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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

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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,
2 article fourteen of the Constitution of the State of West
3 Virginia, the Legislature hereby calls a special election to
4 be held throughout the state for the purpose of submitting
5 a proposed amendment to the Constitution of the state to
6 the voters of the state for ratification or rejection. The
7 special election shall be held on the twenty-fifth day of
8 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
2 State of West Virginia to be submitted to the voters of the
3 state for ratification or rejection at the special election
4 herein provided shall be, and it shall be numbered, designated and summarized in accordance with the joint
5 resolution adopted by the Legislature as follows:
6

7 Senate Joint Resolution No. 101, adopted by the Legisla-
8 ture the twenty-ninth day of January, two thousand five,
9 authorizing the submission of a proposed amendment to
10 the Constitution of the state numbered "Amendment No.
11 1", designated the "Pension Bond Amendment", and
12 summarized as follows: "To amend the state Constitution
13 to permit the issuance and sale of additional state general
14 obligation bonds not exceeding five billion five hundred
15 million dollars to help provide for the fiscal soundness of

16 the State Teachers Retirement System, the Judges' Retirement
17 System and the Public Safety Death, Disability and
18 Retirement System. These additional state general obligation
19 bonds will help the state to fund the unfunded
20 actuarial accrued liabilities of these systems."

21 The Secretary of State shall cause the proposed amend-
22 ment to be published in full compliance with the provi-
23 sions of section three, article eleven, chapter three of the
24 Code of West Virginia; one thousand nine hundred, thirty-
25 one, as amended.

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

1 The Secretary of State shall cause notice of the special
2 election herein provided to be published as a legal adver-
3 tisement one time at least three months before the special
4 election in some newspaper in every county of the state in
5 which a newspaper is printed. The form of the notice shall
6 be as follows:

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

10 A special election shall be held on the twenty-fifth day
11 of June, two thousand five, for the ratification or rejection
12 of the proposed amendment to the Constitution of the
13 state.

14 Signed: _____
15 Secretary of State
16 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.

1 No question or issue other than the ratification of the
2 proposed amendment shall be voted upon at the special
3 election herein provided for. The proposed official ballots
4 shall be paper ballots. Such official ballot shall have the

5 same form as the ballot on constitutional amendments
6 provided in section four, article eleven, chapter three of
7 the code. There shall be but one board of election officers
8 in each precinct consisting of three commissioners and two
9 poll clerks. Any person voting in the special election may
10 demand a recount of the results thereof in the county
11 wherein he or she voted. Every such person who demands
12 such recount shall be required to furnish bond in a reason-
13 able amount with good and sufficient surety to guarantee
14 costs and expenses of such recount in the event the results
15 of the special election be not changed by such recount, but
16 the amount of the bond shall in no case exceed three
17 hundred dollars. If the result of the special election in
18 such county be not changed by such recount, the costs and
19 expenses of such recount shall be paid by the person or
20 persons at whose insistence the same was made. The
21 Secretary of State shall declare by proclamation the result
22 of the special election in the manner provided in section
23 six, article eleven, chapter three of the code. The costs and
24 expenses of the special election throughout the state shall
25 be paid out of the state Treasury from funds appropriated
26 therefor.

27 Except to the extent this act expressly provides other-
28 wise, the special election shall be superintended, con-
29 ducted and returned and the result thereof ascertained and
30 certified by the same officers and in the same manner as
31 provided in chapter three of the code for a general elec-
32 tion. In any matter in which no specific provision of this
33 act applies for the conduct of any phase of the special
34 election, those pertinent provisions of said chapter three
35 which may furnish guidance and may be made controlling
36 shall be applied.

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

Clancy White
.....
Chairman Senate Committee

W. Luke Baum
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Russell Stokes
.....
Clerk of the Senate

Burgess M. Bradford
.....
Clerk of the House of Delegates

Carl Ray Tucker
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *5th*
March
Day of, 2005.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/2/05

Time 10:25am