



WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972

ENROLLED

SENATE BILL NO. 125

(By Mr. GAINER and Mr. BOWERS)

PASSED MARCH 6, 1972

In Effect FROM Passage



125

STATE OF WEST VIRGINIA
SECRETARY OF STATE
OFFICE OF STATE

MAR 29 11 36 PM '72

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 3-29-72

ENROLLED

Senate Bill No. 125

(By MR. GAINER and MR. BOWERS)

[Passed March 6, 1972; in effect from passage.]

AN ACT to repeal section thirteen, article six, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend said chapter by adding thereto a new article, designated article eleven, relating to amendments to the state constitution and how such are proposed; providing procedures for withdrawal of proposed amendments from consideration by the voters; providing procedures to determine a title, summary, and the position on the ballot for each proposed amendment and for designation of the election at which a proposed amendment is to be submitted; duties of the secretary of state with respect to publication of proposed amendments and payment for such publication; designating the form of the ballot on constitutional amendments and designating duties of election officials; generally providing for election procedures in regard to proposed constitutional amendments; relating to proclamation by secretary of state of the results of vote on proposed amendment; and providing that amendments shall be in effect from the date of ratification by the voters.

Be it enacted by the Legislature of West Virginia:

That section thirteen, article six, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that said chapter be amended by adding thereto a new article, designated article eleven, to read as follows:

ARTICLE 11. AMENDMENTS TO THE STATE CONSTITUTION.

§3-11-1. Proposing amendments to state constitution; withdrawal of proposed amendments.

1 Any amendment to the constitution of the state may

2 be proposed in either house of the Legislature by a joint
3 resolution.

4 When an amendment as proposed is agreed to as pro-
5 vided by section two, article fourteen of the constitution,
6 the question of ratification or rejection of such amend-
7 ment shall be submitted to the voters of the state.

8 The Legislature may, by concurrent resolution adopted
9 by a two-thirds vote of the members elected to each
10 house, withdraw from consideration the question of rati-
11 fication or rejection by the voters of such amendment in
12 any session prior to the election at which it is to be
13 submitted to the voters.

**§3-11-2. Title and summary of amendment; position on ballot;
election for submission of amendment.**

1 In any joint resolution proposing an amendment to
2 the West Virginia constitution, for ratification or rejec-
3 tion by the voters, the Legislature shall for convenience
4 of reference thereto, assign a title to such proposed
5 amendment and shall set forth a summary of the pur-
6 pose of such proposed amendment. If the Legislature
7 shall fail in any such resolution to include a title and
8 summary, or either, the secretary of state shall supply
9 such omission or omissions, and certify the same to the
10 ballot commissioners of each county. Whether set forth
11 in such resolution or certified by the secretary of state,
12 it shall be the duty of the ballot commissioners in each
13 county to place upon the official ballot at the election
14 at which such proposed amendment is to be voted upon,
15 or upon the ballot label in counties where voting machines
16 are used, the title and summary of such proposed con-
17 stitutional amendment.

18 The Legislature may, in the joint resolution, give a
19 proposed amendment a number. If this is done, and if
20 there is more than one amendment submitted at the
21 same election, the position of such amendment on the
22 ballot shall be in accordance with the number so desig-
23 nated. When numbers are not so designated by the
24 Legislature, the secretary of state, in certifying the elec-
tion ballot, shall number the amendments consecutively

26 in accordance with the dates of their final submission
27 by the Legislature.

28 The Legislature shall, in the joint resolution, designate
29 the election at which the proposed constitutional amend-
30 ment shall be submitted to the voters.

§3-11-3. Publication of proposed amendment by secretary of state.

1 The secretary of state shall cause each proposed amend-
2 ment, with its title and summary of purpose, to be pub-
3 lished as a Class I legal advertisement at least three
4 months before such election in some newspaper in every
5 county in the state in which a newspaper is printed. The
6 cost of such publication, determined in accordance with
7 the provisions of section three, article three, chapter
8 fifty-nine of this code, shall be paid out of funds appro-
9 priated to the office of secretary of state.

§3-11-4. Form of ballot; election.

