

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1966

ENROLLED

Committee Substitute for
HOUSE BILL No. *295*

(By Mr. *Amel*)

PASSED *February 10,* 1966

In Effect *ninety days from* Passage



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

295

ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 295
[Originating in the House Committee on the Judiciary]

[Passed February 10, 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 sections twenty-two and thirty-three, article six thereof, relating to the Legislature of the state of West Virginia.

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 gen-
7 eral election, to be held in the year one thousand nine
8 hundred sixty- six, which proposed amendment is as fol-
9 lows:

10 "That sections twenty-two and thirty-three, article six
11 of the constitution be amended to read as follows:

"Article VI—The Legislature.

"Section 22. Length of Legislative Session.—The regu-
2 lar session of the Legislature held in the year one thou-
3 sand nine hundred sixty-seven and every year there-
4 after shall not exceed sixty days. Any such regular
5 session may be extended by the concurrence of two thirds
6 of the members elected to each house.

"Sec. 33. Compensation and Expenses of Members.—
2 Each member of the Legislature shall receive for his
3 services the sum of two thousand five hundred dollars
4 a year, and such expenses in connection with any session
5 and party caucuses and the performance of authorized
6 interim assignments as may be provided for by general
7 law.

8 "Notwithstanding any other provisions of the Consti-

9 tution, the compensation herein provided for, and such
 10 expenses as may be provided for by general law, shall
 11 be paid to each member of the Legislature on and after
 12 the ratification of this amendment.”

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
 4 of the ballot hereinafter provided for, said proposed
 5 amendment is hereby designated as the “Legislative
 6 Amendment.”

Sec. 3. Form of Ballot; Election.—For the purpose of
 2 enabling the voters of the state to vote on the question
 3 of said proposed amendment to the constitution at the
 4 said general election to be held in the year one thousand
 5 nine hundred sixty-six, the board of ballot commissioners
 6 of each county is hereby required to place upon, and at
 7 the foot of, the official ballot to be voted at that election,
 8 under the heading reading “Ballot on Constitutional
 9 Amendment(s),” in the fourth position under said head-
 10 ing, the following:

11 No. 4. Legislative Amendment

12 ☐ For Ratification

13 ☐ Against Ratification

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

Sec. 4. Certificates of Election Commissioners; Can-
2 **vass of Vote; Certifying Result.**—As soon as the result
3 is 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 the
7 following 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 _____,
11 in the county of _____, on the _____ day of
12 _____, one thousand nine hundred sixty-
13 six, upon the question of the ratification or rejection of
14 the proposed constitutional amendment, do hereby certify
15 that the result of said election is as follows:

16 Amendment No. 4. Legislative Amendment

17 For ratification _____ votes.

18 Against ratification _____ votes.

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

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 can-
25 vassers 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
28 to the clerk of the county court of the county, together
29 with the ballots, and the other to the clerk of the circuit
30 court 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
34 courthouse at the same time the ballots, poll books and
35 the certificates of election of the members of the Legis-
36 lature are laid before them; and as soon as the result
37 of said election in the county upon the question of such
38 ratification or rejection is ascertained, two certificates
39 of such result shall be made out and signed by said
40 commissioners as a board of canvassers, in the form or
41 to the following 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 there-
45 of, on the _____ day of November, one thousand nine
46 hundred sixty-six, do certify that the results of the elec-
47 tion in said county, on the question of the ratification or
48 rejection of the proposed amendment is as follows:

49 Amendment No. 4. Legislative Amendment

50 For ratification votes.

51 Against ratification votes.

52 "Given under our hands this day of,

53 one thousand nine hundred sixty-six."

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
3 as soon thereafter as practicable, the said certificates
4 shall be laid before the governor, whose duty it shall be
5 to 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
9 upon said question be for ratification of said amendment,
10 the proposed amendment so ratified shall be in force
11 and effect from and after the time of such ratification,
12 as part of 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
4 as 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
9 found necessary by him, be paid out of the governor's
10 contingent fund and be afterwards repaid to such fund
11 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. Loop

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Thomas M. Myers

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

Howard Robinson

President of the Senate

N. Laban White

Speaker House of Delegates

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

Shirley C. Smith

Governor

FEB 15 1 53 PM '66
OFFICE OF THE GOVERNOR

PRESENTED TO THE
GOVERNOR

Date 2/14/66

Time 1:30 PM

FILED

FEB 15 7 55 PM '66

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA