9) For the purpose of making up the budget, the Gov-  
423 ernor shall have the power, and it shall be his duty, to  
424 require from the proper state officials, including herein  
425 all executive departments, all executive and administra-  
426 tive officers, bureaus, boards, commissions and agencies  
427 expending or supervising the expenditure of, and all in-  
428 stitutions applying for state moneys and appropriations,  
429 such itemized estimates and other information, in such

430 form and at such times as he shall direct. The estimates  
431 for the legislative department, certified by the presiding  
432 officer of each House, and for the judiciary, as provided  
433 by law, certified by the Auditor, shall be transmitted to  
434 the Governor in such form and at such times as he shall  
435 direct, and shall be included in the budget.

436 (10) The Governor may provide for public hearings  
437 on all estimates and may require the attendance at such  
438 hearings of representatives of all agencies and all insti-  
439 tutions applying for state moneys. After such public  
440 hearings he may, in his discretion, revise all estimates  
441 except those for the legislative and judiciary departments.

442 (11) The Legislature may, from time to time, enact  
443 such laws, not inconsistent with this section, as may be  
444 necessary and proper to carry out its provisions.

445 (12) In the event of any inconsistency between any of  
446 the provisions of this section and any of the other pro-  
447 visions of the Constitution, the provisions of this section  
448 shall prevail. But nothing herein shall be construed as  
449 preventing the Governor from calling extraordinary ses-  
450 sions of the Legislature, as provided by section eight of

451 this article, or as preventing the Legislature at such ex-  
452 traordinary sessions from considering any emergency ap-  
453 propriation or appropriations.

454 (13) If any item of any appropriation bill passed under  
455 the provisions of this section shall be held invalid upon  
456 any ground, such invalidity shall not affect the legality  
457 of the bill or of any other item of such bill or bills."

**Sec. 2. Amendment to Be Known as the "State Executive  
2 and Budget Amendment".**—For convenience in refer-  
3 ring 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 "State Executive and Budget 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-two, the board of ballot commissioners of  
6 each county is hereby required to place upon, and at  
7 the foot of, the official ballot to be voted at that election,  
8 the following:



9      Ballot on "State Executive and Budget Amendment."

10      ☐ For ratification of State Executive and Budget  
11                      Amendment.

12      ☐ Against ratification of State Executive and Budget  
13                      Amendment.

14      The said election on the proposed amendment at each  
15 place of voting shall be superintended, conducted and  
16 returned, 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 the provisions of  
19 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 the

4 canvassers. (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 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 \_\_\_\_\_,  
11 in the county of \_\_\_\_\_, on  
12 the \_\_\_\_\_ day of \_\_\_\_\_, one thou-  
13 sand nine hundred sixty-two, upon the question of the  
14 ratification or rejection of the proposed constitutional  
15 amendment, do hereby certify that the result of said elec-  
16 tion is as follows:

17 "For ratification of State Executive and Budget Amend-  
18 ment \_\_\_\_\_ votes.

19 "Against ratification of State Executive and Budget  
20 Amendment \_\_\_\_\_ votes.

21 "Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_,  
22 one thousand nine hundred sixty-two."

23 The said two certificates shall correspond with each  
24 other in all respects and contain the full and true returns

25 in said election at each place of voting on said question.  
26 The said commissioners, or any one of them (or said  
27 canvassers or any one of them, as the case may be), shall,  
28 within four days, excluding Sunday, after that on which  
29 said election was held, deliver one of said certificates to  
30 the clerk of the county court of his county, together with  
31 the ballots, and the other to the clerk of the circuit court  
32 of the county.

33 The said certificates, together with the ballots cast on  
34 the question of said proposed amendment, shall be laid  
35 before the commissioners of the county court at the court  
36 house at the same time the ballots, poll books, and the  
37 certificates of election of the members of the Legislature  
38 are laid before them; and as soon as the result of said  
39 election in the county upon the question of such ratifica-  
40 tion or rejection is ascertained, two certificates of such  
41 result shall be made out and signed by said commissioners  
42 as a board of canvassers, in the form or to the following  
43 effect:

44 "We, the board of canvassers of the county of .....  
45 ....., having carefully and impartially ex-

46 amined the returns of the election held in said county,  
47 in each district thereof, on the ..... day of November,  
48 one thousand nine hundred sixty-two, do certify that the  
49 results of the election in said county, on the question of  
50 the ratification or rejection of the proposed amendment is  
51 as follows:

52 "For ratification of State Executive and Budget Amend-  
53 ment ..... votes.

54 "Against ratification of State Executive and Budget  
55 Amendment ..... votes.

56 "Given under our hands this.....day of.....  
57 ....., one thousand nine hundred sixty-two."

58 One of the certificates shall be filed in the office of the  
59 clerk of the county court, and the other forwarded by  
60 mail to the secretary of state, who shall file and preserve  
61 the same until the day on which the result of said elec-  
62 tion 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

5 ascertain therefrom the result of said election in the  
6 state, and declare the same by proclamation published  
7 in one or more newspapers printed in the seat of govern-  
8 ment. If a majority of the votes cast at said election upon  
9 said question be for ratification of said amendment, the  
10 proposed amendment so ratified shall be in force and  
11 effect from and after the time of such ratification, as part  
12 of the constitution of the state.

**Sec. 6. Publication of Proposed Amendment by Gov-**

2 **ernor.**—The governor shall cause the said proposed amend-  
3 ment, with the proper designation for the same as herein-  
4 before 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 neces-  
9 sary by him, be paid out of the governor's contingent fund  
10 and be afterwards repaid to such fund by appropriation  
11 of the Legislature.

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

*Harold Davis, Jr.*  
Chairman Senate Committee

*Mrs. J. H. Withrow*  
Chairman House Committee

Originated in the House.

Takes effect FROM passage.

*Howard Meyers*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Howard W. Carson*  
President of the Senate

*Julius W. Engelhardt*  
Speaker of the House of Delegates

The within approved this the 5th  
day of February, 1962.

*W. M. Baum*  
Governor

