WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1962

ENROLLED

HOUSE BILL No. 65

(By Mr. Crulkshank and Mr. Myles)

PASSED February 5, 1962

In Effect Ninety days from Passage

Filed in Office of the Secretary of State of West Virginia 2-14-62

JOE F. BURDETT
SECRETARY OF STATE
AN ACT to provide for the submission to the voters of the state of an amendment to the constitution of the state, amending section three of article nine thereof, relating to terms of office of sheriff.

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-two, which proposed amendment is as follows:

That section three of article nine of the constitution of West Virginia be amended to read as follows:
Section 3. Sheriffs; More Than Two Consecutive Terms

Prohibited.—Without limitation on the number of non-consecutive terms, the same person shall not serve as sheriff by election or appointment for more than two consecutive terms, or any part thereof; nor shall any person who acted as a deputy at any time during the preceding four years be elected or appointed sheriff, nor shall any sheriff act as deputy of his successor; nor shall he, during his term of service, or within one year thereafter, be eligible to any other office. The retiring sheriff shall finish all business remaining in his hands, at the expiration of his term; for which purpose his commission and official bond shall remain in force. The duties of the office of sheriff shall be performed by him in person, or under his superintendence."

Sec. 2. Amendment to Be Known as the “Sheriffs’ Succession Amendment”.—For convenience in referring to said proposed amendment, and in the preparation of the form of the ballot hereinafter provided for, said proposed amendment is hereby designated as the “Sheriffs’ Succession Amendment”.

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

Ballot on "Sheriffs' Succession Amendment."

☐ For ratification of Sheriffs' Succession Amendment.

☐ Against ratification of Sheriffs' Succession Amendment.

The said election on the proposed amendment at each place of voting shall be superintended, conducted and returned, and the result thereof ascertained by the same officers and in the same manner as the election of officers to be voted for at said election, and all the provisions of the law relating to general elections, including all duties to be performed by any officer or board, as far as practicable, and not inconsistent with anything herein contained, shall apply to the election held under the pro-
visions of this act, except when it is herein otherwise pro-
vided. The ballots cast on the question of said proposed
amendment shall be counted as other ballots cast at said
election.

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

"We, the undersigned, who acted as commissioners (or
canvassers, as the case may be) of the election held at
precinct No.________, in the district of_____________________,
in the county of______________________________, on
the__________day of_______________________, one thou-
sand nine hundred sixty-two, upon the question of the
ratification or rejection of the proposed constitutional
amendment, do hereby certify that the result of said elec-
tion is as follows:
"For ratification of Sheriffs' Succession Amendment

votes.

"Against ratification of Sheriffs' Succession Amend-

ment votes.

"Given under our hands this day of ,

one thousand nine hundred sixty-two."

The said two certificates shall correspond with each

other in all respects and contain the full and true returns

in said election at each place of voting on said question.

The said commissioners, or any one of them (or said

canvassers or any one of them, as the case may be), shall,

within four days, excluding Sunday, after that on which

said election was held, deliver one of said certificates to

the clerk of the county court of his county, together with

the ballots, and the other to the clerk of the circuit court

of the county.

The said certificates, together with the ballots cast on

the question of said proposed amendment, shall be laid

before the commissioners of the county court at the court

house at the same time the ballots, poll books, and the

certificates of election of the members of the Legislature
are laid before them; and as soon as the result of said
election in the county upon the question of such ratifica-
tion or rejection is ascertained, two certificates of such
result shall be made out and signed by said commissioners
as a board of canvassers, in the form or to the following
effect:

“We, the board of canvassers of the county of.............
.............................., having carefully and impartially ex-
amined the returns of the election held in said county,
in each district thereof, on the.............day of November,
one thousand nine hundred sixty-two, do certify that the
results of the election in said county, on the question of
the ratification or rejection of the proposed amendment
is as follows:

“For ratification of Sheriffs' Succession Amendment
.................................votes.

“Against ratification of Sheriffs' Succession Amend-
ment..............................votes.

“Given under our hands this.............day of.............
.............................., one thousand nine hundred sixty-two.”

One of the certificates shall be filed in the office of the
Sec. 5. Proclamation of Result of Election by Governor.

On the twenty-fifth day after the election is held, or as soon thereafter as practicable, the said certificates shall be laid before the governor, whose duty it shall be to ascertain therefrom the result of said election in the state, and declare the same by proclamation published in one or more newspapers printed in the seat of government. If a majority of the votes cast at said election upon said question be for ratification of said amendment, the proposed amendment so ratified shall be in force and effect from and after the time of such ratification, as part of the constitution of the state.

Sec. 6. Publication of Proposed Amendment by Governor.—The governor shall cause the said proposed amendment, with the proper designation for the same as hereinbefore adopted, to be published one time at least three months before such election in some newspaper in every
county in which a newspaper is printed, at a price to be agreed upon in advance, in writing, and the cost of such advertising shall be in the first instance, if found necessary by him, be paid out of the governor's contingent fund and be afterwards repaid to such fund by appropriation of the 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 House.

Takes effect Ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within appro

The within approve this the thirteenth
day of January, 1962.

Governor