

Rec. Mar. 11, 1933

534

ENROLLED BILL
(REGULAR SESSION, 1933)

House Bill No. 534

(By Mr. Butcher)

Passed March 10, 1933

In Effect ninety days from Passage

Originated in the House
Takes effect ninety days from passage
John S. Hall
Clerk

CORRECTLY ENROLLED

James L. Smith
Chairman House Committee

ENROLLED BILL

(H. B. No. 534)

[Passed March 10, 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 forty-six, article six.

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 the State 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

That section forty-six, article six of the constitution of the State of West Virginia, be and the same is hereby repealed and

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Chairman Senate Committee.

James L. Smith

Chairman House Committee.

11 the following inserted in lieu thereof:

Section 46. The legislature shall by appropriate legislation
2 regulate the manufacture and sale of intoxicating liquors within
3 the limits of this state, and any law authorizing the sale of such
4 liquors shall forbid and penalize the consumption and the sale
5 thereof for consumption in a saloon or other public place.

6 The foregoing amendment shall, if ratified, become effective
7 on the first day of March, one thousand nine hundred thirty-
8 five.

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 "Prohibition repeal
5 amendment."

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

7 Ballot on constitutional prohibition repeal amendment,

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James L. Smith
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Chairman House Committee.

Chairman Senate Committee.

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8 amending section forty-six, article six.

9 ☐ For ratification of prohibition repeal amendment.

10 ☐ Against ratification of prohibition repeal amendment.

11 The said election on the proposed amendment, at each place of
12 voting, shall be superintended, conducted and returned, and the
13 result thereof ascertained by the same officers and in the same
14 manner as the election of officers to be voted for at said election;
15 and all of the provisions of law relating to general elections, in-
16 cluding all duties to be performed by any officer or board, as far
17 as applicable and not inconsistent with anything herein con-
18 tained, shall apply to the election held under the provisions of
19 this act, except when it is herein otherwise provided. The bal-
20 lots cast on the question of said proposed amendment shall be
21 counted as other ballots cast at said election.

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

6 "We, the undersigned, who acted as commissioners (or can-
7 vassers, as the case may be), of the election held at precinct

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Chairman Senate Committee.

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Chairman House Committee.

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8 No....., in the district of....., in the county of.....,
9 on the.....day of November, one thousand nine hundred
10 thirty-four, upon the question of the ratification or rejection of
11 the proposed constitutional amendment to section forty-six,
12 article six, do hereby certify that the result of said election is as
13 follows:

14 "Amending section forty-six of article six:

15 "For ratification of prohibition repeal amendment....votes.

16 "Against ratification of prohibition repeal amendment.....
17votes.

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

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

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29 of said certificates to the clerk of the county court of his county,
30 together with the ballots, and the other to the clerk of the cir-
31 cuit court of the county.

32 The said certificates, together with the ballots cast on the ques-
33 tion of said proposed amendment, shall be laid before the com-
34 missioners of the county court at the court house at the same
35 time the ballots, poll books and the certificates of the election
36 for the members of the legislature are laid before them; and as
37 soon as the result of said election in the county upon the ques-
38 tion of such ratification or rejection is ascertained, two certifi-
39 cates of such result shall be made out and signed by said com-
40 missioners, as a board of canvassers, in the following form or
41 to the following effect:

42 "We, the board of canvassers of the county of.....,
43 having carefully and impartially examined the returns of the
44 election held in said county, in each district thereof, on the
45day of November, one thousand nine hundred
46 thirty-four, do certify that the result of the election in said
47 county, on the question of the ratification or rejection of the
48 proposed constitutional amendment to section forty-six, article
49 six, is as follows:

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James E. Smith

Chairman Senate Committee.

Chairman House Committee.

50 "For ratification of Prohibition Repeal Amendment.....

51 votes.

52 "Against ratification of Prohibition Repeal Amendment.....

53 votes.

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

55 nineteen hundred thirty-four."

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59 One of the certificates shall be filed in the office of the clerk

60 of the county court, and the other forwarded by mail to the

61 secretary of state, who shall file and preserve the same until the

62 day on which the result of said election in the state to be as-

63 certained, as hereinafter stated.

Sec. 5. On the twenty-fifth day after the election is held, or

2 as soon thereafter as practicable, the said certificates shall be

3 laid before the governor, whose duty it shall be to ascertain

4 therefrom the result of said election in the state, and declare

5 the 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

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8 of the said amendment, the proposed amendment so ratified shall
9 be of force and effect from and after the first day of March,
10 one thousand nine hundred thirty-five.

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
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 B. Smith
Chairman Senate Committee.

James B. Smith
Chairman House Committee.

B. M. Hiner
Speaker of the House of Delegates.

John S. Hall
Clerk of the House of Delegates.

A. M. McInnes
President of the Senate.

James D. Donly
Clerk of the Senate.

The within is.....

this.....day of....., 1933.

.....
Governor.

Filed in the office of the Secretary of State
of West Virginia. **MAR 18 1933**
Wm. S. O'BRIEN,
Secretary of State