WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1966

ENROLLED
SENATE BILL NO. 80

(By Mr. [Handwritten Signature]
Originating in the Committee
on Finance)

PASSED Feb. 10, 1966

In Effect [Handwritten Signature] 90 days from Passage

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

Senate Bill No. 80
(Originating in the Committee on Finance)

[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 ten of article ten thereof, known and designated as the "Better Schools Amendment", and ratified by the voters in the year one thousand nine hundred fifty-eight.

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 ten of the constitution of the
state of West Virginia be amended to read as follows:

"Article X. Taxation and Finance.

"Section 10. Better Schools Amendment.—Notwith-
standing any other provision of the Constitution to the
contrary, the maximum rates authorized and allocated by
law for tax levies on the several classes of property for the
support of public schools may be increased in any school
district for a period not to exceed five years, and in an
amount not to exceed one hundred per cent of such maxi-
mum rates, if such increase is approved, in the manner
provided by law, by at least a majority of the votes cast
for and against the same.

"Notwithstanding any other provision of the Constitu-
tion to the contrary, the maximum rates provided for
tax levies by school districts on the several classes of
property may be used entirely for current expense pur-
poses; and all levies required for principal and interest
16 payments on any bonded indebtedness, now or hereafter
17 contracted, not to exceed five per centum on the value
18 of the taxable property therein, the value to be ascer-
19 tained in accordance with section eight of this article,
20 shall be laid separate and apart and in addition to such
21 maximum rates, but in the same proportions as such
22 maximum rates are levied on the several classes of
23 property.
24 “Notwithstanding the provisions of section eight of this
25 article to the contrary, or any other provisions of the Con-
26 stitution to the contrary, a county board of education may
27 contract indebtedness and issue bonds for public school
28 purposes as provided by law, if, when submitted to a vote
29 of the people of the county, in the manner provided by
30 law, the question of contracting indebtedness and issuing
31 bonds is approved by a majority of the votes cast for and
32 against the same.”

Sec. 2. Amendment to Be Known as the “Amendment
to the Better Schools Amendment”.—For convenience in
referring to said proposed amendment, and in the prepara-
tion of the form of the ballot hereinafter provided for,
said proposed amendment is hereby designated as the
"Amendment to the Better Schools Amendment".

**Sec. 3. Form of Ballot; Election.**—For the purpose of
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,
a heading reading "Ballot on Constitutional Amend-
ment(s)". In the fifth position under said heading the
board of ballot commissioners of each county shall place
the following:

"No. 5. Amendment to the Better Schools 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 November, one thousand nine hundred sixty-six, upon the question of the ratification or rejection of the pro-
posed constitutional amendment, do hereby certify that
the result of said election is as follows:

"Amendment No. 5. Amendment to the Better Schools
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 ratifi-
cation 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 thou-
sand nine hundred sixty-six, do certify that the result
of the election in said county, on the question of the rati-
fication or rejection of the proposed amendment is as
follows:

"Amendment No. 5. Amendment to the Better Schools
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 amend-
ment, with the proper designation for the same as here-

inbefore 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.

Ray Parker  
Chairman Senate Committee

James W. Loop  
Chairman House Committee

Originated in the Senate.

Takes effect Thirty 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.

Herbert C. Brickler  
Governor