

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949

ENROLLED

SENATE BILL No. 278

(By Mr. Lowe)

PASSED March 12 1949

In Effect 90 days from Passage



278

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Senate Bill No. 278
(By MR. LOVE)

[Passed March 12, 1949; in effect ninety 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 Con-*
stitution.—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

10 corporation, except in cases where such corporations have
11 already authorized their bonds to be issued, shall here-
12 after be allowed to become indebted, in any manner, or
13 for any purpose, to an amount, including existing indebt-
14 edness, in the aggregate, exceeding five per centum on the
15 value of the taxable property therein to be ascertained
16 by the last assessment for state and county taxes, previ-
17 ous to the incurring of such indebtedness; nor without,
18 at the same time, providing for the collection of a direct
19 annual tax on all taxable property therein, in the ratio,
20 as between the several classes or types of such taxable
21 property, specified in section one of this article, separate
22 and apart from and in addition to all other taxes for all
23 other purposes, sufficient to pay, annually, the interest
24 on such debt, and the principal thereof, within, and not
25 exceeding thirty-four years. Such tax, in an amount
26 sufficient to pay the interest and principal on bonds issued
27 by any school district not exceeding in the aggregate three
28 per centum of such assessed value, may be levied outside
29 the limits fixed by section one of this article: *Provided,*
30 That no debt shall be contracted under this section, unless

31 all questions connected with the same, shall have been
32 first submitted to a vote of the people, and have received
33 three-fifths of all the votes cast for and against the same.

Sec. 2. *Amendment to be Known as the "Bond Amend-*
2 *ment."*—For convenience in referring to said proposed
3 amendment, and in the preparation of the form of the
4 ballot hereinafter provided for, said proposed amendment
5 is hereby designated as the "School Bond 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 said general election to be held in the year one thousand
5 nine hundred fifty, 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 that election,
8 the following:

9 Ballot on "School Bond Amendment."

10 ☐ For ratification of School Bond Amendment.

11 ☐ Against ratification of School Bond Amendment.

12 The said election on the proposed amendment at each
13 place of voting shall be superintended, conducted and

14 returned, and the result thereof ascertained by the same
15 officers and in the same manner as the election of officers
16 to be voted for at said election, and all the provisions of
17 the law relating to general elections, including all duties
18 to be performed by any officer or board, as far as prac-
19 ticable, and not inconsistent with anything herein con-
20 tained, shall apply to the election held under the pro-
21 visions of this act, except when it is herein otherwise
22 provided. The ballots cast on the question of said pro-
23 posed amendment shall be counted as other ballots cast
24 at said election.

Sec. 4. *Certificates of Election Commissioners; Canvass*

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

8 “We, the undersigned, who acted as commissioners (or
9 canvassers, as the case may be) of the election held at
10 Precinct No., in the district of, in the county

11 of _____, on the _____ day of _____, one thousand nine
12 hundred fifty, upon the question of the ratification or
13 rejection of the proposed constitutional amendment, do
14 hereby certify that the result of said election is as follows:

15 "For ratification of School Bond Amendment _____ votes.

16 "Against ratification of School Bond Amendment _____ votes.

17 "Given under our hands this _____ day of _____, one
18 thousand nine hundred fifty."

19 The said two certificates shall correspond with each
20 other in all respects and contain the full and true re-
21 turns of said election at each place of voting on said ques-
22 tion. The said commissioners, or any one of them (or
23 said canvassers or any one of them, as the case may be),
24 shall, within four days, excluding Sunday, after that
25 on which said election was held, deliver one of said cer-
26 tificates to the clerk of the county court of his county,
27 together with the ballots, and the other to the clerk of
28 the circuit court of the county.

29 The said certificates, together with the ballots cast on
30 the question of said proposed amendment, shall be laid
31 before the commissioners of the county court at the

32 courthouse at the same time the ballots, poll books, and
33 the certificates of election of the members of the Legis-
34 lature are laid before them; and as soon as the result of
35 said election in the county upon the question of such
36 ratification or rejection is ascertained, two certificates of
37 such result shall be made out and signed by said com-
38 missioners as a board of canvassers, in the form or to
39 the following effect:

40 "We, the board of canvassers of the county of _____,
41 having carefully and impartially examined the returns
42 of the election held in said county, in each district thereof,
43 on the _____ day of November, one thousand nine hun-
44 dred fifty, do certify that the results of the election in
45 said county, on the question of the ratification or rejec-
46 tion of the proposed amendment is as follows:

47 "For ratification of School Bond Amendment _____ votes.

48 "Against ratification of School Bond Amendment _____ votes.

49 "Given under our hands this _____ day of _____, one
50 thousand nine hundred fifty."

51 One of the certificates shall be filed in the office of the
52 clerk of the county court, and the other forwarded by

53 mail to the secretary of state, who shall file and preserve
54 the same until the day on which the result of said elec-
55 tion in the state is to be ascertained, as hereinafter stated.

Sec. 5. *Proclamation of Result of Election by Governor.*

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

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

2 *ernor.* — The governor shall cause the said proposed
3 amendment, with the proper designation for the same
4 as hereinbefore adopted, to be published one time at
5 least three months before such election in some news-
6 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.

Forest L. Menner
Chairman Senate Committee

L. Matthews
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

Donald Meyer
Clerk of the Senate

J. A. Smith
Clerk of the House of Delegates

James H. Hester
President of the Senate

W. E. Garmen
Speaker House of Delegates

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

Okey L. Patton
Governor.

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

MAR 18 1949

D. PITT O'BRIEN,
SECRETARY OF STATE