

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

SENATE BILL No. 365

(By Mr. Thompson & Mr. Bowling)



PASSED March, 8, 1947

In Effect Thirty days from Passage



365

ENROLLED

Senate Bill No. 365

(By MR. STEMPLE and MR. BOWLING)

[Passed March 8, 1947; 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, amending article fourteen thereof, relating to roads and bonds to be issued and sold for building secondary roads.

Be it enacted by the Legislature of West Virginia:

That the following amendment to the constitution of the state, relating to road bonds, be and the same is hereby proposed, as follows:

Section 1.—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, or 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 thousand nine hundred forty-eight, which proposed amendment is as follows:

8 The Legislature shall have power to authorize the issu-
9 ing and selling of state bonds not exceeding in the aggre-
10 gate fifty million dollars in addition to the state bonds
11 which were authorized to be issued and sold by the amend-
12 ment to the Constitution proposed by Senate Joint Reso-
13 lution No. 15, adopted February fifteenth, one thousand
14 nine hundred nineteen, and afterwards ratified by a vote
15 of the people, and Senate Joint Resolution No. 17, adopted
16 by the Legislature at the regular session, one thousand
17 nine hundred twenty-seven, and afterwards ratified by a
18 vote of the people. The proceeds of said additional bonds
19 hereby authorized to be issued and sold shall be used and
20 appropriated solely for the building and construction, or
21 for assisting in building and constructing a system of
22 state secondary roads and highways.

23 When a bond issue as aforesaid is authorized, the Legis-
24 lature shall at the same time provide for the collection
25 of an annual state tax sufficient to pay annually the inter-
26 est on such debt and to pay the principal thereof within
27 and not exceeding thirty years.

Sec. 2.—For convenience in referring to said proposed

2 amendment, and in the preparation of the form of the bal-
3 lot hereinafter provided for, said proposed amendment is
4 hereby designated as follows: "fifty million dollar bond
5 issue for roads amendment."

Sec. 3.—For the purpose of enabling the voters of the
2 state to vote on the question of said proposed amendment
3 to the constitution at the said general election to be held
4 in the year one thousand nine hundred forty-eight, the
5 board of ballot commissioners of each county is hereby
6 required to prepare separate ballots from that of the of-
7 ficial ballot to be voted at said election, and print thereon
8 the following:

9 ☐ For ratification fifty million dollar bond issue
10 for roads amendment.

11 ☐ Against ratification fifty million dollar bond issue
12 for roads amendment.

13 The said election on the proposed amendment at each
14 place of voting shall be superintended, conducted and re-
15 turned, and the result thereof ascertained by the same
16 officers and in the same manner as the election of officers
17 to be voted for at said election, and all the provisions of

18 the law relating to general elections, including all duties
19 to be performed by any officer or board, as far as prac-
20 ticable, and not inconsistent with anything herein con-
21 tained, shall apply to the election held under the provi-
22 sions of this act, except when it is herein otherwise pro-
23 vided. The ballots cast on the question of said proposed
24 amendment shall be counted as other ballots cast at said
25 election.

Sec. 4.—As soon as the result is ascertained, the com-
2 missioners, or a majority of them, and the canvassers (if
3 there be any), or a majority of them, at each place of
4 voting, shall make out and sign two certificates thereof
5 in the following form or the following effect:

6 “We, the undersigned, who acted as commissioners (or
7 canvassers, as the case may be) of the election held at
8 Precinct No. _____, in the district of _____, in
9 the county of _____, on the _____ day of
10 _____, one thousand nine hundred forty-
11 eight, upon the question of the ratification or rejection of
12 the proposed constitutional amendment, do hereby cer-
13 tify that the result of said election is as follows:

14 "For ratification of fifty million dollar bond issue for
15 roads amendmentvotes.

16 "Against ratification of fifty million dollar bond issue
17 for roads amendmentvotes.

18 "Given under our hands this.....day of.....,
19 one thousand nine hundred and forty-eight."

20 The said two certificates shall correspond with each
21 other in all respects and contain the full and true returns
22 of said election at each place of voting on said question.

23 The said commissioners, or any one of them (or said can-
24 vassers or one of them, as the case may be), shall, within
25 four days, excluding Sunday, after that on which said
26 election was held, deliver one of said certificates to the
27 clerk of the county court of his county, together with the
28 ballots, and the other to the clerk of the circuit court of
29 the county.

30 The said certificates, together with the ballots cast on
31 the question of said proposed amendment, shall be laid
32 before the commissioners of the county court at the court
33 house at the same time the ballots, poll books, and the
34 certificates of the election of the members of the Legis-

35 lature are laid before them; and as soon as the result of
36 said election in the county upon the question of such
37 ratification or rejection is ascertained, two certificates of
38 such result shall be made out and signed by said commis-
39 sioners as a board of canvassers, in the form or to the
40 following effect:

41 "We, the board of canvassers of the county of.....,
42 having carefully and impartially examined the returns
43 of the election held in said county, in each district thereof,
44 on the.....day of November, one thousand nine hun-
45 dred and forty-eight, do certify that the results of the
46 election in said county, on the question of the ratifica-
47 tion or rejection of the proposed amendment is as fol-
48 lows:

49 "For ratification of fifty million dollar bond issue for
50 roads amendmentvotes.

51 "Against ratification of fifty million dollar bond issue for
52 roads amendmentvotes.

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

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

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

Sec. 5.—On the twenty-fifth day after the election is
2 held, or as soon thereafter as practicable, the said cer-
3 tificates shall be laid before the governor, whose duty it
4 shall be to ascertain therefrom the result of said election
5 in the state, and declare the same by proclamation pub-
6 lished in one or more newspapers printed at the seat of
7 government. If a majority of the votes cast at said elec-
8 tion upon said question be for ratification of said amend-
9 ment, the proposed amendment so ratified shall be in
10 force and effect from and after the time of such ratifica-
11 tion, as part of the constitution of the state.

Sec. 6.—The governor shall cause the said proposed
2 amendment, with the proper designation for the same as
3 hereinbefore adopted, to be published one time at least
4 three months before such election in some newspaper in
5 every county in which a newspaper is printed, at a price
6 to be agreed upon in advance, in writing, and the cost of

7 such advertising shall in the first instance, if found nec-
8 essary by him, be paid out of the governor's contingent
9 fund and be afterwards repaid to such fund by appropri-
10 ation of the Legislature.

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

Forest L. McMen
Chairman Senate Committee

R. S. Matthews
Chairman House Committee

Originated in the Senate

Takes effect thirty days from passage.

Howard Meyer
Clerk of the Senate

J. R. Hipp
Clerk of the House of Delegates

Arnold M. Vickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within Approved this the 13
day of March, 1947.

Clarence Meadows
Governor.



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

MAR 13 1947

WM. S. O'BRIEN,
SECRETARY OF STATE