

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1966

ENROLLED

SENATE BILL NO. 80

(By Mr. Originating in the Committee
on Finance)

PASSED Feb. 10, 1966

In Effect ninty days from Passage



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

80

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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 Con-

2 **stitution.**—That the question of the ratification or rejection
3 of an amendment to the constitution of West Virginia,
4 proposed in accordance with the provisions of section two,
5 article fourteen of said constitution, shall be submitted to

6 the voters of the state at the next general election, to be
7 held in the year one thousand nine hundred sixty-six,
8 which proposed amendment is as follows:

9 That section ten, article ten of the constitution of the
10 state of West Virginia be amended to read as follows:

“Article X. Taxation and Finance.

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

11 “Notwithstanding any other provision of the Constitu-
12 tion to the contrary, the maximum rates provided for
13 tax levies by school districts on the several classes of
14 property may be used entirely for current expense pur-
15 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
2 **to the Better Schools Amendment”.**—For convenience in
3 referring to said proposed amendment, and in the prepara-
4 tion of the form of the ballot hereinafter provided for,

5 said proposed amendment is hereby designated as the
6 “Amendment to the Better Schools 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 said
4 general election to be held in the year one thousand nine
5 hundred sixty-six, the board of ballot commissioners of
6 each county is hereby required to place upon, and at the
7 foot of, the official ballot to be voted at that election,
8 a heading reading “Ballot on Constitutional Amend-
9 ment(s)”. In the fifth position under said heading the
10 board of ballot commissioners of each county shall place
11 the following:

12 “No. 5. Amendment to the Better Schools Amendment.

13 ☐ For ratification.

14 ☐ Against ratification.”

15 The said election on the proposed amendment at each
16 place of voting shall be superintended, conducted and
17 returned, and the result thereof ascertained by the same
18 officers and in the same manner as the election of officers
19 to be voted for at said election, and all the provisions of

20 the law relating to general elections, including all duties
21 to be performed by any officer or board, as far as practi-
22 cable, and not inconsistent with anything herein con-
23 tained, shall apply to the election held under the provi-
24 sions of this act, except when it is herein otherwise
25 provided. The ballots cast on the question of said pro-
26 posed amendment shall be counted as other ballots cast
27 at said 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
6 certificates thereof in the following form or to the follow-
7 ing 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
11 the County of _____, on the _____ day of
12 November, one thousand nine hundred sixty-six, upon
13 the question of the ratification or rejection of the pro-

14 posed constitutional amendment, do hereby certify that
15 the result of said election is as follows:

16 "Amendment No. 5. Amendment to the Better Schools
17 Amendment.

18 For ratification _____ votes.

19 Against ratification _____ votes.

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

22 The said two certificates shall correspond with each
23 other in all respects and contain the full and true returns
24 in said election at each place of voting on said question.

25 The said commissioners, or any one of them (or said can-
26 vassers or any one of them, as the case may be), shall
27 within four days, excluding Sunday, after that on which
28 said election was held, deliver one of said certificates to
29 the clerk of the county court of the county, together with
30 the ballots, and the other to the clerk of the circuit court
31 of the county.

32 The said certificates, together with the ballots cast on
33 the question of said proposed amendment, shall be laid
34 before the commissioners of the county court at the court-

35 house at the same time the ballots, poll books, and the
36 certificates of election of the members of the Legislature
37 are laid before them; and as soon as the result of said
38 election in the county upon the question of such ratifi-
39 cation or rejection is ascertained, two certificates of such
40 result shall be made out and signed by said commissioners
41 as a board of canvassers, in the form or to the following
42 effect:

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

51 "Amendment No. 5. Amendment to the Better Schools
52 Amendment.

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 as
3 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 state,
6 and declare the same by proclamation published in one
7 or more newspapers printed in the seat of government.
8 If a majority of the votes cast at said election upon said
9 question be for ratification of said amendment, the pro-
10 posed amendment so ratified shall be in force and effect
11 from and after the time of such ratification, as part of the
12 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 and
10 be afterwards repaid to such fund by appropriation of
11 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 Senate.

Takes effect *Ninety days from* Passage.

Thomas Heyes
Clerk of the Senate

A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

H. Robau White
Speaker House of Delegates

The within *Approved* this the *15th*

day of *February*, 1966.

Herbert C. Smith
Governor

FEB 15 1 55 PM '66

OFFICE OF THE GOVERNOR



PRESENTED TO THE
GOVERNOR

FILED

Date 2/14/66

FEB 15 7 55 PM '66

Time 3:25 PM

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA