

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1964

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ENROLLED

HOUSE BILL No. 2

(Originating in the Committee on Redistricting)
(By Mr. J. F. Burdett)

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PASSED February 13, 1964

In Effect from Passage



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FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 2-19-64

ENROLLED

House Bill No. 2

(Originating in the Committee on Redistricting.)

[Passed February 15, 1964; in effect from passage.]

AN ACT to amend and reenact sections one and two, article two, chapter one of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article two by adding thereto a new section, designated section four, all relating to the composition of the state senate and the house of delegates, the division of the state into senatorial districts, the designation of senatorial districts and delegate districts and the apportionment of members of the house of delegates among the counties and delegate districts, and providing a severability clause for the provisions and sections of said article two.

WHEREAS, Chapter one hundred fifty-eight, acts of the Legislature, regular session, one thousand nine hundred sixty-three,

purported to repeal article two, chapter one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and purported to enact in lieu thereof a new article two of said chapter, the first section of said article two relating to the division of the state into senatorial districts, the second section of said article two relating to the apportionment of membership of the house of delegates, and the third section of said article two relating to the apportionment of the members of the house of representatives to which this state is entitled among the several counties of the state; and

WHEREAS, By order entered of record on February seven, one thousand nine hundred sixty-four, in the case of *C. Donald Robertson, et al., v. Lewis A. Hatcher, et al.*, No. 12306, the West Virginia supreme court of appeals declared the apportionment of the membership of the house of delegates purported to be made by said chapter one hundred fifty-eight, acts of the Legislature, to be clearly in violation of sections six and seven, article six of the West Virginia constitution and, therefore, unconstitutional, void and of no force and effect; and

WHEREAS, By said order, the West Virginia supreme court of appeals declared that there is no constitutional inhibition

against the designation of Kanawha county as the situs of both the eighth and seventeenth senatorial districts, as provided by said chapter one hundred fifty-eight, acts of the Legislature; and

WHEREAS, By said order, the West Virginia supreme court of appeals declared that the validity of Kanawha county as the situs of both the eighth and seventeenth senatorial districts was the only question presented in said styled case relative to the division of the state into senatorial districts as provided by said chapter one hundred fifty-eight, acts of the Legislature; and

WHEREAS, By said order, the West Virginia supreme court of appeals declared the said chapter one hundred fifty-eight, acts of the Legislature, to be unconstitutional in its entirety because the provisions thereof were not severable; and

WHEREAS, In the written opinion of the attorney general, dated February ten, one thousand nine hundred sixty-four, addressed to the Honorable Howard Carson, President of the Senate, said order of the West Virginia supreme court of appeals leaves as valid and subsisting law, section three, article two, chapter one of said code, as last amended by chapter

thirteen, acts of the Legislature, regular session, one thousand nine hundred sixty-one, relating to the apportionment of the state's membership in the house of representatives, thereby obviating any necessity to amend and reenact section three or to make any provision herein with respect to the announcements of candidacy for nomination for the house of representatives in the primary election, to be held in May, one thousand nine hundred sixty-four; now, therefore,

Be it enacted by the Legislature of West Virginia:

That sections one and two, article two, chapter one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article two be further amended by adding thereto a new section, designated section four, all to read as follows:

Article 2. Apportionment of Representation.

Section 1. Senatorial Districts; Announcements of
2 Candidacy for Nomination for State Senate in 1964 Pri-
3 mary Election Validated.—The state shall consist of
4 seventeen senatorial districts as follows:
5 The counties of Brooke, Hancock and Ohio shall consti-
6 tute the first senatorial district;

7 The counties of Doddridge, Marshall, Tyler and Wetzel
8 shall constitute the second senatorial district;

9 The counties of Calhoun, Pleasants, Ritchie, Wirt and
10 Wood shall constitute the third senatorial district;

11 The counties of Clay, Jackson, Mason, Putnam and
12 Roane shall constitute the fourth senatorial district;

13 The counties of Cabell and Wayne shall constitute the
14 fifth senatorial district;

15 The counties of McDowell and Mingo shall constitute
16 the sixth senatorial district;

17 The counties of Boone, Lincoln and Logan shall consti-
18 tute the seventh senatorial district;

19 The county of Kanawha shall constitute the eighth
20 senatorial district;

21 The counties of Raleigh and Wyoming shall constitute
22 the ninth senatorial district;

23 The counties of Mercer, Monroe and Summers shall
24 constitute the tenth senatorial district;

25 The counties of Fayette and Greenbrier shall consti-
26 tute the eleventh senatorial district;

27 The counties of Braxton, Nicholas, Pendleton, Pocahon-
28 tas, Randolph and Webster shall constitute the twelfth
29 senatorial district;

