

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1935



ENROLLED

SENATE BILL No.

225

(By Mr.

Fleming)



PASSED

March 9

1935

In Effect

90 days from

Passage

225

ENROLLED
Senate Bill No. 225

(BY MR. FLEMING)

[Passed March 9, 1935; 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 article six by adding thereto
section thirty-nine-(a).

Be it enacted by the Legislature of West Virginia:

Section 1. The question of the ratification or rejection of an
2 amendment to the constitution of West Virginia, proposed in
3 accordance with the provisions of section two, article fourteen,
4 of said constitution, shall be submitted to the voters of the
5 state at the next general election, to be held in the year one

6 thousand nine hundred thirty-six, which proposed amendment
7 is as follows:

8 That article six of the constitution of West Virginia be
9 amended by adding section thirty-nine-(a) thereto, which is as
10 follows:

11 Section 39-(a). No local or special law shall hereafter be
12 passed incorporating cities, towns or villages, or amending their
13 charters. The legislature shall provide by general laws for the
14 incorporation and government of cities, towns and villages and
15 shall classify such municipal corporations, upon the basis of
16 population, into not less than two nor more than five classes.
17 Such general laws shall restrict the powers of such cities, towns
18 and villages to borrow money and contract debts, and shall
19 limit the rate of taxes for municipal purposes, in accordance
20 with section one, article ten of the constitution of the state of
21 West Virginia. Under such general laws, the electors of each
22 municipal corporation, wherein the population exceeds two
23 thousand, shall have power and authority to frame, adopt and
24 amend the charter of such corporation, or to amend an existing
25 charter thereof, and through its legally constituted authority,
26 may pass all laws and ordinances relating to its municipal

27 affairs: *Provided*, That any such charter or amendment thereto,
28 and any such law or ordinance so adopted, shall be invalid and
29 void if inconsistent or in conflict with this constitution or the
30 general laws of the state then in effect, or thereafter, from
31 time to time enacted.

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 "Municipal Home
5 Rule Amendment."

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-six, the board of ballot com-
5 missioners of each county is hereby required to place upon, and
6 at the foot of, the official ballots to be voted at said election,
7 the following:

8 Ballot on constitutional "Municipal Home Rule Amend-
9 ment," amending article six by adding section 39-(a).

10 ☐ For ratification of municipal home rule amendment.

11 ☐ Against ratification of municipal home rule 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
23 election.

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 make
4 out and sign two certificates thereof in the following form or
5 to the following effect: "We, the undersigned, who acted as
6 commissioners (or canvassers, as the case may be), of the
7 election held at precinct number, in the district
8 of....., in the county of, on the

9day of November, one thousand nine hundred thirty-six,
10 upon the question of the ratification or rejection of the pro-
11 posed constitutional amendment to article six, do hereby cer-
12 tify that the result of said election is as follows:

13 Amending article six:

14 For ratification of municipal home rule amendment.....
15 votes.

16 Against ratification of municipal home rule amendment
17votes.

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

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

29 The said certificates, together with the ballots cast on the

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

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

46 For ratification of municipal home rule amendment.....
47 votes.

48 Against ratification of municipal home rule amendment
49votes.

50 Given under our hands this.....day of.....,
51 one thousand nine hundred thirty-six.”

52 One of the certificates shall be filed in the office of the clerk
53 of the county court, and the other forwarded by mail to the
54 secretary of state, who shall file and preserve the same until
55 the day on which the result of said election in the state is to be
56 ascertained, as hereinafter stated.

Sec. 5. 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
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
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.

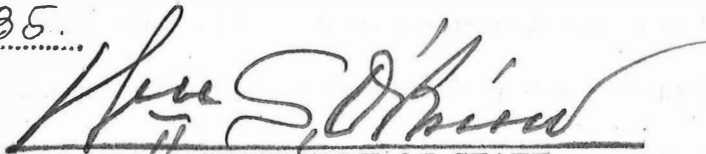
Sec. 6. The governor shall cause the said proposed amend-
2 ment, with the proper designation for the same as hereinbefore
3 adopted, to be published one time, at least three months before
4 such election, in some newspaper in every county in this state

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

I certify that the foregoing act,
having been presented to the Governor for
his approval, and not having been returned
by him to the House of the Legislature in
which it originated within the time pre-
scribed by the constitution of the state, has
become a law without his approval.

This the 15th day of March,

1935.



SECRETARY OF STATE

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Clinton L. Howard

Chairman Senate Committee

Amos M. Vickers

Chairman House Committee

Originated in the

Senate

Takes effect

90 days from passage.

Chas. M. ...

Clerk of the Senate

Wm. S. Hall

Clerk of the House of Delegates

Chas. E. Hodges

President of the Senate

John R. ...

Speaker House of Delegates

The within.....this the.....

day of....., 1935.

.....
Governor

Filed in the office of the Secretary of State
of West Virginia. **MAR 15 1935**

Wm. S. O'BRIEN,
Secretary of State