WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1966

ENROLLED

HOUSE BILL No. 300

(Passed by Mr. Originating with House Committee on the Judiciary)

PASSED Feb. 9, 1966

In Effect Ninety days from Passage

FILED IN THE OFFICE
ROBERT O. BALEY
SECRETARY OF STATE
THIS DATE 2-15-66
ENROLLED

House Bill No. 300
(Originating in the House Committee on the Judiciary)

[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 ten, article eight thereof, relating to courts of record and the judges thereof.

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 election, to be held in the year one thousand nine hundred sixty-six, which proposed amendment is as follows:
That section ten, article eight of the constitution of the state of West Virginia, be amended to read as follows:

"Article VIII—Judicial Department.

"Section 10. Circuit Courts.—The State shall be divided into as many judicial circuits as the Legislature may prescribe. The judges of the circuit courts shall be elected by the qualified voters of the circuit in the manner prescribed by law and shall hold their offices for the term of eight years unless sooner removed in the manner prescribed by this constitution. Any such judge in office when this amendment takes effect shall continue in office in the circuit in which he resides until his term shall expire, unless he is sooner removed, as aforesaid. During his continuance in office a judge of a circuit court shall reside in the circuit of which he is a judge.

"The Legislature may increase or decrease the number of circuit judges in any circuit. The judicial circuits existing at the time of the adoption of this amendment shall remain as they are until changed by law. A judge of a circuit court in office at the time of any such change shall continue as a judge of the circuit in which he shall
continue to reside after such change, unless his term shall expire, or unless he is sooner removed, as aforesaid.

"A vacancy in the office of a judge of the circuit court shall be filled in the same manner as is provided for in the case of a vacancy in the office of a judge of the supreme court of appeals.

"There shall be at least one judge for each circuit and as many more as may be necessary to transact the business of such circuit. If there be two or more judges of a circuit, the business shall be apportioned among them by the chief judge of the circuit in the manner provided by law. The judge longest in continuous service as a circuit court judge shall be chief judge of the circuit. If two or more have so served for the same period, the senior in years of these shall be chief judge: Provided, That if such judge declines to serve as chief judge, then another judge of the circuit shall be designated chief judge in accordance with the rules of that circuit. If the chief judge is temporarily disqualified or unable to serve, one of the judges of the circuit designated in accordance with the rules of that circuit shall serve temporarily in his stead.
“The Legislature may, by appropriate legislation at the session thereof next after the time of the ratification of this amendment, provide for the continuance of the legislative courts of record of limited jurisdiction in existence at the time of such ratification, or make one or more of the judges thereof judges of the judicial circuits in which they shall then reside: Provided, however, That the term of any circuit judge, whether originally elected to office as judge of a judicial circuit or originally elected to office as judge of a legislative court of record of limited jurisdiction, shall not extend beyond the thirty-first day of December, one thousand nine hundred seventy-six.”

Sec. 2. Amendment to Be Known as the “Judicial Circuit 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 “Judicial Circuit 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 to the constitution and any
other amendments that may be submitted to the constitution 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 at that election under the heading reading "Ballot on Constitutional Amendment(s)," in the third position under said heading, the following:

No. 3. Judicial Circuit 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 proposed amendment shall be counted as other ballots cast at said election.

Sec. 4. Certificates 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. 3. Judicial Circuit 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 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-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. 3. Judicial Circuit 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 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 House.

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 15th day of February, 1966.

Governor