

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1962

ENROLLED

Committee Substitute For
SENATE BILL NO. 58

(By Mr. *Filey*)

PASSED *February 8,* 1962

In Effect *ninty days from* Passage

Filed in Office of the Secretary of State
of West Virginia 2-15-62
JOE F. BURDETT
SECRETARY OF STATE

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 58
(By MR. RILEY)

[Passed February 8, 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 sections thirteen, twenty-two and thirty-three, article six thereof, relating to eligibility to a seat in the Legislature, to the length of legislative sessions and the business which may be considered in thirty-day sessions, and to the compensation and expenses of members of the Legislature.

Be it enacted by the Legislature of West Virginia:

Section 1. Submitting an Amendment to the State Con-
2 stitution.—That the question of the ratification or rejec-

3 tion of an amendment to the constitution of West Virginia,
4 proposed in accordance with the provisions of section two,
5 article fourteen of said constitution, shall be submitted
6 to the voters of the state at the next general election, to
7 be held in the year one thousand nine hundred sixty-two,
8 which proposed amendment is as follows:

9 That sections thirteen, twenty-two and thirty-three,
10 article six of the constitution of West Virginia, be amend-
11 ed to read as follows:

12 **“Section 13. Eligibility to Seat in Legislature.—**No per-
13 son holding a lucrative office or employment under the
14 state, the United States, or any foreign government; no
15 member of congress; and no person who is sheriff, con-
16 stable, or clerk of any court of record, shall be eligible
17 to a seat in the Legislature.

18 **“Sec. 22. Length of Legislative Session.—**The regular
19 session of the Legislature held in the year one thousand
20 nine hundred sixty-three and every second year there-
21 after shall not exceed sixty days, and the regular session
22 held in the year one thousand nine hundred sixty-four
23 and every second year thereafter shall not exceed thirty

24 days. During any thirty-day session the Legislature shall
25 consider no other business than the annual budget bill,
26 revenue measures and such business as may be stated by
27 the Legislature on its own motion in a concurrent resolu-
28 tion adopted by a two-thirds vote of the members elected
29 to each house. All sessions may be extended by the con-
30 currence of two-thirds of the members elected to each
31 house.

32 **“Sec. 33. Compensation and Expenses of Members.—**
33 Each member of the Legislature shall receive for his serv-
34 ices the sum of fifteen hundred dollars a year, and may
35 receive such additional sum, as may be provided by
36 statute, for expenses for actual attendance while the
37 Legislature is in session, and for mileage for one round
38 trip in connection with any session and for one round trip
39 in connection with attending a party caucus held in ad-
40 vance of the date of the assembly of the Legislature in
41 odd-numbered years for the purpose of selecting candi-
42 dates for office of the two houses, the additional sum of
43 ten cents for each mile traveled in going to and returning
44 from the seat of government by the most direct route.

45 The Speaker of the House of Delegates and the President
46 of the Senate shall each receive an additional compensa-
47 tion of five dollars a day for each day served as presiding
48 officer. Any member of the Legislature may receive, from
49 appropriations for such purposes, compensation for serv-
50 ices rendered in the performance of interim committee
51 or commission assignments. Notwithstanding any other
52 provision of the constitution, the compensation and ex-
53 penses herein provided for shall be paid to each member
54 of the Legislature on and after the adoption of this amend-
55 ment.”

Sec. 2. Amendment to Be Known as the “Legislative
2 **Amendment.”**—For convenience in referring to said pro-
3 posed amendment, and in the preparation of the form of
4 the ballot hereinafter provided for, said proposed amend-
5 ment is hereby designated as the “Legislative Amend-
6 ment.”

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 the
7 foot of, the official ballot to be voted at that election, the
8 following:

9 Ballot on "Legislative Amendment".

10 ☐ For ratification of Legislative Amendment.

11 ☐ Against ratification of Legislative Amendment.

12 The said election on the proposed amendment at each
13 place of voting shall be superintended, conducted and re-
14 turned, and the result thereof ascertained by the same
15 officers and in the same manner as the election of officers
16 to be voted for at said election, and all the provisions of
17 the law relating to general elections, including all duties
18 to be performed by any officer or board, as far as prac-
19 ticable, and not inconsistent with anything herein con-
20 tained, shall apply to the election held under the pro-
21 visions of this act, except when it is herein otherwise
22 provided. The ballots cast on the question of said pro-
23 posed amendment shall be counted as other ballots cast
24 at said election.

