WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941

ENROLLED

HOUSE BILL No. 421

(By Mr. Cressack)

PASSED March 8, 1941

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, by adding section fifty-two to article six thereof, the said amendment to be known as the "Good Roads Amendment."

Be it enacted by the Legislature of West Virginia:

Section 1. Submitting an Amendment to Article Six of the Constitution by Adding Section Fifty-two to Said Article.—The question of the ratification or rejection of an amendment to the constitution of the state of West Virginia, proposed in accordance with provisions of section two of article fourteen of said constitution, by adding section fifty-two to article six thereof, shall be submitted to the voters of the state at the next general election to
be held in the year one thousand nine hundred forty-two,
which proposed amendment is as follows:

PROPOSED AMENDMENT


Section 52. Revenues Applicable to Roads.—Revenue
from gasoline and other motor fuel excise and license
taxation, motor vehicle registration and license taxes,
and all other revenue derived from motor vehicles or mo-
tor fuels shall, after deduction of statutory refunds and
cost of administration and collection authorized by legis-
late appropriation, be appropriated and used solely for
construction, reconstruction, repair and maintenance of
public highways, and also the payment of the interest
and principal on all road bonds heretofore issued or
which may be hereafter issued for the construction, re-
construction or improvement of public highways, and
the payment of obligations incurred in the construction,
reconstruction, repair and maintenance of public high-
ways.

Sec. 2. Amendment to be Known as the "Good Roads
Amendment."—For convenience in referring to said pro-
posed amendment and in the preparation of the form of the ballot hereinafter provided for, said proposed amendment is hereby designated and shall be known as the "Good Roads Amendment."

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

Ballot on constitutional "Good Roads Amendment" adding section fifty-two to article six of the state constitution.

☐ For Ratification of "Good Roads Amendment."

☐ Against ratification of "Good Roads Amendment."

The election on the proposed amendment, at each place of voting, shall be superintended, conducted and returned, and the result thereof ascertain by the same officers and in the same manner as the election of of-
ficers 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. Certificates of Election Commissioners; Canvass of Vote; Certifying Result.—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 ________ day of November, one thousand nine hundred forty-two, upon the question of the ratification or rejection of the proposed constitutional amendment to article six, do hereby certify that the result of said election is as follows:

Adding section fifty-two to article six:

For ratification of "Good Roads Amendment" ______ votes.

Against ratification of "Good Roads Amendment" ______ votes.

Given under our hands this ______ day of November, one thousand nine hundred forty-two.”

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 court of the 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 results 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 forty-two, 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 "Good Roads Amendment" ________ votes.

Against ratification of "Good Roads Amendment" ________ votes.

Given under our hands this ________ day of ________, one thousand nine hundred forty-two."

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 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. 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

Leon Rice
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

Byron B. Randolph
President of the Senate

Speaker House of Delegates

The within approved this the 14th day of March, 1941.

Governor.

[Signature]

Filed in the office of the Secretary of State of West Virginia MAR 17 1941

Wm. S. O'Brien, Secretary of State