ENROLLED

SENATE BILL No. 365

(By Mr. Temple & Mr. Bowling)

PASSED March 8, 1947

In Effect Thirty days from Passage
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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:
The Legislature shall have power to authorize the issuing and selling of state bonds not exceeding in the aggregate fifty million dollars in addition to the state bonds which were authorized to be issued and sold by the amendment to the Constitution proposed by Senate Joint Resolution No. 15, adopted February fifteenth, one thousand nine hundred nineteen, and afterwards ratified by a vote of the people, and Senate Joint Resolution No. 17, adopted by the Legislature at the regular session, one thousand nine hundred twenty-seven, and afterwards ratified by a vote of the people. The proceeds of said additional bonds hereby authorized to be issued and sold shall be used and appropriated solely for the building and construction, or for assisting in building and constructing a system of state secondary roads and highways.

When a bond issue as aforesaid is authorized, the Legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt and to pay the principal thereof within and not exceeding thirty years.

Sec. 2.—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: “fifty million dollar bond issue for roads amendment.”

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

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

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

The said 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 the provisions of
the law relating to general elections, including all duties to be performed by any officer or board, as far as practicable, 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.—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 the following effect:

"We, the undersigned, who acted as commissioners (or canvassers, as the case may be) of the election held at Precinct No., in the district of, in the county of, on the day of, one thousand nine hundred forty-eight, upon the question of the ratification or rejection of the proposed constitutional amendment, do hereby certify that the result of said election is as follows:
“For ratification of fifty million dollar bond issue for roads amendment .................................. votes.

“Against ratification of fifty million dollar bond issue for roads amendment .................................. votes.

“Given under our hands this .......... day of .......... , one thousand nine hundred and forty-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 question.

The said commissioners, or any one of them (or said canvassers or 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 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 court house at the same time the ballots, poll books, and the certificates of the election of the members of the Legis-
lature 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 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 and forty-eight, do certify that the results of the election in said county, on the question of the ratification or rejection of the proposed amendment is as follows:

"For ratification of fifty million dollar bond issue for roads amendment __________________________ votes.

"Against ratification of fifty million dollar bond issue for roads amendment __________________________ votes.

"Given under our hands this _______ day of ______________________, one thousand nine hundred and forty-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.—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 ratification of said amendment, the proposed amendment so ratified shall be in force and effect from and after the time of such ratification, as part of the constitution of the state.

Sec. 6.—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 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.

Forest L. Deener  
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

[Signature]  
Clerk of the House of Delegates

Arnold M. Vickers  
President of the Senate

John E. Amos  
Speaker House of Delegates

[Signature]  
Governor.

The within approve this the 3rd day of March, 1947.

Filed in the Office of the Secretary of State of West Virginia.  
WM. S. O'Brien,  
Secretary of State