WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1970

ENROLLED

HOUSE BILL No. 715

(By Mr. [Signature] and Mr. [Signature])

PASSED Feb. 12, 1970

In Effect [Signature] Passage

715

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 2-18-70
ENROLLED

House Bill No. 715
(By Mr. Speaker, Mr. Boiarsky, and Mr. Watson)

[Passed February 4th, 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 amend-
ment 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.

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

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

In accordance with the provisions of section thirteen,
article six, chapter three of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, said pro-
posed amendment is hereby designated as the "Governor's Succession Amendment" and the purpose of the proposed amendment is summarized as follows: "To provide that a person can serve as governor two consecutive terms."

§3. Publication of proposed amendment by governor.

The governor shall cause the said proposed amendment, with the proper designation and the summary of the purpose for the same as hereinbefore adopted and stated, to be published one time at least three months before such election in some newspaper in every county in which a newspaper is printed, and the cost of such advertising, determined in accordance with the provisions of section three, article three, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, 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.

§4. 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
Enr. H. B. No. 715]

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
12 No. 4. Governors Succession Amendment.
13 □ For
14 □ Against
15
16 The said election on the proposed amendment at each
17 place of voting shall be superintended, conducted and
18 returned, and the result thereof ascertained by the same
19 officers and in the same manner as the election of officers
20 to be voted for at said election, and all the provisions of
21 the law relating to general elections, including all duties
22 to be performed by any officer or board, as far as prac-
23 ticable, and not inconsistent with anything herein con-
24 tained, shall apply to the election held under the pro-
25 visions 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.

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

1 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 ____________________, one thousand nine hundred seventy, upon the question of the ratification or rejection of the proposed constitutional amendment, do hereby certify that the result of said election is as follows:

"Amendment No. 4. Governors Succession Amendment."
"For ratification ____________ votes.

"Against ratification ____________ votes.

"Given under our hands this ______ day of .. ______, one thousand nine hundred seventy."

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 canvassers 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 courthouse 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 ratification or rejection is ascertained, two cer-
tificates 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 thousand
nine hundred seventy, do certify that the result of the
election in said county, on the question of the ratifica-
tion or rejection of the proposed amendment is as fol-
lows:

"Amendment No. 4. Governors Succession Amend-
ment.

"For ratification __________ votes.

"Against ratification __________ votes.

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

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
§6. 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 at the seat of government, the cost of such publication to be determined in accordance with the provisions of section three, article three, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended. 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompkin
Chairman Senate Committee

Charles Davis
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Clifton Clay
Clerk of the Senate

Clerk of the House of Delegates

Lloyd D. Jackson
President of the Senate

Speaker House of Delegates

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

Arch A. Shane, Jr.
Governor
PRESENTED TO THE
GOVERNOR

Date 2/14/70
Time 2:47 P.M.