

RECEIVED

FEB 13 8 59 AM '70

CLERK OF THE HOUSE
OF REPRESENTATIVES
MARTINSBURG, WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1970

—●—

ENROLLED

HOUSE BILL No. 661

(By Mr. Hughes and Mr. Files)

—●—

PASSED Feb. 12, 1970

In Effect Ninety days from Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 2-18-70

199

ENROLLED
House Bill No. 661

(By MR. MYLES and MR. FILES)

[Passed February 12, 1970; 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 five, article twelve thereof, relating to support of free schools, and repealing section two, article ten thereof, relating to capitation tax.

Be it enacted by the Legislature of West Virginia:

§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 seventy, which proposed amendment is as follows:

That section two, article ten of the constitution of the state of West Virginia be repealed and that section five, article twelve be amended to read as follows:

"ARTICLE XII. EDUCATION.

"§5. Support of free schools.

1 "The Legislature shall provide for the support of free
2 schools by appropriating thereto the interest of the in-
3 vested "school fund", the net proceeds of all forfeitures
4 and fines accruing to this state under the laws thereof
5 and by general taxation of persons and property or other-
6 wise. It shall also provide for raising in each county
7 or district, by the authority of the people thereof, such
8 a proportion of the amount required for the support
9 of free schools therein as shall be prescribed by general
10 laws."

§2. Amendment to be known as the "Capitation Tax Repeal Amendment"; summary of purpose.

1 In accordance with the provisions of section thirteen,
2 article six, chapter three of the code of West Virginia,

3 one thousand nine hundred thirty-one, as amended, said
4 proposed amendment is hereby designated as the "Capita-
5 tion Tax Repeal Amendment" and the purpose of the
6 proposed amendment is summarized as follows: "To
7 abolish the capitation, or 'head' tax."

§3. Publication of proposed amendment by governor.

1 The governor shall cause the said proposed amendment,
2 with the proper designation and the summary of the pur-
3 pose for the same as hereinbefore adopted and stated,
4 to be published one time at least three months before
5 such election in some newspaper in every county in which
6 a newspaper is printed, and the cost of such advertising,
7 determined in accordance with the provisions of section
8 three, article three, chapter fifty-nine of the code of West
9 Virginia, one thousand nine hundred thirty-one, as
10 amended, shall in the first instance, if found necessary by
11 him, be paid out of the governor's contingent fund, and
12 be afterwards repaid to such fund by appropriation of
13 the Legislature.

§4. Form of ballot; election.

1 For the purpose of enabling the voters of the state

2 to vote on the question of said proposed amendment
3 to the constitution and any other proposed amendments
4 to the constitution which may be submitted at the said
5 general election to be held in the year one thousand nine
6 hundred seventy, the board of ballot commissioners of
7 each county is hereby required to place upon and at the
8 foot of the official ballot to be voted at that election,
9 under the heading reading "Ballot on Constitutional
10 Amendment(s)," in the first position under said heading,
11 the following:

12 No. 1. Capitation Tax Repeal Amendment.

13 ☐ For

14 ☐ Against

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 offi-
19 cers to be voted for at said election, and all the provisions
20 of the law relating to general elections, including all
21 duties to be performed by any officer or board, as far

22 as practicable, and not inconsistent with anything herein
23 contained, shall apply to the election held under the
24 provisions of this act, except when it is herein other-
25 wise provided. The ballots cast on the question of said
26 proposed amendment shall be counted as other ballots
27 cast at said election.

**§5. Certificates of election commissioners; canvass of vote;
certifying result.**

1 As soon as the result is ascertained, the commissioners,
2 or a majority of them, and the canvassers (if there be
3 any), or a majority of them, at each place of voting,
4 shall make out and sign two certificates thereof in the
5 following form or to the following effect:

6 "We, the undersigned, who acted as commissioners
7 (or canvassers, as the case may be) of the election held
8 at Precinct No. _____, in the district of _____,
9 in the county of _____, on the _____
10 day of _____, one thousand nine
11 hundred seventy, upon the question of the ratification
12 or rejection of the proposed constitutional amendment,
13 do hereby certify that the result of said election is as
14 follows:

15 "Amendment No. 1. Capitation Tax Repeal Amend-
16 ment.

17 "For ratification _____ votes.

18 "Against ratification _____ votes.

19 "Given under our hands this _____ day of _____,
20 one thousand nine hundred seventy."

21 The said two certificates shall correspond with each
22 other in all respects and contain the full and true returns
23 in said election at each place of voting on said question.
24 The said commissioners, or any one of them (or said
25 canvassers or any one of them, as the case may be),
26 shall, within four days, excluding Sunday, after that
27 on which said election was held, deliver one of said
28 certificates to the clerk of the county court of the county,
29 together with the ballots, and the other to the clerk of
30 the circuit court of the county.

31 The said certificates, together with the ballots cast
32 on the question of said proposed amendment, shall be
33 laid before the commissioners of the county court at
34 the courthouse at the same time the ballots, poll books
35 and the certificates of election of the members of the

36 Legislature are laid before them; and as soon as the
37 result of said election in the county upon the question
38 of such ratification or rejection is ascertained, two cer-
39 tificates of such result shall be made out and signed by
40 said commissioners as a board of canvassers, in the form
41 or to the following effect:

42 "We, the board of canvassers of the county of _____,
43 having carefully and impartially examined the returns
44 of the election held in said county, in each district
45 thereof, on the _____ day of November, one thousand
46 nine hundred seventy, do certify that the result of the
47 election in said county, on the question of the ratifi-
48 cation or rejection of the proposed amendment is as fol-
49 lows:

50 "Amendment No. 1. Capitation Tax Repeal Amend-
51 ment.

52 "For ratification _____ votes.

53 "Against ratification _____ votes.

54 "Given under our hands this _____ day of _____,
55 one thousand nine hundred seventy."

56 One of the certificates shall be filed in the office of

57 the clerk of the county court, and the other forwarded
58 by mail to the secretary of state, who shall file and
59 preserve the same until the day on which the result
60 of said election in the state is to be ascertained, as here-
61 inafter stated.

§6. Proclamation of result of election by governor.

1 On the twenty-fifth day after the election is held,
2 or as soon thereafter as practicable, the said certificates
3 shall be laid before the governor, whose duty it shall
4 be to ascertain therefrom the result of said election in
5 the state, and declare the same by proclamation pub-
6 lished in one or more newspapers printed at the seat of
7 government, the cost of such publication to be determined
8 in accordance with the provisions of section three, article
9 three, chapter fifty-nine of the code of West Virginia, one
10 thousand nine hundred thirty-one, as amended. If a
11 majority of the votes cast at said election upon said
12 question be for ratification of said amendment, the pro-
13 posed amendment so ratified shall be in force and effect
14 from and after the time of such ratification as part of
15 the constitution of the state.

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

William Tompa
Chairman Senate Committee

Chapin C. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Thomas Nease
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Shirley B. Jackson
President of the Senate

Sam F. Bassirley
Speaker House of Delegates

The within approved this the 16th
day of February, 1970.

Arch A. Shouse, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 2/14/70

Time 2:47 p.m.