

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957

ENROLLED

SENATE BILL NO. 253

(By Mr. Carrihan & Martin)

PASSED March 5 1957

In Effect 90 days from Passage



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Senate Bill No. 253

(By MR. CARRIGAN and MR. MARTIN)

[Passed March 5, 1957; 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
article ten thereof by adding thereto a new section, design-
ated section one-a, relating to exemption of bank de-
posits and money from taxation.

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 rejec-
tion of an amendment to the constitution of West Vir-
ginia, proposed in accordance with the provisions of sec-
tion two, article fourteen of said constitution, shall be
submitted to the voters of the state at the next general

7 election, to be held in the year one thousand nine hun-
8 dred fifty-eight, which proposed amendment is as follows:

9 That article ten of the constitution be amended by add-
10 ing thereto a new section, designated section one-a, to
11 read as follows:

"Section 1-a. Notwithstanding the provisions of the
2 preceding section, bank deposits and money shall not be
3 subject to ad valorem property taxation."

Sec. 2. *Amendment to Be known as the "Amendment*
2 *to Exempt Bank Deposits and Money from Taxation".—*
3 For convenience in referring to said proposed amend-
4 ment, and in the preparation of the form of the ballot
5 hereinafter provided for, said proposed amendment is
6 hereby designated as the "Amendment to Exempt Bank
7 Deposits and Money from Taxation".

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-eight, the board of ballot commission-
6 ers of each county is hereby required to place upon, and

7 at the foot of, the official ballot to be voted at that elec-
8 tion, the following:

9 "Ballot on 'Amendment to Exempt Bank Deposits and
10 Money from Taxation'.

11 "☐ For ratification of Amendment to Exempt Bank
12 Deposits and Money from Taxation.

13 "☐ Against ratification of Amendment to Exempt
14 Bank Deposits and Money from Taxation."

15 The said election on the proposed amendment at each
16 place of voting shall be superintended, conducted and
17 returned, and the result thereof ascertained by the same
18 officers and in the same manner as the election of officers
19 to be voted for at said election, and all the provisions of
20 the law relating to general elections, including all duties
21 to be performed by any officer or board, as far as practi-
22 cable, and not inconsistent with anything herein con-
23 tained, shall apply to the election held under the provi-
24 sions of this act, except when it is herein otherwise pro-
25 vided. The ballots cast on the question of said proposed
26 amendment shall be counted as other ballots cast at said
27 election.

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

2 of Vote; *Certifying Result*.—As soon as the result is
3 ascertained, the commissioners, or a majority of them,
4 and the canvassers (if there be any), or a majority of
5 them, at each place of voting, shall make 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 _____
12 day of _____, one thousand nine hundred
13 fifty-eight, upon the question of the ratification or rejection
14 tion of the proposed constitutional amendment, do hereby
15 certify that the result of said election is as follows:

16 “For ratification of Amendment to Exempt Bank
17 Deposits and Money from Taxation _____ votes.

18 “Against ratification of Amendment to Exempt Bank
19 Deposits and Money from Taxation _____ votes.

20 “Given under our hands this _____ day of
21 _____, one thousand nine hundred fifty-eight.”

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 certificates, together with the ballots cast on the
33 question of said proposed amendment, shall be laid be-
34 fore 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 commission-
41 ers as a board of canvassers, in the form or to the follow-
42 ing 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,
47 one thousand nine hundred fifty-eight, do certify that the
48 results of the election in said county, on the question of
49 the ratification or rejection of the proposed amendment,
50 is as follows:

51 "For ratification of Amendment to Exempt Bank
52 Deposits and Money from Taxation _____ votes.

53 "Against ratification of Amendment to Exempt Bank
54 Deposits and Money from Taxation _____ votes.

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

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 elec-
61 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 as

3 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
6 state, and declare the same by proclamation published in
7 one or more newspapers printed at the seat of govern-
8 ment. If a majority of the votes cast at said election
9 upon said question be for ratification of said amendment,
10 the proposed amendment so ratified shall be in force and
11 effect from and after the time of such ratification, as part
12 of the 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 herein-
4 before 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 in the first instance, if found necessary by him,
9 be paid out of the governor's contingent fund and be af-
10 terwards repaid to such fund by appropriation of the
11 Legislature.

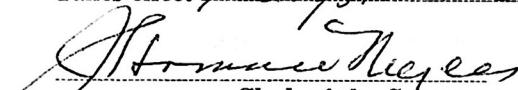
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

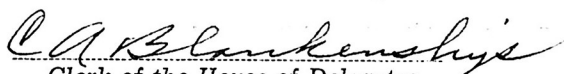

Chairman Senate Committee

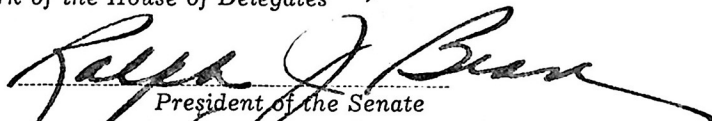

Chairman House Committee


Originated in the Senate.

Takes effect 90 days from passage.

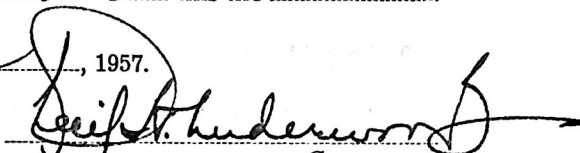

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within approved this the 13th
day of March, 1957.


Governor



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

MAR 14 1957

D. PITT O'BRIEN
SECRETARY OF STATE