

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941



ENROLLED

HOUSE BILL No. 421

(By Mr. Russell)



PASSED March 8, 1941

In Effect thirty days from Passage

147

ENROLLED
House Bill No. 421
(By MR. RUSSEK)

[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

9 be held in the year one thousand nine hundred forty-two,
10 which proposed amendment is as follows:

PROPOSED AMENDMENT

Article 6. Legislature.

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

Sec. 2. *Amendment to be Known as the "Good Roads*
2 *Amendment.*"—For convenience in referring to said pro-

3 posed amendment and in the preparation of the form of
4 the ballot hereinafter provided for, said proposed amend-
5 ment is hereby designated and shall be known as the
6 "Good Roads Amendment."

Sec. 3. *Form of Ballot; Election.*—For the purpose of
2 enabling the voters of the state to vote on the question
3 of said proposed amendment to the constitution at the
4 general election to be held in the year one thousand nine
5 hundred forty-two, the board of ballot commissioners of
6 each county is hereby required to place upon, and at the
7 foot of, the official ballot to be voted at said election, the
8 following:

9 Ballot on constitutional "Good Roads Amendment"
10 adding section fifty-two to article six of the state consti-
11 tution.

12 ☐ For Ratification of "Good Roads Amendment."

13 ☐ Against ratification of "Good Roads Amendment."

14 The election on the proposed amendment, at each place
15 of voting, shall be superintended, conducted and re-
16 turned, and the result thereof ascertain by the same
17 officers and in the same manner as the election of of-

18 ficers to be voted for at said election, and all of the
19 provisions of law relating to general elections, includ-
20 ing all duties to be performed by any officer or board,
21 as far as applicable and not inconsistent with anything
22 herein contained, shall apply to the election held under
23 the provisions of this act, except when it is herein other-
24 wise provided.

25 The ballots cast on the question of said proposed amend-
26 ment shall be counted as other ballots cast at said elec-
27 tion.

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

8 “We, the undersigned who acted as commissioners (or
9 canvassers, as the case may be), of the election held at
10 precinct number _____, in the district of
11 _____, in the county of _____,

12 on the.....day of November, one thousand nine hun-
13 dred forty-two, upon the question of the ratification or
14 rejection of the proposed constitutional amendment to
15 article six, do hereby certify that the result of said elec-
16 tion is as follows:

17 Adding section fifty-two to article six:

18 For ratification of "Good Roads Amendment".....
19 votes.

20 Against ratification of "Good Roads Amendment"
21votes.

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

24 The said two certificates shall correspond with
25 each other in all respects, and contain the full and true
26 returns of said election at each place of voting on said
27 questions. The said commissioners, or any one of
28 them (or said canvassers, or any one of them, as the
29 case may be), shall within four days, excluding Sun-
30 day, after that on which said election was held, de-
31 liver one of said certificates to the clerk of the county
32 court of the county, together with the ballots, and the

33 other to the clerk of the circuit court of the county.

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

46 "We, the board of canvassers of the county of
47 _____, having carefully and impartially
48 examined the returns of the election held in said county,
49 in each district thereof, on the _____ day of Novem-
50 ber, one thousand nine hundred forty-two, do certify
51 that the result of the election in said county on the
52 question of the ratification or rejection of the proposed
53 constitutional amendment to article six is as follows:

54 For ratification of "Good Roads Amendment"-----

55 -----votes.

56 Against ratification of "Good Roads Amendment"-----

57 -----votes.

58 Given under our hands this-----day of-----,

59 one thousand nine hundred forty-two."

60 One of the certificates shall be filed in the office of the

61 clerk of the county court, and the other forwarded by

62 mail to the secretary of state, who shall file and preserve

63 the same until the day on which the result of said elec-

64 tion in the state is to be ascertained, as hereinafter

65 stated.

Sec. 5. Proclamation of Result of Election By Gover-

2 *nor.*—On the twenty-fifth day after the election is held,

3 or as soon thereafter as practicable, the said certificates

4 shall be laid before the governor, whose duty it shall be

5 to ascertain therefrom the result of said election in the

6 state, and declare the same by proclamation published in

7 one or more newspapers printed at the seat of govern-

8 ment. If a majority of the votes cast at said election

9 upon said question be for the ratification of the said

10 amendment, the proposed amendment so ratified shall be
11 of force and effect from and after the time of such ratifi-
12 cation as part of the constitution of the state.

Sec. 6. *Publication of Proposed Amendment by Gover-*

2 *nor.*—The governor shall cause the said proposed amend-
3 ment, with the proper designation for the same as herein-
4 before adopted, to be published one time, at least three
5 months before such election, in some newspaper in every
6 county in this state in which a newspaper is printed, at
7 a price to be agreed upon in advance in writing, and the
8 cost of such advertising shall in the first instance, if
9 found necessary by him, be paid out of the governor's
10 contingent fund and be afterwards repaid to such fund
11 by appropriation of the Legislature.

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

C. H. McKeown
Chairman Senate Committee

Leon Rice
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

W. W. Watkins
Clerk of the Senate

J. Alliff
Clerk of the House of Delegates

Byron B. Rudolph
President of the Senate

Malcolm R. Arnold
Speaker House of Delegates

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

Harold M. Greely
Governor.

1

Filed in the office of the Secretary of State
of West Virginia. MAR 17 1941
Wm. S. O'BRIEN,
Secretary of State