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ENROLLED BILL

(EXTRAORDINARY SESSION, 1933)

House Bill No. 152

(By Mr. Butcher)

Passed June 3, 1933

In Effect ninety days from Passage

Originated in the House Takes effect ninety days from Passage

Clerk House of Delegates.

CORRECTLY ENROLLED

Clerk.

Chairman Senate Committee.

Chairman House Committee.

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 four 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,

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3 auditor, treasurer, commissioner of agriculture and attorney gen-
4 eral, who shall be, ex officio, reporter of the court of appeals.
5 Their terms of office shall be four years and shall commence on
6 the first Monday after the second Wednesday of January next
7 after their election. They shall reside at the seat of government
8 during their terms of office, keep there the public records, books
9 and papers pertaining to their respective offices and shall per-
10 form such duties as may be prescribed by law.

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

Sec. 3. For the purpose of enabling the voters of the state
2 to vote on the question of said proposed amendment to the
3 constitution at the general election to be held in the year one
4 thousand nine hundred thirty-four, the board of ballot com-
5 missioners of each county is hereby required to place upon,
6 and at the foot of, the official ballots to be voted at said elec-
7 tion, the following:

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Chairman House Committee.

James D. Henry

Chairman Senate Committee.

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8 Ballot on constitutional "lame duck amendment," amend-
9 ing 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
13 voting, shall be superintended, conducted and returned, and
14 the result thereof ascertained by the same officers and in the
15 same manner as the election of officers to be voted for at said
16 election; and all of the provisions of law relating to general
17 elections, including all duties to be performed by any officer
18 or board, as far as applicable and not inconsistent with any-
19 thing herein contained, shall apply to the election held under
20 the provisions of this act, except when it is herein otherwise
21 provided. The ballots cast on the question of said proposed
22 amendment shall be counted as other ballots cast at said elec-
23 tion.

Sec. 4. As soon as the result is ascertained the commis-
2 sioners, or a majority of them, and the canvassers (if there be
3 any), or a majority of them, at each place of voting, shall
4 make out and sign two certificates thereof in the following

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Anna A. Hyman

Chairman Senate Committee.

James L. Smith

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5 form or to the following effect: "We, the undersigned, who
6 acted as commissioners (or canvassers, as the case may be),
7 of the election held at precinct number, in the district
8 of, in the county of, on the
9 day of November, one thousand nine hundred thirty-four, upon
10 the question of the ratification or rejection of the proposed
11 constitutional amendment to section one, article seven do
12 hereby certify that the result of said election is as follows:

13 Amending section one of article seven:

14 For ratification of lame duck amendment votes.

15 Against ratification of lame duck amendment votes.

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

18 The said two certificates shall correspond with each other
19 in all respects, and contain the full and true returns of said
20 election at each place of voting on said question. The said
21 commissioners, or any one of them (or said canvassers, or any
22 one of them, as the case may be), shall within four days, ex-
23 cluding Sunday, after that on which said election was held,
24 deliver one of said certificates to the clerk of the county court

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Henry D. Rogers

Chairman Senate Committee.

James L. Smith

Chairman House Committee.

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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.

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Chairman Senate Committee.

James L. Smith

Chairman House Committee.

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46 Against ratification of lame duck amendment votes.
47 Given under our hands this day of ,
48 one thousand nine hundred thirty-four.”
49 One of the certificates shall be filed in the office of the clerk
50 of the county court, and the other forwarded by mail to the
51 secretary of state, who shall file and preserve the same until
52 the day on which the result of said election in the state is to be
53 ascertained, as hereinafter stated.

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

Sec. 6. The governor shall cause the said proposed amend-
2 ment, with the proper designation for the same as hereinbefore
3 adopted, to be published one time, at least three months before

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Chairman House Committee.

James A. Boyce

Chairman Senate Committee.

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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.

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James A. H. Smith
Chairman Senate Committee

Wm. M. Storer
Speaker of the House of Delegates.

Geo. S. Hae
Clerk of the House of Delegates.

Wm. M. Storer
President of the Senate.

Donahue
Clerk of the Senate.

James A. H. Smith
Chairman House Committee

The within is... *approved*...

this... *9th*... day of... *June*... 1933.

H. S. Kump
Governor.

Filed in the office of the Secretary of State
of West Virginia. *JUN 12 1933*

Wm. S. O'Brien,
Secretary of State