

Rec., Jan. 16, 1934

108

ENROLLED BILL
(SECOND EXTRAORDINARY SESSION, 1933)

House Bill No. 108

(By Mr. Peery)

Passed January 10, 1934

In Effect from Passage

Originated in the... House of Delegates... Takes effect... Passage

Clerk of House of Delegates.

CORRECTLY ENROLLED

Clerk.

Chairman Senate Committee.

Chairman House Committee.

ENROLLED BILL

(H. B. No. 108)

[Passed January 10, 1934; in effect from passage.]

AN ACT to amend and reenact section thirty-six, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, relating to a tie vote in elections.

Be it enacted by the Legislature of West Virginia:

That section thirty-six, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, be and it is hereby amended and reenacted so as to read as follows:

Section 36. Whenever the governor is, or the board of canvassers of a county are, to declare the result of an election, and it appears to him or them that two or more of the persons voted for have received the highest and an equal number of votes for the same office, so that the election to the office is not decided by the returns, he, or they, being required to declare the result, shall decide the tie by the election of one of such persons, but

CORRECTLY ENROLLED

James L. Smith

Chairman House Committee.

James A. Hyatt

Chairman Senate Committee.

8 in the event the board of canvassers shall have failed to de-
9 cide the tie within thirty days after such tie shall have been
10 found by them to exist, upon application to the governor by any
11 one of such persons so voted for, he shall break the tie by the
12 selection of one of such persons and shall certify his choice to
13 such board of canvassers, who shall forthwith reconvene as a
14 board of canvassers and declare such person duly elected for the
15 office for which such person was a candidate.

CORRECTLY ENROLLED

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Chairman Senate Committee.

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

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Jos. S. Hall
Clerk of the House of Delegates.

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A. B. McArthur
--President of the Senate.

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John D. Smith
Clerk of the Senate.

The within is... *approved*

this... *17* " ... day of... *January*, 1934.

.....
A. B. Kemp
Governor.

Filed in the office of the Secretary of State
of West Virginia. *JAN 17 1934*

Wm. S. O'BRIEN,
Secretary of State

James L. Smith
.....
Chairman House Committee.