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# ENROLLED BILL

(EXTRAORDINARY SESSION, 1933)

House Bill No. 7

(By Mr. Norton)

Passed April 12, 1933

In Effect from Passage

Originated in the..... Takes effect..... Passage

Clerk of the House of Delegates.

CORRECTLY ENROLLED

Clerk.

Chairman Senate Committee.

Chairman House Committee.

## ENROLLED BILL

(H. B. No. 7)

[Passed April 12, 1933; in effect from passage.]

AN ACT to amend and reenact sections three and five of an act passed March tenth, one thousand nine hundred thirty-three, providing for a convention to pass on the amendment to the constitution of the United States providing for the repeal of the eighteenth article of amendment to the constitution and the prohibition of the transportation or importation into any state, territory or possession of the United States for delivery or use therein of intoxicating liquors in violation of the laws thereof proposed by the congress for ratification by conventions in the several states.

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

That sections three and five of an act passed March tenth, one thousand nine hundred thirty-three, entitled "An Act to provide

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*Chairman Senate Committee.*

*James L. Smith*

*Chairman House Committee.*

for a convention to pass on the amendment to the constitution of the United States providing for the repeal of the eighteenth article of amendment to the constitution and the prohibition of the transportation or importation into any state, territory or possession of the United States for delivery or use therein of intoxicating liquors in violation of the laws thereof proposed by the congress for ratification by conventions in the several states," and identified as senate bill number one hundred seventy-four, be and the same are hereby amended and reenacted to read respectively as follows:

Section 3. Except as in this act otherwise provided such election shall be conducted and the results thereof ascertained and certified in the same manner as in the case of the election of presidential electors in this state, and all provisions of the laws of this state relative to elections except so far as inconsistent with this act are hereby made applicable to such election. The county court of each county shall appoint for each precinct in such county three commissioners of election, and no more, and no poll clerks, for the special election hereby called, and at least one commissioner shall be known to the court to be for ratification and one shall be so known to be against ratification. The commissioners shall designate two

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*Chairman House Committee.*

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13 of their number, one known to be for ratification and one  
14 known to be against ratification, as poll clerks, who shall per-  
15 form all duties of poll clerks as well as commissioners at such  
16 election. Each commissioner of election shall receive one dol-  
17 lar for each day actually employed instead of the compensa-  
18 tion provided by statute, which compensation shall be allowed  
19 and paid by the county court upon application within ten  
20 days after the day of election by the person entitled thereto,  
21 attested by the commissioners of election, and not otherwise.  
22 It shall not be necessary for the registrars to list or register  
23 any of the voters for the special election hereby called and the  
24 voters shall be listed and registered by the county court as  
25 provided in section ten, article two, chapter three of the code  
26 of West Virginia, one thousand nine hundred thirty-one, and  
27 the clerk of each county court shall furnish to the election com-  
28 missioners of the respective voting precincts one of the registra-  
29 tion books filed with him instead of a certified list of voters.

Sec. 5. Nominations of candidates for the office of dele-  
gate to the convention shall be made as follows:

The Democratic state executive committee and the Republi-  
can state executive committee shall each nominate ten persons

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5 who shall have signed a written pledge in triplicate to vote in  
6 such convention for ratification of the amendment and filed  
7 one counterpart thereof with the secretary of state of West  
8 Virginia and two with the secretary of such committee, and  
9 ten persons who shall have signed a written pledge in triplicate  
10 to vote in such convention against ratification of the amend-  
11 ment, and filed one counterpart thereof with the secretary  
12 of state of West Virginia and two with the secretary of such  
13 committee. In each group of ten each congressional district  
14 of the state shall be represented by at least one and not more  
15 than two residents thereof. No person shall be nominated by  
16 either committee who shall not have filed counterparts of a  
17 written pledge as aforesaid on or before the fifteenth day of  
18 April, one thousand nine hundred thirty-three, and nomina-  
19 tions shall be made by said committees, respectively, and a cer-  
20 tificate thereof, showing under separate and distinguishing  
21 headings the list of the ten nominees pledged to vote for rati-  
22 fication and the ten nominees pledged to vote against ratifica-  
23 tion, forwarded to the secretary of state of West Virginia,  
24 with one counterpart of the pledge of each person so nomi-  
25 nated, on or before the first day of May, one thousand nine

