WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED
SENATE BILL No. 278

(By Mr. Love)

PASSED March 17, 1949

In Effect 90 days from Passage
AN ACT providing for the submission to the voters of the state of an amendment to section eight of article ten of the constitution of the state.

Be it enacted by the Legislature of West Virginia:

Section 1. Submitting an Amendment to the State Constitution.—That the question of ratification or rejection of an amendment to the constitution of West Virginia shall be submitted to the voters of the state at the next general election to be held in the year one thousand nine hundred fifty, which proposed amendment is as follows:

That section eight, article ten of the constitution of West Virginia be amended so as to read as follows:

Section 8. No county, city, school district, or municipal
corporation, except in cases where such corporations have
already authorized their bonds to be issued, shall here-
after be allowed to become indebted, in any manner, or
for any purpose, to an amount, including existing indebt-
edness, in the aggregate, exceeding five per centum on the
value of the taxable property therein to be ascertained
by the last assessment for state and county taxes, previ-
ous to the incurring of such indebtedness; nor without,
at the same time, providing for the collection of a direct
annual tax on all taxable property therein, in the ratio,
as between the several classes or types of such taxable
property, specified in section one of this article, separate
and apart from and in addition to all other taxes for all
other purposes, sufficient to pay, annually, the interest
on such debt, and the principal thereof, within, and not
exceeding thirty-four years. Such tax, in an amount
sufficient to pay the interest and principal on bonds issued
by any school district not exceeding in the aggregate three
per centum of such assessed value, may be levied outside
the limits fixed by section one of this article: Provided,
That no debt shall be contracted under this section, unless
all questions connected with the same, shall have been
first submitted to a vote of the people, and have received
three-fifths of all the votes cast for and against the same.

Sec. 2. Amendment to be Known as the “Bond Amend-
ment.”—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 “School Bond 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 “School Bond Amendment.”

☑ For ratification of School Bond Amendment.

☑ Against ratification of School Bond 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. 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 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 School Bond Amendment ______ votes.

"Against ratification of School Bond 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
courthouse at the same time the ballots, poll books, and
the certificates of 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 com-
missioners 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 hun-
dred fifty, do certify that the results of the election in
said county, on the question of the ratification or rejec-
tion of the proposed amendment is as follows:

"For ratification of School Bond Amendment _______ votes.
"Against ratification of School Bond 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 elec-
tion 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 ques-
tion 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 Gov-
ernor. — 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 news-
paper in every county 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 found
9 necessary by him, be paid out of the governor's contingent
10 fund and be afterwards repaid to such fund by appropria-
11 tion 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 Senate.

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 MAR 18 1949

D. Pitt O'Brien,
Secretary of State