WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1966

ENROLLED
SENATE BILL NO. 29

(By Mr. ______________, Mr. ______________ and Mr. ______________)

PASSED ____________________________ 1966

In Effect ____________________________

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 2-15-66
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 four, article seven thereof, prohibiting certain executive officers from holding any other office during their term of service, and relating to the terms of office of the governor.

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
6 to the voters of the state at the next general election, to
7 be held in the year one thousand nine hundred sixty-six,
8 which proposed amendment is as follows:
9 That section four, article seven of the constitution of
10 the state of West Virginia be amended to read as follows:

"Article VII. Executive Department.

"Section 4. Eligibility.—None of the executive officers
2 mentioned in this article shall hold any other office dur-
3 ing the term of his service. A person who has been elected
4 or has served as Governor during all or any part of two
5 consecutive terms, shall be ineligible for the office of Gov-
6 ernor during any part of the term immediately following
7 the second of the two consecutive terms."

Sec. 2. Amendment to Be Known as the "Governor's
2 Succession Amendment".—For convenience in referring
3 to said proposed amendment, and in the preparation of
4 the form of the ballot hereinafter provided for, said pro-
5 posed amendment is hereby designated as the "Governor's
6 Succession Amendment".

Sec. 3. Form of Ballot; Election.—For the purpose of
2 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-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 second position under said head-
ing, the following:

"No. 2. Governor's Succession 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 practi-
cable, and not inconsistent with anything herein con-
tained, shall apply to the election held under the pro-
visions of this act, except when it is herein otherwise pro-
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. 2. Governor’s Succession 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 can-
vassers 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 court-
house 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. 2. Governor's Succession 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 hereinafter 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 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