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26 hundred thirty-three. The twenty persons so nominated, ten  
27 by each of said committees, pledged to vote for ratification,  
28 shall be the candidates favoring ratification of the amendment,  
29 and the twenty persons so nominated, ten by each of said com-  
30 mittees, pledged to vote against ratification of the amendment,  
31 shall be the candidates opposing ratification. If a vacancy shall  
32 occur in any nomination so made, from death, withdrawal or  
33 other cause, the vacancy shall be filled and the name of the  
34 candidate certified by the state executive committee which  
35 made the original nomination, or the chairman thereof, as the  
36 case may be, according to the provisions of chapter three,  
37 article four, section twenty-three of the code of West Virginia,  
38 one thousand nine hundred thirty-one, and the nominee to fill  
39 such vacancy shall be chosen from among persons who shall  
40 have filed with such committee a pledge similar to the pledge  
41 filed by the original nominee. If either committee shall fail  
42 to make and file nominations as hereinbefore provided on or  
43 before the first day of May, one thousand nine hundred thirty-  
44 three, the secretary of state shall on or before the tenth day  
45 of May, one thousand nine hundred thirty-three, make up the  
46 lists which such committee should have made, of ten nominees

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James A. Hyman

*Chairman House Committee.*

*Chairman Senate Committee.*

47 pledged to vote for ratification and ten pledged to vote against  
48 ratification, according to the counterpart pledges filed with  
49 the secretary of such committee and the secretary of state,  
50 drawing names by lot in any case where there shall be more  
51 than one person eligible for either list resident in any con-  
52 gressional district, and if when a nomination for either list  
53 shall have been made from each congressional district there  
54 shall remain more than four persons eligible for such list. And  
55 the lists so made up by the secretary of state shall be held  
56 and serve the same purposes as if made up by such committee  
57 failing to do its duty hereunder. If a vacancy shall occur  
58 in any nomination so made by the secretary of state, he shall  
59 fill the vacancy, drawing the name by lot if there remain more  
60 than one person eligible for the list in which the vacancy shall  
61 have occurred who shall have filed counterparts of a written  
62 pledge as aforesaid.

63 Unpledged candidates for the office of delegate to the con-  
64 vention may be nominated by petitions filed with the secre-  
65 tary of state of West Virginia on or before the twenty-seventh  
66 day of May, one thousand nine hundred thirty-three, and not  
67 otherwise. A single petition may nominate any number of

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Chairman House Committee.

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68 nominees, not exceeding the total number of delegates to be  
69 elected, shall be signed by not less than two hundred voters,  
70 shall show the residence of each signer thereof and shall have  
71 attached the promise in writing of each nominee therein named  
72 that he will remain unpledged. The twenty nominees, whose  
73 nominating petitions have respectively been signed by the  
74 largest number of voters, ties to be decided by lot drawn by  
75 the secretary of state, shall be the unpledged candidates. If  
76 a vacancy shall occur in any nomination so made it shall be  
77 filled by the designation by the secretary of state of the re-  
78 maining nominee whose nominating petitions filed with the  
79 secretary of state as aforesaid shall have been signed by the  
80 largest number of voters, a tie to be decided by lot drawn as  
81 aforesaid.



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*James D. Hester*  
 Chairman Senate Committee.

*R. M. Hiner*  
 Speaker of the House of Delegates.

*Geo. S. Wallace*  
 Clerk of the House of Delegates.

*W. S. Mainwaring*  
 President of the Senate.

*Frank Smith*  
 Clerk of the Senate.

*James L. Smith*  
 Chairman House Committee.

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

this...*14<sup>th</sup>*...day of...*April*..., 1933.

*H. S. Kemp*  
 Governor.