

202

ENROLLED BILL

(EXTRAORDINARY SESSION, 1933)

House Bill No. 202

(By Mr. Smith, of Ohio)

Passed June 3, 1933

In Effect ninety days from Passage

Originated in the

House

James A. Steel

Clerk.

Takes effect ninety days from passage

Robert H. Hall

Clerk House of Delegates.

CORRECTLY ENROLLED

James L. Smith

Chairman House Committee.

Samuel A. Hays

Chairman Senate Committee.

ENROLLED BILL

(H. B. No. 202)

[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 two, article ten.

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:

Sec. 2. The legislature shall levy an annual capitation tax of one dollar upon each inhabitant of the state who has attained the age of twenty-one years, which shall be annually appro-

CORRECTLY ENROLLED

James L. Smith

Chairman House Committee.

James A. Hays

Chairman Senate Committee.

2 [Enrolled H. B. No. 202

4 priated to the support of free schools, and payment of such
5 capitation tax and the presentation of a receipt therefor may
6 be made a qualification for voting in all elections in such man-
7 ner and form as the legislature may by law direct.

8 Persons afflicted with bodily infirmity may be exempted
9 from this tax.

10 In the event of any inconsistency between any of the pro-
11 visions of this section and any of the other provisions of the
12 constitution, the provisions of this section shall prevail.

Sec. 3. 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 "capitation amend-
5 ment."

Sec. 4. 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:

James L. Smith

Chairman Senate Committee.

3

10 ☐ For ratification of "capitation amendment."

11 ☐ Against ratification of "capitation amendment."

Sec. 5. As soon as the result is ascertained the commis-
sioners, 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:

CORRECTLY ENROLLED

James D. Hyman

Chairman Senate Committee.

James L. Smith

Chairman House Committee.

4 [Enrolled H. B. No. 202

6 "We, the undersigned who acted as commissioners (or
7 canvassers, as the case may be), of the election held at pre-
8 cinct number, in the district of.....,
9 in the county of, on the day of
10 November, one thousand nine hundred thirty-four, upon the
11 question of the ratification or rejection of the proposed consti-
12 tutional amendment to section two, article ten, do hereby certi-
13 fy that the result of said election is as follows:

14 Amending section two of article ten:

15 For ratification of "capitation amendment".....votes.

16 Against ratification of "capitation amendment".....votes.

17 Given under our hands this day of November, one thou-
18 sand nine hundred thirty-four."

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

CORRECTLY ENROLLED

James L. Smith
Chairman House Committee.
Henry D. Hyman
Chairman Senate Committee.

Enrolled H. B. No. 202]

5

26 county, together with the ballots, and the other to the clerk
27 of the circuit court of the county.

28 The said certificates, together with the ballots cast on
29 the question of said proposed amendment, shall be laid before
30 the commissioners of the county court at the courthouse at the
31 same time the ballots, poll books and the certificates of the
32 election for the members of the legislature are laid before them;
33 and as soon as the result of said election in the county upon the
34 question of such ratification or rejection is ascertained, two
35 certificates of such result shall be made out and signed by said
36 commissioners, as a board of canvassers, in the following form
37 or to the following effect:

38 "We, the board of canvassers of the county of.....,
39 having carefully and impartially examined the returns of the
40 election held in said county, in each district thereof, on the....
41 day of November, one thousand nine hundred thirty-four, do
42 certify that the result of the election in said county, on the
43 question of the ratification or rejection of the proposed consti-
44 tutional amendment to section two, article ten, is as follows:
45 For ratification of "capitation amendment",.....votes.
46 Against ratification of "capitation amendment".....votes.

CORRECTLY ENROLLED

James L. Smith
Henry A. Rogers

Chairman House Committee.

Chairman Senate Committee.

6 [Enrolled H. B. No. 202

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

Sec. 7. The governor shall cause the said proposed amend-
2 ment, with the proper designation for the same as hereinbe-
3 fore adopted, to be published one time, at least three months
4 before such election, in some newspaper in every county in this

CORRECTLY ENROLLED

James L. Smith

Chairman House Committee.

James A. Rogers

Chairman Senate Committee.

Enrolled H. B. No. 202]

7

5 state in which a newspaper is printed, at a price to be agreed
6 upon in advance in writing, and the cost of such advertising
7 shall in the first instance, if found necessary by him, be paid
8 out of the governor's contingent fund and be afterwards re-
9 paid to such fund by appropriation of the legislature.

CORRECTLY ENROLLED

James A. Smith
Chairman Senate Committee.

James A. Smith
Chairman House Committee.

8

[Enrolled H. B. No. 202

Wm. H. Fisher
Speaker of the House of Delegates.

Wm. H. Fisher
Clerk of the House of Delegates.

Wm. H. Fisher
President of the Senate.

Wm. H. Fisher
Clerk of the Senate.

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

this... *7*... day of... *June*... 1933.

H. B. Thompson
Governor.

Filed in the office of the Secretary of State
of West Virginia. *JUN 12 1933*
Wm. S. O'BRIEN,
Secretary of State