

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 D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 2-15-71

74

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
2 amendment to the constitution of the state of West Vir-
3 ginia, proposed in accordance with the provisions of
4 section two, article fourteen of said constitution, shall
5 be submitted to the voters of the state at the next general
6 election, to be held in the year one thousand nine hun-
7 dred 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

18 the constitution of the state. If two or more amend-
19 ments be submitted at the same time, the vote on the
20 ratification or rejection shall be taken on each separately,
21 but an amendment may relate to a single subject or to
22 related subject matters and may amend or modify as
23 many articles and as many sections of the constitution
24 as may be necessary and appropriate in order to accom-
25 plish the objectives of the amendment. Whenever one
26 or more amendments are submitted at a special election,
27 no other question, issue or matter shall be voted upon
28 at such special election, and the cost of such special elec-
29 tion throughout the state shall be paid out of the state
30 treasury.

**§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:

7 "To authorize proposed amendments to the West Vir-
8 ginia Constitution to be voted upon by the voters at
9 special elections as well as general elections."

§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 provi-
8 sions of section three, article three, chapter fifty-nine
9 of the code of West Virginia, one thousand nine hundred
10 thirty-one, as amended, shall in the first instance, if
11 found necessary by him, be paid out of the governor's
12 contingent fund and be afterwards repaid to such fund
13 by appropriation of the Legislature.

§4. Form of ballot; election.

1 For the purpose of enabling the voters of the state to
2 vote on the question of this proposed amendment to the
3 constitution and any other proposed amendments to the

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

12 No. 1. Constitutional Improvement Amendment.

13 For

14 Against

15 The said election on the proposed amendment at each
16 place of voting shall be superintended, conducted and
17 returned, and the result thereof ascertained by the same
18 officers and in the same manner as the election of offi-
19 cers to be voted for at said election, and all the pro-
20 visions of the law relating to general elections, includ-
21 ing all duties to be performed by any officer or board,
22 as far as practicable, and not inconsistent with any-
23 thing herein contained, shall apply to the election held
24 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.

17 "Against the amendment _____ votes.

18 "Given under our hands this _____ day of _____,
19 one thousand nine hundred seventy-two."

20 The said two certificates shall correspond with each other
21 in all respects and contain the full and true returns in said
22 election at each place of voting on said question. The said
23 commissioners, or any one of them (or said canvassers or
24 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 be-
31 fore 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
35 election in the county upon the question of such ratifica-
36 tion or rejection is ascertained, two certificates of such
37 result shall be made out and signed by said commissioners

38 as a board of canvassers, in the form or to the following
39 effect:

40 "We, the board of canvassers of the county of _____
41 _____, having carefully and impartially examined the
42 returns of the election held in said county, in each district
43 thereof, on the ____ day of November, one thousand nine
44 hundred seventy-two, do certify that the result of the
45 election in said county, on the question of the ratification
46 or rejection of the proposed amendment is as follows:

47 "Amendment No. 1. Constitutional Improvement
48 Amendment.

49 "For the amendment _____ votes.

50 "Against the amendment _____ votes.

51 "Given under our hands this ____ day of _____,
52 one thousand nine hundred seventy-two."

53 One of the certificates shall be filed in the office of the
54 clerk of the county court, and the other forwarded by
55 mail to the secretary of state, who shall file and preserve
56 the same until the day on which the result of said election
57 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
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 in
6 one or more newspapers printed in the seat of govern-
7 ment, the cost of such publication to be determined in
8 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
15 the constitution of the state.

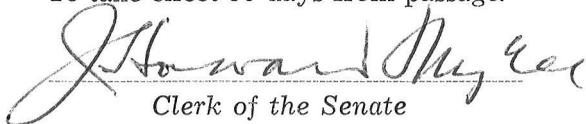
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

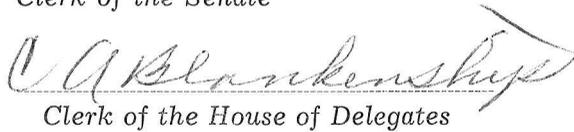

Chairman Senate Committee


Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.


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.


Governor

PRESENTED TO THE
GOVERNOR

Date 2/12/71

Time 10:25 a.m.

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