

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1962

ENROLLED

HOUSE BILL No. 68

68
(By Mr. Cruikshank 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

ENROLLED

House Bill No 68

(By MR. CRUIKSHANK and MR. MYLES)

[Passed February 5, 1962; in effect ninety days from passage.]

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

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 section three of article nine of the constitution of
10 West Virginia be amended to read as follows:

11 **“Section 3. Sheriffs; More Than Two Consecutive Terms**
12 **Prohibited.**—Without limitation on the number of non-
13 consecutive terms, the same person shall not serve as
14 sheriff by election or appointment for more than two
15 consecutive terms, or any part thereof; nor shall any
16 person who acted as a deputy at any time during the
17 preceding four years be elected or appointed sheriff, nor
18 shall any sheriff act as deputy of his successor; nor shall
19 he, during his term of service, or within one year there-
20 after, be eligible to any other office. The retiring sheriff
21 shall finish all business remaining in his hands, at the
22 expiration of his term; for which purpose his commission
23 and official bond shall remain in force. The duties of the
24 office of sheriff shall be performed by him in person, or
25 under his superintendence.”

Sec. 2. Amendment to Be Known as the “Sheriffs’ Suc-
2 **cession Amendment**”.—For convenience in referring to
3 said proposed amendment, and in the preparation of the
4 form of the ballot hereinafter provided for, said proposed
5 amendment is hereby designated as the “Sheriffs’ Succes-
6 sion 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 "Sheriffs' Succession Amendment."

10 ☐ For ratification of Sheriffs' Succession Amendment.

11 ☐ Against ratification of Sheriffs' Succession Amend-
12 ment.

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 the provisions of
18 the law relating to general elections, including all duties
19 to be performed by any officer or board, as far as prac-
20 ticable, and not inconsistent with anything herein con-
21 tained, shall apply to the election held under the pro-

visions of this act, except when it is herein otherwise provided. 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 ascertained, 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 certificates 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 thousand 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 election is as follows:

17 "For ratification of Sheriffs' Succession Amendment
18votes.

19 "Against ratification of Sheriffs' Succession Amend-
20 ment.....votes.

21 "Given under our hands thisday 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
51 is as follows:

52 "For ratification of Sheriffs' Succession Amendment
53votes.

54 "Against ratification of Sheriffs' Succession Amend-
55 ment.....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.

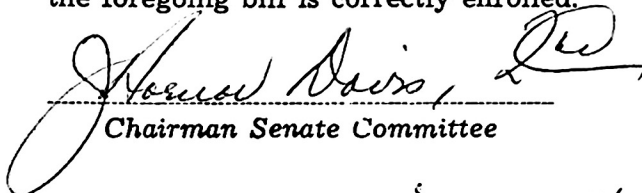
2 —On the twenty-fifth day after the election is held, or as
3 soon thereafter as practicable, the said certificates shall
4 be laid before the governor, whose duty it shall be to
5 ascertain therefrom the result of said election in the
6 state, and declare the same by proclamation published
7 in one 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 be 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.

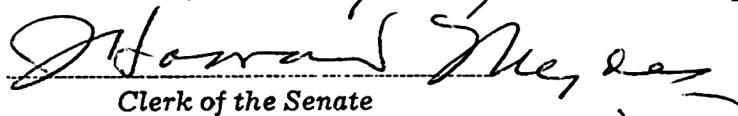
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

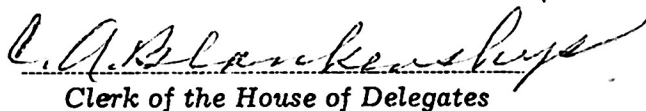

Chairman Senate Committee

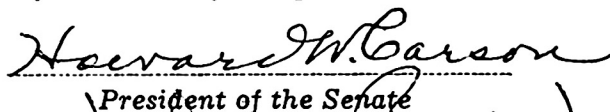

Chairman House Committee

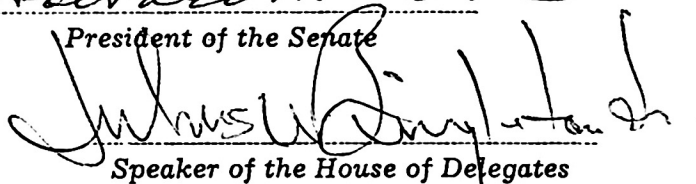
Originated in the House.

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 approved this the thirteenth
day of February, 1962.


Governor

