

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **Senate Bill 877**

By Senator Rucker

[Introduced March 21, 2025; referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §3-11-2 and §3-11-4 of the Code of West Virginia, 1931, as  
 2 amended, relating to requiring the resolution passed by the Legislature for proposed  
 3 constitutional amendments to include the language to be included on official ballots to be  
 4 voted at the election at which such amendments are submitted to the voters of the state.

*Be it enacted by the Legislature of West Virginia:*

**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  
 2 ratification or rejection by the voters, the Legislature shall for convenience of reference thereto,  
 3 assign a title to such proposed amendment and shall set forth a summary of the purpose of such  
 4 proposed amendment. If the Legislature shall fail in any such resolution to include a title and  
 5 summary, or either, the Secretary of State shall supply such omission or omissions, and certify the  
 6 same to the ballot commissioners of each county. Whether set forth in such resolution or certified  
 7 by the Secretary of State, it shall be the duty of the ballot commissioners in each county to place  
 8 upon the official ballot at the election at which such proposed amendment is to be voted upon, or  
 9 upon the ballot label in counties where voting machines are used, the title and summary of such  
 10 proposed Constitutional amendment, alongside the description of the proposed amendment as  
 11 prescribed by the joint resolution proposing the amendment.

12 The Legislature may, in the joint resolution, give a proposed amendment a number. If this is  
 13 done, and if there is more than one amendment submitted at the same election, the position of  
 14 such amendment on the ballot shall be in accordance with the number so designated. When  
 15 numbers are not so designated by the Legislature, the Secretary of State, in certifying the election  
 16 ballot, shall number the amendments consecutively in accordance with the dates of their final  
 17 submission by the Legislature.

18 The Legislature shall, in the joint resolution, designate the election at which the proposed

19 Constitutional amendment shall be submitted to the voters.

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

1 For the purpose of enabling the voters of the state to vote on the question of proposed  
2 amendments to the Constitution at the election at which they are to be submitted, the board of  
3 ballot commissioners of each county shall place upon, and at the foot of, the official ballot to be  
4 voted at that election, under the heading "Ballot on Constitutional Amendments," as to each  
5 proposed amendment, the following:

6 No. ....

7 (title of amendment)

8 .....

9 .....

10 (summary of purpose)

11 .....

12 .....

13 (description)

14 [ ] For

15 [ ] Against

16 The description of each proposed amendment shall be reflected on the official ballot as it  
17 appears in the joint resolution proposing the amendment.

18 The election on each proposed amendment at each place of voting shall be superintended,  
19 conducted and returned, and the result thereof ascertained by the same officers and in the same  
20 manner as the election of officers to be voted for at said election, and all the provisions of the law  
21 relating to general elections, including all duties to be performed by any officer or board, as far as  
22 practicable, and not inconsistent with anything herein contained, shall apply to an election held  
23 under the provisions of this article. The ballots cast on the question of any proposed amendment  
24 shall be counted as other ballots cast at said election.

NOTE: The purpose of this bill is to require that the Legislature prescribe a description of proposed amendments to the Constitution of the State of West Virginia, which are to be included on ballots used in the election at which amendments are submitted to the voters of the state.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.