WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED

HOUSE BILL No. 1348

(By Mr. Ough, in the Committee on the Judiciary)

PASSED April 14, 1973

In Effect from Passage

Veto - 1348

Filed in the Office of Edgar F. Herschell III, Secretary of State, this date 5/3/73
AN ACT to amend and reenact sections two and four, article eleven, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to resolutions proposing amendments to the West Virginia constitution; providing for the submission of such proposed amendments to the voters for ratification or rejection; relating to the title of any such proposed amendment and a summary of the purpose thereof; providing for the numbering of proposed amendments; relating to the duties of the secretary of state in connection therewith; relating to ballots or ballot labels for any such purpose; relating to the election at which proposed constitutional amendments are to be voted upon; and relating to the form of the official ballot in any such election and the conduct of any such election.

Be it enacted by the Legislature of West Virginia:

That sections two and four, article eleven, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 11. AMENDMENTS TO THE STATE CONSTITUTION.

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

1. In any joint resolution proposing an amendment to the
West Virginia constitution, for ratification or rejection by the voters, the Legislature shall for convenience of reference thereto, assign a title to such proposed amendment and shall set forth a summary of the purpose of such proposed amendment. If the Legislature shall fail in any such resolution to include a title and summary, or either, the secretary of state shall supply such omission or omissions, and certify the same to the ballot commissioners of each county. Whether set forth in such resolution or certified by the secretary of state, it shall be the duty of the ballot commissioners in each county to place upon the official ballot at the election at which such proposed amendment is to be voted upon, or upon the ballot label in counties where voting machines are used, the title and summary of such proposed constitutional amendment.

The Legislature may, in the joint resolution, give a proposed amendment a number which shall determine its order of position on the ballot. If this be done, and if there is more than one amendment submitted at the same election, the position of such amendment on the ballot shall be in accordance with the positions so assigned: Provided, That if the numbers so assigned are not consecutive, the secretary of state, in certifying the election ballot, shall renumber the amendments consecutively in accordance with the positions assigned by the Legislature. If the position of amendments has not been so determined by the Legislature, the secretary of state, in certifying the election ballot, shall number the amendments consecutively in accordance with the dates of their final submission by the Legislature.

The Legislature shall, in the joint resolution, designate the election at which the proposed constitutional amendment shall be submitted to the voters.

§3-11-4. Form of ballot; conduct of election.

For the purpose of enabling the voters of the state to vote on the question of proposed amendments to the constitution at the election at which they are to be submitted, the board of ballot commissioners of each county shall place upon, and at the foot of, the official ballot to be voted at that election, under the heading “Ballot on Constitutional Amendments,” as to each proposed amendment, the following:
The election on each 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 a general 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 an election held under the provisions of this article. The ballots cast on the question of any proposed amendment shall be counted as other ballots cast at a general election.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

W. Darrel Darby  
Chairman Senate Committee

Claude E. Chastain, Jr.  
Chairman House Committee

Originated in the House.
Takes effect from passage.

Howard W. Carson  
Clerk of the Senate

O.L. Blakenship  
Clerk of the House of Delegates

W. J. Brotherton, Jr.  
President of the Senate

Lewis F. M. Rome  
Speaker House of Delegates

The within  
April  

Acal A. Shaver, Jr.  
Governor
PRESENTED TO THE
GOVERNOR

Date 4/24/73
Time 2:34 P.M.