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STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

FIRST EXTRAORDINARY SESSION, 1973



ENROLLED

Committee Substitute

HOUSE BILL No. 271

(By Mr. Seibert)



PASSED July 13, 1973

In Effect from Passage



C 641

FILED IN THE OFFICE

EDGAR F. NEISOMER III

SECRETARY OF STATE

THIS DATE 7-19-73

271

ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 271
(By MR. SEIBERT)

[Passed July 13, 1973; in effect from passage.]

AN ACT submitting certain proposed amendments to the constitution of the state to the voters of the state for ratification or rejection at a special election to be held throughout the state on the sixth day of November, one thousand nine hundred seventy-three; calling the special election; directing which proposed amendments shall be submitted to the voters of the state at the special election and how such proposed amendments are to be numbered, designated and summarized; providing for publication of the proposed amendments and publication of notice of the special election and the form thereof; providing that no question or issue other than the ratification or rejection of the proposed amendments shall be voted upon at the special election and that the vote on the proposed amendments be taken on each separately; providing for an official ballot and ballot labels, for one board of election officials in each precinct and for recounts; and providing for a proclamation of the result of the special election by the secretary of state and for conduct of and procedures for the special election and that the costs and expenses of the special election be paid out of the state treasury.

Be it enacted by the Legislature of West Virginia:

SPECIAL ELECTION ON PROPOSED CONSTITUTIONAL AMENDMENTS.

§1. Calling a special election; when to be held.

1 Pursuant to the authority vested in it by section two, article
2 fourteen of the constitution of the state, the Legislature hereby
3 calls a special election to be held throughout the state for the
4 purpose of submitting proposed amendments to the constitu-
5 tion of the state to the voters of the state for ratification or
6 rejection. The special election shall be held on the sixth
7 day of November, one thousand nine hundred seventy-three.

§2. Proposed amendments to be submitted; how numbered, designated and summarized; publication of proposed amendments.

1 The proposed amendments to the constitution of the state
2 to be submitted to the voters of the state for ratification or
3 rejection at the special election herein provided for shall
4 be, and they shall be numbered, designated and summarized,
5 in accordance with joint resolutions adopted by the Legis-
6 lature, as follows:

7 (1) House joint resolution No. 5, adopted by the Legis-
8 lature the fourteenth day of April, one thousand nine hundred
9 seventy-three, authorizing the submission of a proposed
10 amendment to the constitution of the state numbered "Amend-
11 ment No. 1," designated "Vietnam Veterans Bonus Amend-
12 ment," and summarized as follows: "To permit the appro-
13 priation of general revenues or the sale of state bonds for
14 the payment of bonuses and death benefits to veterans of the
15 Vietnam conflict or their relatives."

16 (2) Senate joint resolution no. 17, adopted by the Legis-
17 lature the thirteenth day of April, one thousand nine hundred
18 seventy-three, authorizing the submission of a proposed
19 amendment to the constitution of the state numbered "Amend-
20 ment No. 2," designated "Better Highways Amendment," and
21 summarized as follows: "To empower the Legislature to
22 authorize the issuing and selling of state bonds not exceeding
23 in the aggregate five hundred million dollars to be used for
24 bridge replacement and improvement program, completion of

25 the Appalachian Highway System, upgrading sections of
26 trunkline and feeder systems, upgrading West Virginia State
27 Route 2, upgrading state and local service roads and for
28 construction, reconstruction, improving and materially up-
29 grading of U. S. Route 52, between Huntington and Bluefield,
30 West Virginia."

31 (3) House joint resolution no. 7, adopted by the Legisla-
32 ture the fourteenth day of April, one thousand nine hundred
33 seventy-three, authorizing the submission of a proposed
34 amendment to the constitution of the state numbered "Amend-
35 ment No. 3," designated "Homestead and Taxation Exemption
36 Amendment," and summarized as follows: "To increase the
37 allowable homestead exemption on real and personal property
38 and to exempt from ad valorem property taxation the first
39 five thousand dollars of assessed valuation of a residence
40 occupied by the owner thereof who is sixty-five years of age
41 or older."

