ENROLLED BILL
(EXTRAORDINARY SESSION, 1933)

House Bill No. 152

(By Mr. Butcher)

Passed June 3, 1933

In Effect ninety days from Passage
ENROLLED BILL

(H. B. No. 152)

[Passed June 3, 1933; in effect ninety days from passage.]

AN ACT to provide for the submission to the voters of the state of an amendment to the constitution of the state of West Virginia, as follows: Amending section one of article seven.

Be it enacted by the Legislature of West Virginia:

Section 1. That the question of the ratification or rejection of an amendment to the constitution of West Virginia, proposed in accordance with the provisions of section two, article fourteen of said constitution, shall be submitted to the voters of the state at the next general election, to be held in the year one thousand nine hundred thirty-four, which proposed amendment is as follows:

Proposed Amendment

Section 1. The executive department shall consist of a governor, secretary of state, state superintendent of free schools,
3 auditor, treasurer, commissioner of agriculture and attorney general, who shall be, ex officio, reporter of the court of appeals.

5 Their terms of office shall be four years and shall commence on the first Monday after the second Wednesday of January next after their election. They shall reside at the seat of government during their terms of office, keep there the public records, books and papers pertaining to their respective offices and shall perform such duties as may be prescribed by law.

Sec. 2. For convenience in referring to the said proposed amendment and in the preparation of the form of the ballot hereinafter provided for, said proposed amendment is hereby designated as follows: To be known as the "lame duck amendment."

Sec. 3. For the purpose of enabling the voters of the state to vote on the question of said proposed amendment to the constitution at the general election to be held in the year one thousand nine hundred thirty-four, the board of ballot commissioners of each county is hereby required to place upon, and at the foot of, the official ballots to be voted at said election, the following:
8 Ballot on constitutional "lame duck amendment," amending section one, article seven.

10 For ratification of lame duck amendment.

11 Against ratification of lame duck amendment.

12 The election on the 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 said election; and all of the provisions of law relating to general elections, including all duties to be performed by any officer or board, as far as applicable and not inconsistent with anything herein contained, shall apply to the election held under the provisions of this act, except when it is herein otherwise provided. The ballots cast on the question of said proposed amendment shall be counted as other ballots cast at said election.

Sec. 4. As soon as the result is ascertained the commissioners, or a majority of them, and the canvassers (if there be any), or a majority of them, at each place of voting, shall make out and sign two certificates thereof in the following
form or to the following effect: "We, the undersigned, who acted as commissioners (or canvassers, as the case may be), of the election held at precinct number ..., in the district of ..., in the county of ..., on the ... day of November, one thousand nine hundred thirty-four, upon the question of the ratification or rejection of the proposed constitutional amendment to section one, article seven do hereby certify that the result of said election is as follows:

Amending section one of article seven:

For ratification of lame duck amendment ....... votes.

Against ratification of lame duck amendment ....... votes.

Given under our hands this ...... day of November, one thousand nine hundred thirty-four."

The said two certificates shall correspond with each other in all respects, and contain the full and true returns of said election at each place of voting on said question. The said commissioners, or any one of them (or said canvassers, or any one of them, as the case may be), shall within four days, excluding Sunday, after that on which said election was held, deliver one of said certificates to the clerk of the county court.
25 of his county, together with the ballots, and the other to the
26 clerk of the circuit court of the county.
27 The said certificates, together with the ballots cast on the
28 question of said proposed amendment, shall be laid before the
29 commissioners of the county court at the courthouse at the
30 same time the ballots, poll books and the certificates of the
31 election for the members of the legislature are laid before
32 them; and as soon as the result of said election in the county
33 upon the question of such ratification or rejection is ascer-
34 tained, two certificates of such result shall be made out and
35 signed by said commissioners, as a board of canvassers, in the
36 following form or to the following effect:
37 "We, the board of canvassers of the county of . . . . . . . . . ,
38 having carefully and impartially examined the returns of the
39 election held in said county, in each district thereof, on the
40 . . . . . . day of November, one thousand nine hundred thirty-
41 four, do certify that the result of the election in said county,
42 on the question of the ratification or rejection of the proposed
43 constitutional amendment to section one of article seven is as
44 follows:
45 For ratification of lame duck amendment . . . . . . votes.
Against ratification of lame duck amendment ....... votes.

Given under our hands this ...... day of ...............,

one thousand nine hundred thirty-four.”

One of the certificates shall be filed in the office of the clerk
of the county court, and the other forwarded by mail to the
secretary of state, who shall file and preserve the same until
the day on which the result of said election in the state is to be
ascertained, as hereinafter stated.

Sec. 5. On the twenty-fifth day after the election is held, or as
soon thereafter as practicable, the said certificates shall be laid
before the governor, whose duty it shall be to ascertain there-
from the result of said election in the state, and declare the same
by proclamation published in one or more newspapers printed
at the seat of government. If a majority of the votes cast at
said election upon said question be for the ratification of the
said amendment, the proposed amendment so ratified shall be of
force and effect from and after the time of such ratification as
part of the constitution of the state.

Sec. 6. The governor shall cause the said proposed amend-
ment, with the proper designation for the same as hereinbefore
adopted, to be published one time, at least three months before
4 such election, in some newspaper in every county in this state
5 in which a newspaper is printed, at a price to be agreed upon in
6 advance in writing, and the cost of such advertising shall in the
7 first instance, if found necessary by him, be paid out of the
8 governor's contingent fund and be afterwards repaid to such
9 fund by appropriation of the legislature.
CORRECTLY ENROLLED

Chairman, Senate Committee

Speaker of the House of Delegates.

Clerk of the House of Delegates.

President of the Senate.

The within is approved.

this 9th day of June 1933.

Governor.

Filed in the office of the Secretary of State of West Virginia on July 12, 1933.

Wm. S. O'Brien, Secretary of State