1 For the purpose of enabling the voters of the state to
2 vote on the question of proposed amendments to the con-
3 stitution at the election at which they are to be submitted,
4 the board of ballot commissioners of each county shall
5 place upon, and at the foot of, the official ballot to be
6 voted at that election, under the heading "Ballot on Con-
7 stitution Amendments," as to each proposed amendment,
8 the following:

9 No. -----
10 (title of amendment)
11 -----
12 -----
13 (summary of purpose)

- 14 For
- 15 Against

16 The election on each proposed amendment at each place
17 of voting shall be superintended, conducted and returned,
18 and the result thereof ascertained by the same officers
19 and in the same manner as the election of officers to be
20 voted for at said election, and all the provisions of the law
21 relating to general elections, including all duties to be

22 performed by any officer or board, as far as practicable,
 23 and not inconsistent with anything herein contained, shall
 24 apply to an election held under the provisions of this
 25 article. The ballots cast on the question of any proposed
 26 amendment shall be counted as other ballots cast at said
 27 election.

**§3-11-5. Certificates of election commissioners; canvass of vote;
 certifying result.**

1 As soon as the result is ascertained as to an amendment
 2 to the constitution, the commissioners, or a majority of
 3 them, and the canvassers (if there be any), or a majority
 4 of them, at each place of voting, shall make out and sign
 5 two certificates thereof as to each separate amendment,
 6 which certificates shall be in the following form or to
 7 the following effect:

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

16 "Amendment No. _____
 17 (title of amendment)

18 "For ratification _____ votes.

19 "Against ratification _____ votes.

20 "Given under our hands this _____ day of _____,
 21 one thousand nine hundred _____."

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

32 The said certificates, together with the ballots cast on
 33 the question of said proposed amendment, shall be laid
 34 before the commissioners of the county court within such
 35 time as will enable the commissioners of the county court
 36 to convene as a board of canvassers on the fifth day (Sun-
 37 days excepted) after such election for the purpose of
 38 ascertaining the result of said election. As soon as the
 39 result of said election in the county upon the question
 40 of such ratification or rejection is ascertained, two cer-
 41 tificates of such result shall be made out and signed by
 42 said commissioners as a board of canvassers, in the fol-
 43 lowing form or to the following effect:

44 "We, the board of canvassers of the county of _____,
 45 having carefully and impartially examined the returns
 46 of the election held in said county, in each district thereof,
 47 on the _____ day of _____, one thousand nine
 48 hundred _____, do certify that the result of the
 49 election in said county, on the question of the ratification
 50 or rejection of the proposed amendment is as follows:

51 "Amendment No. _____
 52 (title of amendment)

53 "For ratification _____ votes.

54 "Against ratification _____ votes.

55 "Given under our hands this _____ day of _____,
 56 one thousand nine hundred _____."

57 Separate certificates shall be made as to each constitu-
 58 tional amendment.

59 One of the certificates shall be filed in the office of the
 60 clerk of the county court and the other forwarded by
 61 registered mail to the secretary of state, who shall file
 62 and preserve the same until the day on which the result
 63 of said election in the state is to be ascertained, as pro-
 64 vided in section six of this article.

**§3-11-6. Proclamation of result of election by secretary of
 state; effective date of amendment ratified.**

1 On the twenty-fifth day after the election is held, or as
 2 soon thereafter as practicable, the secretary of state shall
 3 ascertain from said certificates the result of the election
 4 in the state, and declare the same by proclamation pub-

5 lished as a Class I-0 legal advertisement in two news-
6 papers printed at the seat of government. The cost of
7 such publication, determined in accordance with the pro-
8 visions of section three, article three, chapter fifty-nine
9 of this code, shall be paid out of funds appropriated to
10 the office of secretary of state. If a majority of the votes
11 cast at said election upon said question be for ratification
12 of an amendment, the amendment so ratified shall be in
13 force and effect from the date of such ratification, as part
14 of the constitution of the state.

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

Russell G. Bease

Chairman Senate Committee

Phyllis Ruetledge

Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard Robinson

Clerk of the Senate

C. Blankenship

Clerk of the House of Delegates

E. Spickard

President of the Senate

Lewis T. M. Starnes

Speaker House of Delegates

The within approved this the 27th
day of March, 1972.

Richard S. Royster, Jr.

Governor



PRESENTED TO THE
GOVERNOR

Date 3/10/72

Time 5:20 p.m.