42 (4) House joint resolution no. 3, adopted by the Legislature
43 the seventh day of June, one thousand nine hundred seventy-
44 three, authorizing the submission of a proposed amendment to
45 the constitution of the state numbered "Amendment No. 5,"
46 designated "Sheriff's Succession Amendment," and sum-
47 marized as follows: "To amend the State Constitution to permit
48 persons elected sheriff to serve two consecutive terms."

49 The secretary of state shall cause each proposed amendment
50 to be published in full compliance with the provisions of sec-
51 tion three, article eleven, chapter three of the code of West
52 Virginia, one thousand nine hundred thirty-one, as amended
53 (hereinafter referred to as "the code").

§3. Publication of notice of special election; form.

1 The secretary of state shall cause notice of the special elec-
2 tion herein provided for to be published as a legal advertise-
3 ment one time at least three months before the special election
4 in some newspaper in every county of the state in which a
5 newspaper is printed. The form of the notice shall be as fol-
6 lows:

7 "NOTICE OF SPECIAL ELECTION FOR RATIFICA-
8 TION OR REJECTION OF PROPOSED AMENDMENTS
9 TO THE CONSTITUTION OF THE STATE

10 A special election shall be held on the sixth day of
11 November; one thousand nine hundred seventy-three for the
12 ratification or rejection of proposed amendments to the Con-
13 stitution of the State.

14 Signed: _____
15 Secretary of State
16 of the State of West Virginia.”

**§4. Conduct of and procedures for the special election; official bal-
lot; application of chapter three of the code; payment of costs.**

1 No question or issue other than the ratification or rejection
2 of the proposed amendments shall be voted upon at the special
3 election herein provided for. The vote on the proposed amend-
4 ments shall be taken on each separately. Each of the proposed
5 amendments shall be placed on the official ballot or upon the
6 ballot label in counties where voting machines are used, for the
7 special election. Such official ballot shall have the same form as
8 the “ballot on constitutional amendments” provided for in sec-
9 tion four, article eleven, chapter three of the code. There shall
10 be but one board of election officials in each precinct, consist-
11 ing of three commissioners and two poll clerks. Any person
12 voting in the special election may demand a recount of the
13 results thereof in the county wherein he voted. Every such
14 person who demands such recount shall be required to furnish
15 bond in a reasonable amount with good and sufficient surety
16 to guarantee payment of the costs and expenses of such re-
17 count in the event the results of the special election be not
18 changed by such recount, but the amount of such bond shall in
19 no case exceed three hundred dollars. If the result of the special
20 election in such county be not changed by such recount, the
21 costs and expenses of such recount shall be paid by the person
22 or persons at whose instance the same was made. The secre-
23 tary of state shall declare by proclamation the result of the
24 special election in the manner provided for in section six, arti-
25 cle eleven, chapter three of the code. The costs and expenses
26 of the special election throughout the state shall be paid out
27 of the state treasury from funds appropriated therefor.

28 Except to the extent this act expressly provides otherwise,
29 the special election shall be superintended, conducted and re-

30 turned and the result thereof ascertained and certified by the
31 same officers and in the same manner as provided in chapter
32 three of the code for a general election. In any matter in
33 which no specific provision of this act applies for the conduct
34 of any phase of the special election, those pertinent provisions
35 of said chapter three which may furnish guidance and may be
36 made controlling shall be applied.

Enr. Com. Sub. for H. B. No. 271] 6

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

H. David Darby

Chairman Senate Committee

Clarence C. Christian Jr.

Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard W. Carson

Clerk of the Senate

V. A. Blankenship

Clerk of the House of Delegates

W. T. Brotherton Jr.

President of the Senate

Lewis H. McMane

Speaker House of Delegates

The within approved this the 18th
day of July, 1973.

Arch A. Moore Jr.

Governor



PRESENTED TO THE
GOVERNOR

Date 7/18/73

Time 2:20 p.m.