Sec. 4. Certificate of Election Commissioners; Canvass

2 of Vote; Certifying Result.—As soon as the result is
3 ascertained, 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
6 certificates 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 _____, in the
11 county of _____, on the _____ day of _____,
12 one thousand nine hundred sixty-two, upon the question
13 of the ratification or rejection of the proposed constitu-
14 tional amendment, do hereby certify that the result of said
15 election is as follows:

16 “For ratification of Legislative Amendment _____ votes.

17 “Against ratification of Legislative Amendment _____
18 votes.

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

21 The said two certificates shall correspond with each
22 other in all respects and contain the full and true returns
23 in said election at each place of voting on said question.
24 The said commissioners, or any one of them (or said
25 canvassers, or any one of them, as the case may be), shall,
26 within four days, excluding Sunday, after that on which
27 said election was held, deliver one of said certificates to
28 the clerk of the county court of the county, together with
29 the ballots, and the other to the clerk of the circuit court
30 of the county.

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

42 "We, the board of canvassers of the county of _____,
43 having carefully and impartially examined the returns
44 of the election held in said county, in each district thereof,
45 on the _____ day of November, one thousand nine hun-
46 dred sixty-two, do certify that the results of the election
47 in said county, on the question of the ratification or re-
48 jection of the proposed amendment is as follows:

49 "For ratification of Legislative Amendment.....votes.

50 "Against ratification of Legislative Amendment.....
51 votes.

52 "Given under our hands this _____ day of _____
53 one thousand nine hundred sixty-two."

54 One of the certificates shall be filed in the office of the
55 clerk of the county court, and the other forwarded by
56 mail to the secretary of state, who shall file and preserve
57 the same until the day on which the result of said election
58 in the state is to be ascertained, as hereinafter stated.

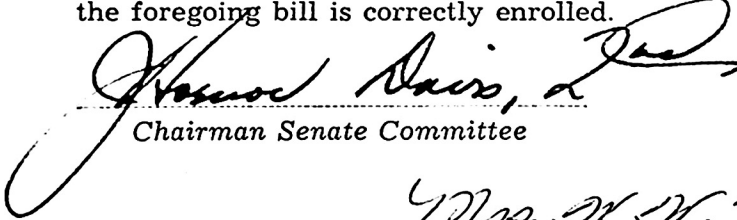
Sec. 5. Proclamation of Result of Election by Governor.

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 state,
6 and declare the same by proclamation published in one
7 or more newspapers printed in 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 the
12 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 adopted, to be published one time at least
5 three months before such election in some newspaper in
6 every county in which a newspaper is printed, at a price
7 to be agreed upon in advance, in writing, and the cost of
8 such 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.

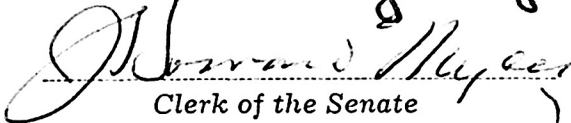
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

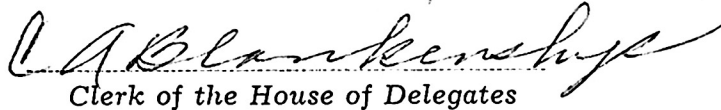

Chairman Senate Committee

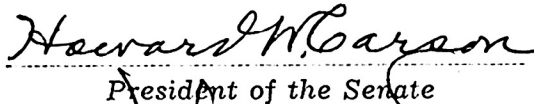

Chairman House Committee

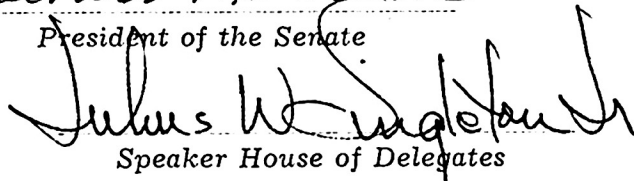
Originated in the Senate.

Takes effect ninety days from passage.

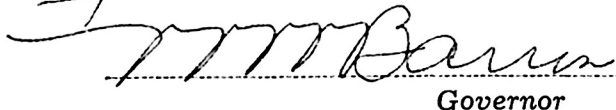

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within approved this the Fifteenth
day of February, 1962.


Governor