WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1962

ENROLLED
Committee Substitute For
SENATE BILL NO. 58

(By Mr. )

PASSED February 8, 1962
In Effect 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 Constitution.—That the question of the ratification or rejec-
tion 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 sections thirteen, twenty-two and thirty-three, article six of the constitution of West Virginia, be amended to read as follows:

"Section 13. Eligibility to Seat in Legislature.—No person holding a lucrative office or employment under the state, the United States, or any foreign government; no member of congress; and no person who is sheriff, constable, or clerk of any court of record, shall be eligible to a seat in the Legislature.

"Sec. 22. Length of Legislative Session.—The regular session of the Legislature held in the year one thousand nine hundred sixty-three and every second year thereafter shall not exceed sixty days, and the regular session held in the year one thousand nine hundred sixty-four and every second year thereafter shall not exceed thirty
days. During any thirty-day session the Legislature shall consider no other business than the annual budget bill, revenue measures and such business as may be stated by the Legislature on its own motion in a concurrent resolution adopted by a two-thirds vote of the members elected to each house. All sessions may be extended by the concurrence of two-thirds of the members elected to each house.

"Sec. 33. Compensation and Expenses of Members.—Each member of the Legislature shall receive for his services the sum of fifteen hundred dollars a year, and may receive such additional sum, as may be provided by statute, for expenses for actual attendance while the Legislature is in session, and for mileage for one round trip in connection with any session and for one round trip in connection with attending a party caucus held in advance of the date of the assembly of the Legislature in odd-numbered years for the purpose of selecting candidates for office of the two houses, the additional sum of ten cents for each mile traveled in going to and returning from the seat of government by the most direct route.
The Speaker of the House of Delegates and the President of the Senate shall each receive an additional compensation of five dollars a day for each day served as presiding officer. Any member of the Legislature may receive, from appropriations for such purposes, compensation for services rendered in the performance of interim committee or commission assignments. Notwithstanding any other provision of the constitution, the compensation and expenses herein provided for shall be paid to each member of the Legislature on and after the adoption of this amendment.”

Sec. 2. Amendment to Be Known as the “Legislative 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 “Legislative 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 "Legislative Amendment".

☐ For ratification of Legislative Amendment.

☐ Against ratification of Legislative 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 provisions 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. Certificate 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:

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

"Against ratification of Legislative Amendment ............ 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 the 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 courthouse 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 ratification 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 examined 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 Legislative Amendment __________ votes.

"Against ratification of Legislative Amendment __________ 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 clerk of the county court, and the other forwarded by mail to the secretary of state, who shall file and preserve the same until the day on which the result of said election in the state is to be ascertained, as hereinafter stated.

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 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 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 approve this the fifteenth day of February, 1962.

Governor