WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1966

ENROLLED

HOUSE BILL No. 230

(By Mr. Armstead

PASSED Feb. 9, 1966

In Effect 30 days from Passage

Filed in the Office
of the Secretary of State
This Date 2-15-66.
ENROLLED

House Bill No. 230
(By Mr. Armistead)

[Passed February 9, 1966; 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 of West Virginia, amending section two, article fourteen thereof, relating to making amendments to the constitution.

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
That section two, article fourteen of the constitution of the state of West Virginia be amended so as to read as follows:

"Article XIV. Amendments.

"Section 2. Any amendment to the Constitution of the State may be proposed in either House of the Legislature at any regular or extraordinary session thereof; and if the same, being read on three several days in each House, be agreed to on its third reading by two thirds of the members elected thereto, the proposed amendment, with the yeas and nays thereon, shall be entered on the journals, and it shall be the duty of the Legislature to provide by law for submitting the same to the voters of the State for ratification or rejection, at a special election, or at the next general election thereafter, and cause the same to be published, at least three months before such election in some newspaper in every county in which a newspaper is printed. And if a majority of the qualified voters, voting on the question at the polls
held pursuant to such law, ratify the proposed amendment, it shall be in force from the time of such ratification, as part of the Constitution of the State. If two or more amendments be submitted at the same time, the vote on the ratification or rejection shall be taken on each separately, but an amendment may relate to a single subject or to related subject matters and may amend or modify as many articles and as many sections of the Constitution as may be necessary and appropriate in order to accomplish the objectives of the amendment.

The Legislature may provide by law for the submission of all such amendments on a single ballot whereon each amendment shall be listed separately and distinctly so as to provide a clear choice of ratification or rejection with respect to each proposal. Any ballot submitting proposed constitutional change shall include no other type of question or issue.”

Sec. 2. Amendment to Be Known as “Constitutional Improvement 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
"Constitutional Improvement Amendment."

Sec. 3. Form of Ballot; Election.—For the purpose
of enabling the voters of the state to vote on the question
of this proposed amendment and any other amendment
or amendments that may be submitted to the constitu-
tion at the said general election to be held in the year
one thousand nine hundred sixty-six, 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
upon at that election, a heading reading "Ballot on Con-
stitutional Amendment(s)."

In the first position under said heading the board of
ballot commissioners of each county shall place the
following:

No. 1. Constitutional Improvement Amendment
    □ For Ratification
    □ Against Ratification

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 pro-
posed 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 to 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-six, 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:

"Amendment No. 1. Constitutional Improvement Amendment

"For ratification __________ votes.

"Against ratification __________ votes.

"Given under our hands this ______ day of ______, one thousand nine hundred sixty-six."

The said two certificates shall correspond with each other in all respects and contain the full and true returns of 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 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 [county name], having carefully and impartially examined the returns of the election held in said county, in each district thereof, on the [date] day of November, one thousand nine hundred sixty-six, do certify that the result of the election in said county, on the question of the ratification or rejection of the proposed amendment is as follows:

"Amendment No. 1. Constitutional Improvement Amendment
For ratification __________ votes.

Against ratification __________ votes.

Given under our hands this ___ day of __________,

one thousand nine hundred sixty-six.”

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 certificate 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 at 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.

O. Ray Parker
Chairman Senate Committee

James W. Loope
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Rayce
Clerk of the Senate

C.A. Blankenship
Clerk of the House of Delegates

Howard R. Carson
President of the Senate

N. Saban White
Speaker House of Delegates

The within Approved this the 15th day of February, 1966.

Hulett O. Smith
Governor