WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1970

ENROLLED
SENATE BILL NO. _151_

(By Mr. Bratton)

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
ENROLLED

Senate Bill No. 151
(By Mr. Brotherton)

[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 two, article fourteen thereof, relating to making amendments to the state constitution.

Be it enacted by the Legislature of West Virginia:

§1. Submitting an amendment to the state constitution.

1 That the question of the ratification or rejection of an amendment to the constitution of the state 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 two, article fourteen of the constitution of the state of West Virginia, be amended to read as follows:

ARTICLE XIV. AMENDMENTS.

§2. How amendments are made.

Any amendment to the constitution of the state may be proposed in either House of the Legislature at any regular or extraordinary session thereof; and if the same, being read on three several days in each House, be agreed to on its third reading, by two thirds of the members elected thereto, the proposed amendment, with the yeas and nays thereon, shall be entered on the journals, and it shall be the duty of the Legislature to provide by law for submitting the same to the voters of the state for ratification or rejection, at a special election, or at the next general election thereafter, and cause the same to be published, at least three months before such election in some newspaper in every county in which a newspaper is printed. And if a majority of the qualified voters, voting on the question at the polls held pursuant to such law, ratify the proposed amend-
ment, it shall be in force from the time of such ratification, as part of the constitution of the state. If two or more amendments be submitted at the same time, the vote on the ratification or rejection shall be taken on each separately, but an amendment may relate to a single subject or to related subject matters and may amend or modify as many articles and as many sections of the constitution as may be necessary and appropriate in order to accomplish the objectives of the amendment.

Whenever one or more amendments are submitted at a special election, no other question, issue or matter shall be voted upon at such special election.

§2. Amendment to be known as the “Constitutional Improvement Amendment”; statement 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 proposed amendment is hereby designated as the “Constitutional Improvement Amendment,” and the purpose of the proposed amendment is summarized as follows: “To authorize proposed amendments to the West Virginia Con-
§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 this proposed amendment to the constitution and any other proposed amendments to the constitution which may be submitted at the said general
election to be held in the year one thousand nine hundred seventy, 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, under the heading reading "Ballot on Constitutional Amendment(s)," in the third position under said heading, the following:

No. 3. Constitutional Improvement Amendment.

☐ For

☐ Against

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.
§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 any), or a majority of them, at each place of voting, shall
3 make out and sign two certificates thereof in the following
4 form or to the following effect:
5 "We, the undersigned, who acted as commissioners (or canvassers, as the case may be) of the election held at
6 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:
7 "Amendment No. 3. Constitutional Improvement Amendment.
8 "For the amendment ... votes.
9 "Against the amendment ... votes.
10 "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 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 thousand nine
hundred seventy, do certify that the result of the election
in said county, on the question of the ratification or rejec-
tion of the proposed amendment is as follows:

"Amendment No. 3. Constitutional Improvement
Amendment.

"For the amendment ............ votes.

"Against the amendment .......... 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 the
same until the day on which the result of said election in
the state is to be ascertained, as hereinafter stated.

§6. Proclamation of result of election by governor.

1 On the twenty-fifth day after the election is held, or as
2 soon thereafter as practicable, the said certificates shall
3 be laid before the governor, whose duty it shall be to as-
certain 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, 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 Tempor
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

H. Hamison New
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

Jas. F. Jackson
President of the Senate

Ivan J. Brassey
Speaker House of Delegates

The within disapproved this the 18th day of February, 1970.

Archie Shackleford
Governor
PRESENTED TO THE
GOVERNOR

Date 2/17/70
Time 2:15 p.m.