

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1966

ENROLLED

SENATE BILL NO. 29

(By Mr. Carron, Mr. President and
Mr. Wineland)

PASSED Feb. 10, 1966

In Effect thirty days from Passage



FILED IN THE OFFICE

ROBERT D. BAILEY

SECRETARY OF STATE

THIS DATE 2-15-66

629

ENROLLED

Senate Bill No. 29

(By MR. CARSON, MR. PRESIDENT and MR. MORELAND)

[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 section four, article seven thereof, pro-
hibiting 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 Con-
2 **stitution.**—That the question of the ratification or rejection
3 of an amendment to the constitution of West Virginia, pro-
4 posed in accordance with the provisions of section two,
5 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

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 second position under said head-
10 ing, the following:

11 "No. 2. Governor's Succession 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 practi-
21 cable, and not inconsistent with anything herein con-
22 tained, shall apply to the election held under the pro-
23 visions of this act, except when it is herein otherwise pro-

24 vided. The ballots cast on the question of said proposed
25 amendment shall be counted as other ballots cast at said
26 election.

Sec. 4. Certificates of Election Commissioners; Canvass

2 **of Vote; Certifying Result.**—As soon as the result is as-
3 certained, the commissioners, or a majority of them, and
4 the canvassers (if there be any), or a majority of them,
5 at each place of voting, shall make out and sign two cer-
6 tificates thereof in the following form or to the following
7 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 _____ in the
11 county of _____ on the _____ day of _____,
12 one thousand nine hundred sixty-six, upon the question
13 of the ratification or rejection of the proposed constitu-
14 tional amendment, do hereby certify that the result of
15 said election is as follows:

16 “Amendment No. 2. Governor’s Succession Amend-
17 ment.

18 “For ratification _____ votes.

19 “Against ratification _____ votes.

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

23 The said two certificates shall correspond with each
24 other in all respects and contain the full and true returns
25 in said election at each place of voting on said question.
26 The said commissioners, or any one of them (or said can-
27 vassers 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 the 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 court-
36 house at the same time the ballots, poll books and the
37 certificates of election of the members of the Legislature
38 are laid before them; and as soon as the result of said

39 election in the county upon the question of such ratifi-
40 cation or rejection is ascertained, two certificates of such
41 result shall be made out and signed by said commissioners
42 as a board of canvassers, in the form or to the following
43 effect:

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

51 "Amendment No. 2. Governor's Succession Amend-
52 ment.

53 "For ratification _____ votes.

54 "Against ratification _____ votes.

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

57 One of the certificates shall be filed in the office of the
58 clerk of the county court, and the other forwarded by
59 mail to the secretary of state, who shall file and preserve

60 the same until the day on which the result of said election
61 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 shall
4 be laid before the governor, whose duty it shall be to
5 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 gov-
8 ernment. 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 and
11 effect from and after the time of such ratification, as part
12 of the constitution of the state.

Sec. 6. Publication of Proposed Amendment by Gover-

2 **nor.**—The governor shall cause the said proposed amend-
3 ment, with the proper designation for the same as here-
4 inbefore adopted, to be published one time at least three
5 months before such election in some newspaper in every
6 county in which a newspaper is printed, at a price to be
7 agreed upon in advance, in writing, and the cost of such

8 advertising shall in the first instance, if found necessary
9 by him, be paid out of the governor's contingent fund
10 and be afterwards repaid to such fund by appropriation
11 of the Legislature.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O. Ruef Parker

Chairman Senate Committee

James W. Loop

Chairman House Committee

Originated in the Senate.

Takes effect *thirty days from* Passage.

Thomas H. Hays

Clerk of the Senate

C. Blankenship

Clerk of the House of Delegates

Howard Robinson

President of the Senate

H. Labau White

Speaker House of Delegates

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

Hubert C. Smith

Governor



FEB 15 1 50 PM '66
OFFICE OF THE GOVERNOR

PRESENTED TO THE
GOVERNOR

FILED

Date

2/14/66

Time

3:25 PM

FEB 15 7 55 PM '66

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA