WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1935

ENROLLED

SENATE BILL No. 275

(By Mr. Fleming)

PASSED March 9, 1935

In Effect 90 days from Passage
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 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
six thousand nine hundred thirty-six, which proposed amendment is as follows:

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

Section 39-(a). No local or special law shall hereafter be passed incorporating cities, towns or villages, or amending their charters. The legislature shall provide by general laws for the incorporation and government of cities, towns and villages and shall classify such municipal corporations, upon the basis of population, into not less than two nor more than five classes. Such general laws shall restrict the powers of such cities, towns and villages to borrow money and contract debts, and shall limit the rate of taxes for municipal purposes, in accordance with section one, article ten of the constitution of the state of West Virginia. Under such general laws, the electors of each municipal corporation, wherein the population exceeds two thousand, shall have power and authority to frame, adopt and amend the charter of such corporation, or to amend an existing charter thereof, and through its legally constituted authority, may pass all laws and ordinances relating to its municipal
Provided, That any such charter or amendment thereto, and any such law or ordinance so adopted, shall be invalid and void if inconsistent or in conflict with this constitution or the general laws of the state then in effect, or thereafter, from time to time enacted.

Sec. 2. For convenience in referring to the said proposed amendment and in the preparation of the form of the ballot hereinafter provided for, said proposed amendment is hereby designated as follows: To be known as the "Municipal Home Rule Amendment."

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

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

For ratification of municipal home rule amendment.
Against ratification of municipal home rule amendment.

The election on the proposed amendment, at each place of voting, shall be superintended, conducted and returned, and the result thereof ascertained by the same officers and in the same manner as the election of officers to be voted for at said election; and all of the provisions of law relating to general elections, including all duties to be performed by any officer or board, as far as applicable and not inconsistent with anything herein contained, shall apply to the election held under the provisions of this act, except when it is herein otherwise provided. The ballots cast on the question of said proposed amendment shall be counted as other ballots cast at said election.

Sec. 4. As soon as the result is ascertained the commissioners, 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: "We, the undersigned, who acted as commissioners (or canvassers, as the case may be), of the election held at precinct number ............... , in the district of ............... , in the county of ............... , on the
Enrolled S. B. No. 225]

9 ..........day 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
17 ................. votes.
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
question of said proposed amendment, shall be laid before the
commissioners of the county court at the courthouse at the same
time the ballots, poll books and the certificates of the election
for the members of the legislature are laid before them; and
as soon as the result of said election in the county upon the
question of such ratification or rejection is ascertained, two
certificates of such result shall be made out and signed by said
commissioners, as a board of canvassers, in the following form
or to the following effect:

We, the board of canvassers of the county of.........................

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

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

Against ratification of municipal home rule amendment
votes.
Given under our hands this ............... day of ................................

one thousand nine hundred thirty-six."

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

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

Sec. 6. The governor shall cause the said proposed amend-
ment, with the proper designation for the same as hereinbefore
adopted, to be published one time, at least three months before
such election, in some newspaper in every county in this state
in which a newspaper is printed, at a price to be agreed upon
in advance in writing, and the cost of such advertising shall in
the first instance, if found necessary by him, be paid out of
the governor's contingent fund and be afterwards repaid to
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 prescribed by the constitution of the state, has become a law without his approval.

This the 15th day of March, 1935.

[Signature]
SECRETARY OF STATE
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate

Takes effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within this the day of , 1935.

Governor

Filed in the office of the Secretary of State of West Virginia

Wm. S. O'Brien,
Secretary of State