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
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 One Thousand Nine Hundred Thirty-Eight, Amending Section Six, Article Eleven of the Constitution. That 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, amending section six, article eleven of said constitution, by substituting a new section six of said article eleven
in lieu of section six of said article as it now exists, 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-eight, which proposed amendment is as follows:

Proposed Amendment


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

Sec. 2. Amendment to be Known as "Banking Institutions Amendment. For convenience in referring to 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 "banking institutions amendment."

Sec. 3. Form of Ballot. 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-eight, the board of ballot commissioners of each county is hereby re-
required to place upon, and at the foot of, the official ballot to be voted at said election, the following:

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

☐ For ratification of "banking institutions amendment."

☐ Against ratification of "banking institutions 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. Form of Certificates of Election Commissioners; Canvas of Vote; Certifying Result. As soon as the result is ascertained and 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 ______ day of November, one thousand nine hundred thirty-eight, upon the question of the ratification or rejection of the proposed constitutional amendment to section six, article eleven, do hereby certify that the result of said election is as follows:

Amending section six of article eleven:

For ratification of "banking institutions amendment" votes__________

Against ratification of "banking institutions amendment" votes__________

Given under our hands this__________ day of November, one thousand nine hundred thirty-eight."
The said two certificates shall correspond with each other in all respects, and contain the full and true returns of said election at each place of voting on said questions. The said commissioners, or any one of them (or said canvassers, or any one of them, as the case may be), shall within four days, excluding Sunday, after that on which said election was held, deliver one of said certificates to the clerk of the county courts of his county, together with the ballots and the other to the clerk of the circuit court of the county.

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 
the .......... day of November, one thousand nine hundred 
forty-eight, 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 section six, article 
eleven, is as follows:

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

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

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

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. Proclamation of Result of Election by Governor.

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 news-
papers 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. *Publication of Proposed Amendment by Governor.*
The Governor shall cause the said proposed amendment, 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the

House

Takes effect...Ministry upon Enactment...passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within...this the 27th

day of...January 7, 1937.

Governor.

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

Wm. S. O'Brien,
Secretary of State