WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

SENATE BILL NO. 74

ORIGINATING IN THE COMMITTEE ON THE JUDICIARY
(By Mr. ...................................................)

PASSED FEBRUARY 8, 1971

In Effect NINETY DAYS FROM PASSAGE

FILED IN THE OFFICE
JOHN O. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 2-15-71
ENROLLED

Senate Bill No. 74
(Originating in the Committee on the Judiciary)

[Passed February 8, 1971; 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-two, which proposed amendment is that
8 section two, article fourteen of the constitution of the
9 state of West 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 provide
9 by law for submitting the same to the voters of the
10 state for ratification or rejection, at a special election,
11 or at the next general election thereafter, and cause the
12 same to be published, at least three months before such
13 election in some newspaper in every county in which a
14 newspaper is printed. And if a majority of the qualified
15 voters, voting on the question at the polls held pursuant
16 to such law, ratify the proposed amendment, it shall be
17 in force from the time of such ratification, as part of
the constitution of the state. If two or more amend-
ments 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 accom-
plish 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, and the cost of such special elec-
tion throughout the state shall be paid out of the state
treasury.

§2. Amendment to be known as the "Constitutional Improve-
ment 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 "Con-
stitutional Improvement Amendment," and the purpose
of the proposed amendment is summarized as follows:
“To authorize proposed amendments to the West Virginia Constitution to be voted upon by the voters at special elections as well as general elections.”

§3. Publication of proposed amendment by governor.

1 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.

1 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-two, 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 first position under said heading, the following:

No. 1. 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 here-
25 in otherwise provided. The ballots cast on the question
26 of said proposed amendment shall be counted as other
27 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 majority of them, at each place of voting, shall
4 make out and sign two certificates thereof in the follow-
5 ing 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
9 the county of __________________, on the _____ day of
10 __________________, one thousand nine hundred seventy-
11 two, upon the question of the ratification or rejection of
12 the proposed constitutional amendment, do hereby certify
13 that the result of said election is as follows:

14 "Amendment No. 1. Constitutional Improvement
15 Amendment.

16 "For the amendment __________ votes."
“Against the amendment ______ votes.

“Given under our hands this ______ day of ________________,

one thousand nine hundred seventy-two.”

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-two, do certify that the result of the
election in said county, on the question of the ratification
or rejection of the proposed amendment is as follows:

“Amendment No. 1. Constitutional Improvement
Amendment.

“For the amendment ______ votes.

“Against the amendment ______ votes.

“Given under our hands this ___ day of __________,
one thousand nine hundred seventy-two.”

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 hercinafter stated.
§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 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.

Russell M. Beave
Chairman Senate Committee

Phyllis Pulte
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard migliore
Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 12th day of February, 1971.

Richard J. Danner
Governor