

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1970

ENROLLED

SENATE BILL NO. 151

(By Mr. Bratherton)

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

151 - Vetoed

**ENROLLED**  
**Senate Bill No. 151**  
(By MR. BROTHERTON)

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[Passed February 12, 1970; in effect ninety days from passage.]

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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  
2     amendment to the constitution of the state of West Vir-  
3     ginia, proposed in accordance with the provisions of sec-  
4     tion two, article fourteen of said constitution, shall be sub-  
5     mitted to the voters of the state at the next general elec-  
6     tion, to be held in the year one thousand nine hundred

7 seventy, which proposed amendment is that section two,  
8 article fourteen of the constitution of the state of West  
9 Virginia, be amended to read as follows:

**ARTICLE XIV. AMENDMENTS.**

**§2. How amendments are made.**

1 Any amendment to the constitution of the state may  
2 be proposed in either House of the Legislature at any  
3 regular or extraordinary session thereof; and if the  
4 same, being read on three several days in each House,  
5 be agreed to on its third reading, by two thirds of the  
6 members elected thereto, the proposed amendment, with  
7 the yeas and nays thereon, shall be entered on the jour-  
8 nals, and it shall be the duty of the Legislature to pro-  
9 vide by law for submitting the same to the voters of  
10 the state for ratification or rejection, at a special elec-  
11 tion, or at the next general election thereafter, and cause  
12 the same to be published, at least three months before  
13 such election in some newspaper in every county in  
14 which a newspaper is printed. And if a majority of  
15 the qualified voters, voting on the question at the polls  
16 held pursuant to such law, ratify the proposed amend-

17 ment, it shall be in force from the time of such ratifi-  
18 cation, as part of the constitution of the state. If two  
19 or more amendments be submitted at the same time,  
20 the vote on the ratification or rejection shall be taken  
21 on each separately, but an amendment may relate to  
22 a single subject or to related subject matters and may  
23 amend or modify as many articles and as many sections  
24 of the constitution as may be necessary and appropriate  
25 in order to accomplish the objectives of the amendment.  
26 Whenever one or more amendments are submitted at  
27 a special election, no other question, issue or matter  
28 shall be voted upon at such special election.

**§2. Amendment to be known as the “Constitutional Improve-  
ment Amendment”; statement 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 “Con-  
5 stitutional Improvement Amendment,” and the purpose  
6 of the proposed amendment is summarized as follows: “To  
7 authorize proposed amendments to the West Virginia Con-

stitution to be voted upon by the voters at special elections  
as well as general elections.”

**§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

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 third position under said heading, the following:

11 No. 3. Constitutional Improvement Amendment.

12 ☐ For

13 ☐ Against

14 The said election on the proposed amendment at each  
15 place of voting shall be superintended, conducted and re-  
16 turned, 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 practica-  
21 ble, and not inconsistent with anything herein contained,  
22 shall apply to the election held under the provisions of  
23 this act, except when it is herein otherwise provided. The  
24 ballots cast on the question of said proposed amendment  
25 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  
3 any), or a majority of them, at each place of voting, shall  
4 make out and sign two certificates thereof in the following  
5 form or to the following effect:

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

14 "Amendment No. 3. Constitutional Improvement  
15 Amendment.

16 "For the amendment \_\_\_\_\_ votes.

17 "Against the amendment \_\_\_\_\_ votes.

18 "Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_,  
19 one thousand nine hundred seventy."

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

29 The said certificates, together with the ballots cast on  
30 the question of said proposed amendment, shall be laid  
31 before the commissioners of the county court at the court-  
32 house at the same time the ballots, poll books and the  
33 certificates of election of the members of the Legislature  
34 are laid before them; and as soon as the result of said elec-  
35 tion in the county upon the question of such ratification or  
36 rejection is ascertained, two certificates of such result  
37 shall be made out and signed by said commissioners as a  
38 board of canvassers, in the form or to the following effect:  
39 "We, the board of canvassers of the county of.....,  
40 having carefully and impartially examined the returns



41 of the election held in said county, in each district thereof,  
42 on the..... day of November, one thousand nine  
43 hundred seventy, do certify that the result of the election  
44 in said county, on the question of the ratification or rejection  
45 of the proposed amendment is as follows:

46 "Amendment No. 3. Constitutional Improvement  
47 Amendment.

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

49 "Against the amendment..... votes.

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

52 One of the certificates shall be filed in the office of the  
53 clerk of the county court, and the other forwarded by mail  
54 to the secretary of state, who shall file and preserve the  
55 same until the day on which the result of said election in  
56 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 ascertain  
4 therefrom the result of said election in the state,

5 and declare the same by proclamation published in one  
6 or more newspapers printed in the seat of government, the  
7 cost of such publication to be determined in accordance  
8 with the provisions of section three, article three, chapter  
9 fifty-nine of the code of West Virginia, one thousand nine  
10 hundred thirty-one, as amended. If a majority of the votes  
11 cast at said election upon said question be for ratification  
12 of said amendment, the proposed amendment so ratified  
13 shall be in force and effect from and after the time of such  
14 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 Tompkins*  
Chairman Senate Committee

*Clayton C. Davidson*  
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

*James H. Keyes*  
Clerk of the Senate

*W. A. Blankenship*  
Clerk of the House of Delegates

*Langston B. Jackson*  
President of the Senate

*Ivan F. Bousky*  
Speaker House of Delegates

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

*Arch A. Shaw Jr.*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 2/17/70

Time 2:15 p.m.