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NEW YORK STATE
LEGISLATIVE CLERK

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1970

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ENROLLED

HOUSE BILL No. 711

(By Mr. Speaker, Mr. Beardsley
and Mr. Watson)

—●—

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

715

ENROLLED
House Bill No. 715

(By MR. SPEAKER, MR. BOIARSKY, and MR. WATSON)

[Passed February ^{12,}~~14,~~ 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 four, article seven thereof, relating to eligibility of the governor to serve two terms.

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 that section four, article seven of the constitution of the state of West Virginia, be amended to read as follows:

ARTICLE VII. EXECUTIVE DEPARTMENT.

§4. Eligibility.

1 None of the executive officers mentioned in this article
2 shall hold any other office during the term of his service.
3 A person who has been elected or who has served as
4 governor during all or any part of two consecutive terms
5 shall be ineligible for the office of governor during any
6 part of the term immediately following the second of
7 the two consecutive terms. The person holding the
8 office of governor when this section is ratified shall not
9 be prevented from holding the office of governor during
10 the term immediately following the term he is then
11 serving.

§2. Amendment to be known as the "Governor's Succession Amendment"; summary of purpose.

1 In accordance with the provisions of section thirteen,
2 article six, chapter three of the code of West Virginia, one
3 thousand nine hundred thirty-one, as amended, said pro-

4 posed amendment is hereby designated as the "Governor's
5 Succession Amendment" and the purpose of the proposed
6 amendment is summarized as follows: "To provide that
7 a person can serve as governor two consecutive terms."

§3. Publication of proposed amendment by governor.

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

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

11 No. 4. Governors Succession Amendment.

12 ☐ For

13 ☐ Against

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 prac-
21 ticable, 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

24 provided. The ballots cast on the question of said pro-
25 posed amendment shall be counted as other ballots cast
26 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. 4. Governors Succession 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 ques-
24 tion. The said commissioners, or any one of them (or
25 said 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 cer-
28 tificates 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 ratifica-
48 tion or rejection of the proposed amendment is as fol-
49 lows:

50 "Amendment No. 4. Governors Succession 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 the
57 clerk of the county court, and the other forwarded by
58 mail to the secretary of state, who shall file and preserve

59 the same until the day on which the result of said elec-
60 tion in the state is to be ascertained, as hereinafter
61 stated.

§6. Proclamation of result of election by governor.

1 On the twenty-fifth day after the election is held, or
2 as soon thereafter as practicable, the said certificates
3 shall be laid before the governor, whose duty it shall be
4 to ascertain therefrom the result of said election in the
5 state, and declare the same by proclamation published
6 in one or more newspapers printed at the seat of gov-
7 ernment, 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 the
15 constitution of the state.

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

William Tompkins
Chairman Senate Committee

Chayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

James D. Thyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Shyrl B. Jackson
President of the Senate

Sam I. Boush
Speaker House of Delegates

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

Arch A. Shaver, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 2/14/70

Time 2:47 p.m.