

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1966

ENROLLED

HOUSE BILL No. 230

(By Mr. Armistead)

PASSED Feb. 9, 1966

In Effect Twenty days from Passage



FILED IN THE OFFICE
ROBERT D. GALEY
SECRETARY OF STATE
THIS DATE 2-15-66

#230

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

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 hun-
8 dred sixty-six, which proposed amendment is as follows:

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

12 "Article XIV. Amendments.

13 "Section 2. Any amendment to the Constitution of
14 the State may be proposed in either House of the Legis-
15 lature at any regular or extraordinary session thereof;
16 and if the same, being read on three several days in each
17 House, be agreed to on its third reading by two thirds
18 of the members elected thereto, the proposed amend-
19 ment, with the yeas and nays thereon, shall be entered
20 on the journals, and it shall be the duty of the Legis-
21 lature to provide by law for submitting the same to the
22 voters of the State for ratification or rejection, at a special
23 election, or at the next general election thereafter, and
24 cause the same to be published, at least three months
25 before such election in some newspaper in every county
26 in which a newspaper is printed. And if a majority of
27 the qualified voters, voting on the question at the polls

28 held pursuant to such law, ratify the proposed amend-
29 ment, it shall be in force from the time of such ratifica-
30 tion, as part of the Constitution of the State. If two or
31 more amendments be submitted at the same time, the
32 vote on the ratification or rejection shall be taken on
33 each separately, but an amendment may relate to a single
34 subject or to related subject matters and may amend or
35 modify as many articles and as many sections of the
36 Constitution as may be necessary and appropriate in
37 order to accomplish the objectives of the amendment.
38 The Legislature may provide by law for the submission
39 of all such amendments on a single ballot whereon each
40 amendment shall be listed separately and distinctly so
41 as to provide a clear choice of ratification or rejection
42 with respect to each proposal. Any ballot submitting
43 proposed constitutional change shall include no other
44 type of question or issue."

Sec. 2. Amendment to Be Known as "Constitutional
2 **Improvement Amendment.**"—For convenience in re-
3 ferring to said proposed amendment, and in the prepa-
4 ration of the form of the ballot hereinafter provided for,

5 said proposed amendment is hereby designated as the
6 "Constitutional Improvement Amendment."

Sec. 3. Form of Ballot; Election.—For the purpose
2 of enabling the voters of the state to vote on the question
3 of this proposed amendment and any other amendment
4 or amendments that may be submitted to the constitu-
5 tion at the said general election to be held in the year
6 one thousand nine hundred sixty-six, the board of ballot
7 commissioners of each county is hereby required to place
8 upon, and at the foot of, the official ballot to be voted
9 upon at that election, a heading reading "Ballot on Con-
10 stitutional Amendment(s)."

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

14 No. 1. Constitutional Improvement Amendment

15 ☐ For Ratification

16 ☐ Against Ratification

17 The said election on the proposed amendment at each
18 place of voting shall be superintended, conducted and
19 returned, and the result thereof ascertained by the same

20 officers and in the same manner as the election of officers
21 to be voted for at said election, and all the provisions
22 of the law relating to general elections, including all
23 duties to be performed by any officer or board, as far as
24 practicable, and not inconsistent with anything herein
25 contained, shall apply to the election held under the
26 provisions of this act, except when it is herein otherwise
27 provided. The ballots cast on the question of said pro-
28 posed amendment shall be counted as other ballots cast
29 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,
4 and the canvassers (if there be any), or a majority of
5 them, at each place of voting, shall make out and sign
6 two certificates thereof in the following form or to the
7 following effect:

8 “We, the undersigned, who acted as commissioners
9 (or canvassers, as the case may be) of the election
10 held at Precinct No. _____, in the district of
11 _____, in the county of _____,

12 on the _____ day of _____, one thousand
13 nine hundred sixty-six, upon the question of the
14 ratification or rejection of the proposed constitutional
15 amendment, do hereby certify that the result of said
16 election is as follows:

17 "Amendment No. 1. Constitutional Improvement
18 Amendment

19 "For ratification _____ votes.

20 "Against ratification _____ votes.

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

23 The said two certificates shall correspond with each
24 other in all respects and contain the full and true returns
25 of 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
36 courthouse at the same time the ballots, poll books, and
37 the certificates of election of the members of the Legis-
38 lature are laid before them; and as soon as the result of
39 said election in the county upon the question of such
40 ratification or rejection is ascertained, two certificates of
41 such result shall be made out and signed by said com-
42 missioners as a board of canvassers, in the form or to
43 the following effect:

44 "We, the board of canvassers of the county of
45 _____, having carefully and impartially
46 examined the returns of the election held in said
47 county, in each district thereof, on the _____ day
48 of November, one thousand nine hundred sixty-six,
49 do certify that the result of the election in said county,
50 on the question of the ratification or rejection of the
51 proposed amendment is as follows:

52 "Amendment No. 1. Constitutional Improvement
53 Amendment

54 “For ratification votes.

55 “Against ratification votes.

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

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
63 stated.

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

2 —On the twenty-fifth day after the election is held, or
3 as soon thereafter as practicable, the said certificate 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 at 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
12 the 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
6 in every county in which a newspaper is printed, at a
7 price to be agreed upon in advance, in writing, and the
8 cost of such advertising shall in the first instance, if found
9 necessary by him, be paid out of the governor's contingent
10 fund and be afterwards repaid to such fund by appro-
11 priation 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. Loop

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Keyes

Clerk of the Senate

C. Blankenship

Clerk of the House of Delegates

Howard W. Carson

President of the Senate

H. Laban White

Speaker House of Delegates

FEB 15 1 52 PM '66

OFFICE OF THE GOVERNOR

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

Frederic C. Smith

Governor



PRESENTED TO THE
GOVERNOR

Date

2/14/66

Time

1:30 Pm

FILED

FEB 15 7 54 PM '66

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA