

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957

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## ENROLLED

SENATE BILL NO. 312

(By Mr. Traubert)

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PASSED March 7 1957

In Effect 90 days from Passage



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AN ACT to provide for the submission to the voters of the state of an amendment to the constitution of the state, amending article ten thereof, by adding thereto a new section, designated section ten, relating to tax levies on property.

*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 fifty-eight, which proposed amendment is as follows:

Sec. 10. *Better Schools Amendment.*—Notwithstanding any other provision of the constitution to the contrary, the maximum rates authorized and allocated by law for tax levies on the several classes of property for the support of public schools may be increased in any school district for a period not to exceed five years, and in an amount not to exceed one hundred per cent of such maximum rates, if such increase is approved, in the manner provided by law, by at least sixty per cent of the qualified voters of the school district.

Notwithstanding any other provision of the constitution to the contrary, the maximum rates provided for tax levies by school districts on the several classes of property may be used entirely for current expense purposes; and all levies required for principal and interest payments on any bonded indebtedness, now or hereafter contracted, not to exceed five per centum on the value of the taxable property therein, the value to be ascertained in accordance with section eight of this article, shall be laid separate and apart and in addition to such maximum rates, but

21 in the same proportions as such maximum rates are levied  
22 on the several classes of property.

Sec. 2. *Amendment to Be Known as the "Better  
2 Schools Amendment"*.—For convenience in referring to  
3 said proposed amendment, and in the preparation of the  
4 form of the ballot hereinafter provided for, said proposed  
5 amendment is hereby designated as the "Better Schools  
6 Amendment".

Sec. 3. *Form of Ballot Election*.—For the purpose of  
2 enabling the voters of the state to vote on the question of  
3 said proposed amendment to the constitution at the said  
4 general election to be held in the year one thousand nine  
5 hundred fifty-eight, 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 the election, the  
8 following:

9 Ballot on "Better Schools Amendment."

10 ☐ For ratification of Better Schools Amendment.

11 ☐ Against ratification of Better Schools 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 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 pro-  
22 vided. The ballots cast on the question of said proposed  
23 amendment shall be counted as other ballots cast at said  
24 election.

Sec. 4. *Certificates of Election Commissioners; Can-*  
2 *vass 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 out and sign  
6 two certificates thereof in the following form or the fol-  
7 lowing 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 fourth day of  
12 November, one thousand nine hundred fifty-eight, upon  
13 the question of the ratification or rejection of the pro-  
14 posed constitutional amendment, do hereby certify that  
15 the result of said election is as follows:

16 "For ratification of Better Schools Amendment \_\_\_\_\_  
17 \_\_\_\_\_ votes.

18 "Against ratification of Better Schools Amendment \_\_\_\_\_  
19 \_\_\_\_\_ votes.

20 "Given under our hands this \_\_\_\_\_ day of November,  
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 can-  
26 vassers 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 re-  
40 sult 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 the re-  
45 turns of the election held in said county, in each district  
46 thereof, on the fourth day of November, one thousand  
47 nine hundred fifty-eight, do certify that the results of the  
48 election in said county, on the question of the ratification  
49 or rejection of the proposed amendment is as follows:

50 "For ratification of Better Schools Amendment.....  
51 ..... votes.

52 "Against ratification of Better Schools Amendment.\_\_\_\_  
53 \_\_\_\_\_ votes.

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

56 One of the certificates shall be filed in the office of the  
57 clerk of the county court, and the other forwarded by  
58 mail to the secretary of state, who shall file and preserve  
59 the same until the day on which the result of said election  
60 in the state is to be ascertained, as hereinafter stated.

Sec. 5. *Proclamation of Result of Election by Gover-*  
2 *nor.*—On the twenty-fifth day after the election is held,  
3 or as soon thereafter as practicable, the said certificates  
4 shall be laid before the governor, whose duty it shall be  
5 to 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 upon  
9 said question be for ratification of said amendment, the  
10 proposed amendment so ratified shall be in force and ef-  
11 fect, from and after the time of such ratification, as part  
12 of the 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 as  
4 hereinbefore adopted, to be published one time at least  
5 three months before such election in some newspaper in  
6 every county in which a newspaper is printed, at a price  
7 to be agreed upon in advance, in writing, and the cost of  
8 such advertising shall in the first instance, if found nec-  
9 essary 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.

*E. H. McCourt*  
Chairman Senate Committee

*W. C. C. C. C. C.*  
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

*Thomas H. Hughes*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Kelley J. Bean*  
President of the Senate

*W. C. C. C. C.*  
Speaker House of Delegates

The within approved this the 15th  
day of March, 1957.

*W. C. C. C. C.*  
Governor



Filed in the Office of the Secretary of State  
of West Virginia. **MAR 15 1957**

D. PITT O'BRIEN  
SECRETARY OF STATE