WEST VIRGINIA LEGISLATURE
FIRST EXTRAORDINARY SESSION, 1973

ENROLLED
Committee Substitute

HOUSE BILL No. 21

(By Mr. Seiber)

PASSED July 13, 1973
In Effect from Passage

FILED IN THE OFFICE
EDGAR F. NEISHELL III
SECRETARY OF STATE
THIS DATE 7-19-73
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.

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

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

The proposed amendments to the constitution of the state to be submitted to the voters of the state for ratification or rejection at the special election herein provided for shall be, and they shall be numbered, designated and summarized, in accordance with joint resolutions adopted by the Legislature, as follows:

(1) House joint resolution No. 5, adopted by the Legislature the fourteenth day of April, one thousand nine hundred seventy-three, authorizing the submission of a proposed amendment to the constitution of the state numbered “Amendment No. 1,” designated “Vietnam Veterans Bonus Amendment,” and summarized as follows: “To permit the appropriation of general revenues or the sale of state bonds for the payment of bonuses and death benefits to veterans of the Vietnam conflict or their relatives.”

(2) Senate joint resolution no. 17, adopted by the Legislature the thirteenth day of April, one thousand nine hundred seventy-three, authorizing the submission of a proposed amendment to the constitution of the state numbered “Amendment No. 2,” designated “Better Highways Amendment,” and summarized as follows: “To empower the Legislature to authorize the issuing and selling of state bonds not exceeding in the aggregate five hundred million dollars to be used for bridge replacement and improvement program, completion of
the Appalachian Highway System, upgrading sections of trunkline and feeder systems, upgrading West Virginia State Route 2, upgrading state and local service roads and for construction, reconstruction, improving and materially upgrading of U. S. Route 52, between Huntington and Bluefield, West Virginia."

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

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

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

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

The secretary of state shall cause notice of the special election herein provided for to be published as a legal advertisement one time at least three months before the special election in some newspaper in every county of the state in which a newspaper is printed. The form of the notice shall be as follows:

"NOTICE OF SPECIAL ELECTION FOR RATIFICATION OR REJECTION OF PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE STATE"
A special election shall be held on the sixth day of November, one thousand nine hundred seventy-three for the ratification or rejection of proposed amendments to the Constitution of the State.

Signed: ________________________________
Secretary of State
of the State of West Virginia.”

§4. Conduct of and procedures for the special election; official ballot; application of chapter three of the code; payment of costs.

No question or issue other than the ratification or rejection of the proposed amendments shall be voted upon at the special election herein provided for. The vote on the proposed amendments shall be taken on each separately. Each of the proposed amendments shall be placed on the official ballot or upon the ballot label in counties where voting machines are used, for the special election. Such official ballot shall have the same form as the “ballot on constitutional amendments” provided for in section four, article eleven, chapter three of the code. There shall be but one board of election officials in each precinct, consisting of three commissioners and two poll clerks. Any person voting in the special election may demand a recount of the results thereof in the county wherein he voted. Every such person who demands such recount shall be required to furnish bond in a reasonable amount with good and sufficient surety to guarantee payment of the costs and expenses of such recount in the event the results of the special election be not changed by such recount, but the amount of such bond shall in no case exceed three hundred dollars. If the result of the special election in such county be not changed by such recount, the costs and expenses of such recount shall be paid by the person or persons at whose instance the same was made. The secretary of state shall declare by proclamation the result of the special election in the manner provided for in section six, article eleven, chapter three of the code. The costs and expenses of the special election throughout the state shall be paid out of the state treasury from funds appropriated therefor.

Except to the extent this act expressly provides otherwise, 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House.
Takes effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

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

[Signature]
Governor