ENROLLED

H. B. 1207

(By Mr. Albright and Mr. Mowery)

[Passed March 11, 1978; in effect ninety days from passage.]

AN ACT to amend article three, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three-a, relating to county property; sale thereof or buildings thereon to be demolished; permitting local option election; petition; election procedure; form of ballot; and effect of such election.

Be it enacted by the Legislature of West Virginia:

That article three, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section three-a, to read as follows:

ARTICLE 3. COUNTY PROPERTY.

§7-3-3a. Sale of county or district property—local option election; petition, election procedure; form of ballot; effect of such election.

1 The county commission of any county is authorized to call a local option election for the purpose of determining the will of the voters as to whether specific real property belonging to the county or held by it for the use of any district thereof shall be conveyed or whether the buildings and improvements thereon shall be demolished.

7 A petition for such local option election shall be in the form hereinafter specified and shall be signed by qualified voters
residing within said county equal to at least ten per cent of the persons qualified to vote within said county at the last general election. For the purpose of this article, the term “qualified voters” shall mean those actually voting at the last general election and not those registered to vote. Said petition may be in any number of counterparts and shall be sufficient if substantially in the following form:

PETITION

CONVEYANCE OF COUNTY PROPERTY

AND/OR

DEMOLITION OF COUNTY BUILDINGS

OR IMPROVEMENTS

Each of the undersigned certifies that he or she is a person residing in __________ County, West Virginia, and is duly qualified to vote in said county under the laws of the State, and that his or her name, address and the date of signing this petition are correctly set forth below.

The undersigned petition said county commission to call and hold a local option election upon the following question: Shall the county commission of __________ County, West Virginia, be authorized to convey (or demolish buildings and improvements located on) the following described real property belonging to the county or held by it for the use of a district thereof:

(here insert property description)

NAME          ADDRESS          DATE

(Each person signing must specify either his postoffice address or his street number.)

Upon the filing of a petition for a local option election in accordance with the provisions of this section, the county commission shall enter an order calling a local option election and providing that the same shall be held at the same time and as a part of the next primary or general election to be held in said
county. Said county commission shall give notice of such local
option election by publication in two newspapers of opposite
politics and of general circulation within said county. Said
notice shall be given at least once each week for two successive
weeks prior to the date of said election. If there is only one
newspaper published in said county, publication of said notice
therein shall be sufficient.

Each person qualified to vote in said county at said primary
or general election shall likewise be qualified to vote at the local
option election. The election officers appointed and qualified
to serve as such at said primary or general election shall con-
duct said local option election in connection with and as a part
of said primary or general election. The ballots in said local
option election shall be counted and returns made by the elec-
tion officers and the results certified by the commissioners of
election to said county commission which shall canvass the bal-
lots, all in accordance with the laws of the State of West Vir-
inia relating to primary and general elections insofar as the
same are applicable. The county commission shall, without de-
lay, canvass the ballots cast at said local option election and
certify the result thereof.

The ballot to be used in said local option election shall have
printed thereon substantially the following:

"Shall the county commission of _________________ County
be authorized to convey (or demolish buildings and improve-
ments located on) the following described real property be-
longing to the county? (insert description)

☐ YES ☐ NO

(Place a cross mark in the square opposite your choice.)"

If a majority of the voters voting at any such local option
election vote no on the foregoing question, the county com-
misson shall not thereafter be permitted to convey said real
property or demolish the buildings and improvements thereon,
as the case may be, unless thereafter authorized so to do.

Nothing herein shall prohibit the county commission from
altering, improving and maintaining such real property or the
buildings and improvements thereon in any manner what-
soever which does not demolish the building or improvements which were subject to the referendum.

The county commission of any county wherein a majority of the voters have refused permission to convey or demolish specific real property or buildings or improvements pursuant to this section may on its own motion initiate an election pursuant to this section at any primary or general election held in such county after the voters have refused such permission and may restate the description of property or action desired to be taken in such manner as the commission shall determine.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence E. Kirkman, Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. W. Wilson, Jr.
Clerk of the Senate

Clerk of the House of Delegates

W. T. Thomas
President of the Senate

Donald L. Zapf
Speaker House of Delegates

The within is approved this the 30th day of March, 1978.

John D. Boling
Governor