WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED

HOUSE BILL No. 373

(By Mr. Ballard of Mersa)

PASSED March 10, 1949

In Effect 90 days from Passage
ENROLLED

House Bill No. 373
(By Mr. Ballard, of Mercer)

[Passed March 10, 1949; in effect ninety days from passage.]

AN ACT to provide for the submission to the voters of the state an amendment to the constitution of the state, amending section thirty-three of article six thereof, relating to compensation of members of the Legislature.

Be it enacted by the Legislature of West Virginia:

Section 1. Submitting an Amendment to the State 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, shall be submitted to the voters of the state at the next general election, to be held in the year one thousand nine hundred and fifty, which proposed amendment is as follows:
PROPOSED AMENDMENT

Article 6—Section 33

Compensation of Members of the Legislature

Section 33. The members of the Legislature shall each receive for their services, the sum of one thousand dollars per annum, and ten cents for each mile traveled in going to and returning from the seat of government by the most direct route, and in addition thereto, shall receive ten dollars per day for each day's attendance upon any extended or extraordinary session of the Legislature. The Speaker of the House of Delegates and the President of the Senate shall each receive an additional compensation of five dollars per day for each day they shall act as presiding officer. No other allowance or emolument than that by this section provided shall directly or indirectly be made or paid to the members of either house for postage, stationery, newspapers, or any other purpose whatever.

Sec. 2. Amendment to be Known as the "Compensation of Members of the Legislature 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 the "Compensation of Members of the Legislature 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 said general election to be held in the year one thousand nine hundred fifty, 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 that election, the following:

Ballot on "Compensation of Members of the Legislature Amendment."

☐ For ratification of Compensation of Members of the Legislature Amendment.

☐ Against ratification of Compensation of Members of Legislature 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 prac-
ticable, and not inconsistent with anything herein con-
tained, shall apply to the election held under the provi-
sions of this act, except when it is herein otherwise pro-
vided. 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 as-
certained, 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 cer-
tificates 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 fifty, 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 Compensation of Members of the Legislature Amendment __________ votes.

“Against ratification of Compensation of Members of the Legislature Amendment __________ votes.

“Given under our hands this _______ day of ______________, one thousand nine hundred fifty.”

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 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 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 election of 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 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 fifty, 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 Compensation of Members of the Legislature Amendment _____ votes.

"Against ratification of Compensation of Members of
the Legislature Amendment votes.

"Given under our hands this day of ,

one thousand nine hundred fifty."

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 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. 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 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 of Delegates

Takes effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within APPROVED this the 18TH day of MARCH, 1949.

Governor

Filed in the Office of the Secretary of State

of West Virginia

D. PITT O'BRIEN,
SECRETARY OF STATE