

WEST VIRGINIA LEGISLATURE

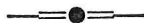
REGULAR SESSION, 1937



ENROLLED

HOUSE BILL No. 59

(By Mr. Speaker, Mr. Thomas)



PASSED February 16, 1937

In Effect ninety days from Passage

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House Bill No. 59

(BY MR. SPEAKER, MR. THOMAS)

[Passed February 16, 1937; in effect ninety days from passage.]

AN ACT to provide for the submission to the voters of the state of
an amendment to section six, article eleven of the constitution
of the state of West Virginia, to be known as the "Banking
Institutions Amendment".

Be it enacted by the Legislature of West Virginia:

Section 1. *Submitting an Amendment to the Voters in*
2 *One Thousand Nine Hundred Thirty-Eight, Amending Sec-*
3 *tion Six, Article Eleven of the Constitution.* That the ques-
4 tion of the ratification or rejection of an amendment to the
5 constitution of West Virginia, proposed in accordance with
6 the provisions of section two, article fourteen of said con-
7 stitution, amending section six, article eleven of said consti-
8 tution, by substituting a new section six of said article eleven

9 in lieu of section six of said article as it now exists, shall be
10 submitted to the voters of the state at the next general elec-
11 tion, to be held in the year one thousand nine hundred thirty-
12 eight, which proposed amendment is as follows :

Proposed Amendment

Article 11. Corporations.

Section 6. *Banks.* The Legislature may provide by general
2 law for the creation, organization, and regulation of banking
3 institutions.

Sec. 2. *Amendment to be Known as "Banking Institutions*
2 *Amendment.* For convenience in referring to said proposed
3 amendment and in the preparation of the form of the ballot
4 hereinafter provided for, said proposed amendment is here-
5 by designated as follows: To be known as the "banking
6 institutions amendment."

Sec. 3. *Form of Ballot.* For the purpose of enabling the
2 voters of the state to vote on the question of said proposed
3 amendment to the constitution at the general election to be
4 held in the year one thousand nine hundred thirty-eight, the
5 board of ballot commissioners of each county is hereby re-

6 quired to place upon, and at the foot of, the official ballot to
7 be voted at said election, the following:

8 Ballot on constitutional "banking institutions amendment,"
9 amending section six, article eleven.

10 ☐ For ratification of "banking institutions amend-
11 ment."

12 ☐ Against ratification of "banking institutions amend-
13 ment."

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

Sec. 4. *Form of Certificates of Election Commissioners;*

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

7 “We, the undersigned who acted as commissioners (or can-
8 vassers, as the case may be), of the election held at precinct
9 number....., in the district of.....,
10 in the county of....., on the.....day of
11 November, one thousand nine hundred thirty-eight, upon the
12 question of the ratification or rejection of the proposed con-
13 stitutional amendment to section six, article eleven, do hereby
14 certify that the result of said election is as follows:

15 Amending section six of article eleven:

16 For ratification of “banking institutions amendment”
17 votes.....

18 Against ratification of “banking institutions amendment”
19 votes.....

20 Given under our hands this.....day of November, one
21 thousand nine hundred thirty-eight.”

22 The said two certificates shall correspond with each other in
23 all respects, and contain the full and true returns of said elec-
24 tion at each place of voting on said questions. The said com-
25 missioners, or any one of them (or said canvassers, or any one
26 of them, as the case may be), shall within four days, exclud-
27 ing Sunday, after that on which said election was held, deliver
28 one of said certificates to the clerk of the county courts of his
29 county, together with the ballots and the other to the clerk
30 of the circuit court of the county.

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

41 "We, the board of canvassers of the county of,
42 having carefully and impartially examined the returns of

43 the election held in said county, in each district thereof, on
44 the day of November, one thousand nine hundred
45 thirty-eight, do certify that the result of the election in said
46 county, on the question of the ratification or rejection of the
47 proposed constitutional amendment to section six, article
48 eleven, is as follows:

49 For ratification of "banking institutions amendment"
50 votes.

51 Against ratification of "banking institutions amendment"
52 votes.

53 Given under our hands this day of,
54 one thousand nine hundred thirty-eight."

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

Sec. 5. *Proclamation of Result of Election by Governor.*

2 On the twenty-fifth day after the election is held, or as soon
3 thereafter as practicable, the said certificates shall be laid
4 before the Governor, whose duty it shall be to ascertain

5 therefrom the result of said election in the state, and declare
6 the same by proclamation published in one or more news-
7 papers printed at the seat of government. If a majority of
8 the votes cast at said election upon said question be for the
9 ratification of the said amendment, the proposed amendment
10 so ratified shall be of force and effect from and after the time
11 of such ratification as part of the constitution of the state.

Sec. 6. Publication of Proposed Amendment by Governor.

2 The Governor shall cause the said proposed amendment, with
3 the proper designation for the same as hereinbefore adopted,
4 to be published one time, at least three months before such
5 election, in some newspaper in every county in this state in
6 which a newspaper is printed, at a price to be agreed upon in
7 advance in writing, and the cost of such advertising shall in
8 the first instance, if found necessary by him, be paid out of
9 the Governor's contingent fund and be afterwards repaid
10 to such fund by appropriation of the Legislature.

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

Carl B. Galbreath

Chairman Senate Committee

Debb. Baker

Chairman House Committee

Originated in the

House

Takes effect

ninety days from

passage.

Charles H. ...

Clerk of the Senate

Geo. S. Hance

Clerk of the House of Delegates

Chas. E. Hodge

President of the Senate

Jarnes Ray Thomas

Speaker House of Delegates

Approved

The within

this the

27th

day of

February

, 1937.

Frank ...

Governor.

Filed in the office of the Secretary of State
of West Virginia. **FEB 27 1937**

Wm. S. O'BRIEN,
Secretary of State