WEST VIRGINIA LEGISLATURE
Regular Session, 2005

ENROLLED
Committee Substitute for
SENATE BILL NO. 261

(By Senators Tomblin, Mr. President, and
Sprouse, By Request of the Executive)

PASSED February 25, 2005

In Effect from Passage
AN ACT to submit the Pension Bond Amendment to the Constitution of the State of West Virginia to the voters of the state for ratification or rejection at a special election to be held throughout the state on the twenty-fifth day of June, two thousand five; calling the special election; directing that the proposed amendment be submitted to the voters of the state at the special election and how such amendment is to be numbered, designated and summarized; providing for publication of the proposed amendment 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 amendment shall be voted upon at the special election; providing for an official paper ballot; providing for one board of election officials in each precinct
and for recounts; providing for the conduct of and procedures for the special election; providing that the costs and expenses of the special election be paid out of the state Treasury; and providing for a proclamation of the result of the special election by the Secretary of State.

Be it enacted by the Legislature of West Virginia:

SPECIAL ELECTION ON PROPOSED CONSTITUTIONAL AMENDMENT:

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

1 Pursuant to the authority vested in it by section two, article fourteen of the Constitution of the State of West Virginia, the Legislature hereby calls a special election to be held throughout the state for the purpose of submitting a proposed amendment to the Constitution of the state to the voters of the state for ratification or rejection. The special election shall be held on the twenty-fifth day of June, two thousand five.

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

1 The proposed amendment to the Constitution of the State of West Virginia to be submitted to the voters of the state for ratification or rejection at the special election herein provided shall be, and it shall be numbered, designated and summarized in accordance with the joint resolution adopted by the Legislature as follows:

7 Senate Joint Resolution No. 101, adopted by the Legislature the twenty-ninth day of January, two thousand five, authorizing the submission of a proposed amendment to the Constitution of the state numbered “Amendment No. 1”, designated the “Pension Bond Amendment”, and summarized as follows: “To amend the state Constitution to permit the issuance and sale of additional state general obligation bonds not exceeding five billion five hundred million dollars to help provide for the fiscal soundness of...
the State Teachers Retirement System, the Judges' Retirement System and the Public Safety Death, Disability and Retirement System. These additional state general obligation bonds will help the state to fund the unfunded actuarial accrued liabilities of these systems."

The Secretary of State shall cause the 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.

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

The Secretary of State shall cause notice of the special election herein provided 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 AMENDMENT TO THE CONSTITUTION OF THE STATE

A special election shall be held on the twenty-fifth day of June, two thousand five, for the ratification or rejection of the proposed amendment 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 of the proposed amendment shall be voted upon at the special election herein provided for. The proposed official ballots shall be paper ballots. Such official ballot shall have the
same form as the ballot on constitutional amendments provided in section four, article eleven, chapter three of the code. There shall be but one board of election officers 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 or she 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 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 the 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 insistence the same was made. The Secretary of State shall declare by proclamation the result of the special election in the manner provided 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 returned and the result thereof ascertained and certified by the same officers and in the same manner as provided in chapter three of the code for a general election. In any matter in which no specific provision of this act applies for the conduct of any phase of the special election, those pertinent provisions of said chapter three which may furnish guidance and may be made controlling shall be applied.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within.................................................. this the...................................

Day of.................................................., 2005.

Governor
PRESENTED TO THE GOVERNOR

Date 3/2/05
Time 10:25 AM