

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955

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## ENROLLED

SENATE BILL NO. 289

(By Mr. Curtis)

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PASSED Mar 1 1955

In Effect 90 Days from Passage



Filed in the Office of the Secretary of State  
of West Virginia **MAR 8 1955**  
D. PITT O'BRIEN  
SECRETARY OF STATE

**ENROLLED**  
**Senate Bill No. 289**  
(By MR. STEMPLE)

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[Passed March 1, 1955; in effect ninety days from passage.]

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AN ACT to provide for the submission to the voters of the state  
an amendment to the constitution of the state, amending  
article three thereof, by adding thereto a new section, to  
be designated section twenty-one, relating to jury service  
for women.

*Be it enacted by the Legislature of West Virginia:*

Section 1. *Submitting an Amendment to the State Con-*  
stitution.—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

7 be held in the year one thousand nine hundred fifty-six,  
8 which proposed amendment is as follows:

9 That article three of the constitution of West Virginia  
10 be amended by adding thereto a new section to be designated section twenty-one, to read as follows:

Sec. 21. Regardless of sex, all persons, who are otherwise qualified, shall be eligible to serve as petit jurors, in both civil and criminal cases, as grand jurors and as coroner's jurors.

Sec. 2. *Amendment to be Known as the "Jury Service for Women 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 "Jury Service for Women 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-six, the board of ballot commissioners of each county is hereby required to place upon, and at the

7 foot of, the official ballot to be voted at that election, the  
8 following:

9 Ballot on "Jury Service for Women Amendment".

10 ☐ For Jury Service for Women Amendment.

11 ☐ Against Jury Service for Women Amendment.

12 The said election on the proposed amendment at each  
13 place of voting shall be superintended, conducted and re-  
14 turned, 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 practi-  
19 cable, and not inconsistent with anything herein con-  
20 tained, shall apply to the election held under the provi-  
21 sions 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  
6 certificates 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 \_\_\_\_\_,  
11 in the county of \_\_\_\_\_, on the \_\_\_\_\_ day of  
12 \_\_\_\_\_, one thousand nine hundred fifty-six,  
13 upon the question of the ratification or rejection of the  
14 proposed constitutional amendment, do hereby certify  
15 that the result of said election is as follows:

16 "For ratification of Jury Service for Women Amend-  
17 ment \_\_\_\_\_ votes.

18 "Against ratification of Jury Service for Women Amend-  
19 ment \_\_\_\_\_ votes.

20 "Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_  
21 \_\_\_\_\_, one thousand nine hundred fifty-six."

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

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

32 The said certificates, together with the ballots cast on  
33 the question of said proposed amendment, shall be laid  
34 before the commissioners of the county court at the court  
35 house at the same time the ballots, poll books, and the  
36 certificates of election of the members of the Legislature  
37 are laid before them; and as soon as the result of said  
38 election in the county upon the question of such ratifica-  
39 tion or rejection is ascertained, two certificates of such  
40 result shall be made out and signed by said commissioners  
41 as a board of canvassers, in the form or to the following  
42 effect:

43 "We, the board of canvassers of the county of \_\_\_\_\_  
44 \_\_\_\_\_, having carefully and impartially examined  
45 the returns of the election held in said county, in each

46 district thereof, on the ..... day of November, one thou-  
47 sand nine hundred fifty-six, do certify that the results of  
48 the election in said county, on the question of the ratifi-  
49 cation or rejection of the proposed amendment is as  
50 follows:

51 "For ratification of Jury Service for Women Amend-  
52 ment ..... votes.

53 "Against ratification of Jury Service for Women Amend-  
54 ment ..... votes.

55 "Given under our hands this ..... day of .....  
56 ....., one thousand nine hundred fifty-six."

57 One of the certificates shall be filed in the office of the  
58 clerk of the county court, and the other forwarded by  
59 mail to the secretary of state, who shall file and preserve  
60 the same until the day on which the result of said election  
61 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 as  
3 soon thereafter as practicable, the said certificates shall  
4 be laid before the governor, whose duty it shall be to as-

6 and declare the same by proclamation published in one or  
7 more newspapers printed at the seat of government. If  
8 a majority of the votes cast at said election upon said  
9 question be for ratification of said amendment, the pro-  
10 posed amendment so ratified shall be in force and effect  
11 from and after the time of such ratification, as part of the  
12 constitution of the state.

Sec. 6. *Publication of Proposed Amendment by Gover-*  
2 *nor.*—The governor shall cause the said proposed amend-  
3 ment, with the proper designation for the same as here-  
4 inbefore adopted, to be published one time at least three  
5 months before such election in some newspaper in every  
6 county in which a newspaper is printed, at a price to be  
7 agreed upon in advance, in writing, and the cost of such  
8 advertising shall in the first instance, if found necessary  
9 by him, be paid out of the governor's contingent fund and  
10 be afterwards repaid to such fund by appropriation of the  
11 Legislature.



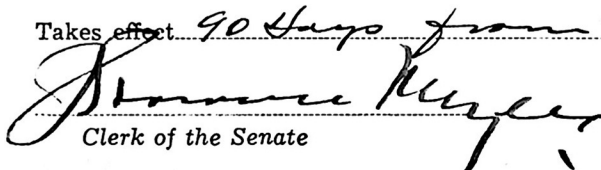
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

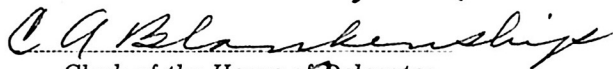
  
Chairman Senate Committee

  
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 7  
day of March, 1955.

  
Governor.



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D. PITT O'BRIEN  
SECRETARY OF STATE