30 The counties of Gilmer, Harrison and Lewis shall con-
31 stitute the thirteenth senatorial district;

32 The counties of Marion and Monongalia shall constitute
33 the fourteenth senatorial district;

34 The counties of Barbour, Grant, Preston, Taylor,
35 Tucker and Upshur shall constitute the fifteenth sena-
36 torial district;

37 The counties of Berkeley, Hampshire, Hardy, Jeffer-
38 son, Mineral and Morgan shall constitute the sixteenth
39 senatorial district; and

40 The county of Kanawha shall constitute the seven-
41 teenth senatorial district.

42 Each of the said districts shall have two senators, and,
43 regardless of the changes in district lines made by this
44 act, the senators elected at the general election of one
45 thousand nine hundred sixty and at the general election
46 of one thousand nine hundred sixty-two shall continue to
47 hold their seats as members of the senate for the term,

48 and as representatives of the senatorial districts, for which
49 each thereof, respectively, was elected.

50 One senator shall be nominated and elected at the
51 general election of one thousand nine hundred sixty-
52 four from each of the senatorial districts hereinabove
53 described for a term of four years, and one shall be
54 nominated and elected from each of the said senatorial
55 districts biennially thereafter for a term of four years:
56 *Provided*, That at the general election to be held in the
57 year one thousand nine hundred sixty-four there shall
58 be two senators elected in the seventeenth senatorial
59 district, as herein designated, one of whom shall be
60 nominated and elected for a term of two years and one of
61 whom shall be nominated and elected for a term of four
62 years, and biennially thereafter one senator shall be
63 elected in said seventeenth senatorial district for a term
64 of four years.

65 Inasmuch as the designation and arrangement of the
66 senatorial districts provided herein are identical with the
67 designation and arrangement of the senatorial districts
68 set forth in chapter one hundred fifty-eight, acts of the

69 Legislature, regular session, one thousand nine hundred
70 sixty-three, under which chapter persons filed their
71 announcements of candidacy for nomination for the state
72 senate in the primary election, to be held in May, one
73 thousand nine hundred sixty-four, and consistent with the
74 provisions of Enrolled House Bill No. 53 enacted at the
75 regular session of the Legislature for the year one thou-
76 sand nine hundred sixty-four, an announcement of candi-
77 dacy for membership in the state senate from a desig-
78 nated senatorial district which was filed on or before
79 February one, one thousand nine hundred sixty-four, un-
80 der the provisions of section seven, article five, chapter
81 three of the code of West Virginia, one thousand nine
82 hundred thirty-one, as amended, shall be considered a
83 valid and sufficient announcement of candidacy for the
84 state senate from the identically designated senatorial
85 district established by this act.

Sec. 2. Apportionment of Membership of House of

2 Delegates; Announcements of Candidacy for year 1964

3 Validated.—The house of delegates shall consist of one
4 hundred members, who shall be apportioned as follows:

5 The counties of Berkeley and Morgan shall form the
6 first delegate district and elect two delegates.

7 The counties of Grant and Tucker shall form the second
8 delegate district and elect one delegate.

9 The counties of Hardy and Pendleton shall form the
10 third delegate district and elect one delegate.

11 The counties of Greenbrier and Pocahontas shall form
12 the fourth delegate district and elect two delegates.

13 The counties of Doddridge and Tyler shall form the
14 fifth delegate district and elect one delegate.

15 The counties of Pleasants and Ritchie shall form the
16 sixth delegate district and elect one delegate.

17 The counties of Calhoun, Gilmer and Wirt shall form
18 the seventh delegate district and elect one delegate.

19 The counties of Barbour, Braxton, Clay, Hampshire,
20 Jackson, Jefferson, Lewis, Lincoln, Mason, Mineral, Mon-
21 roe, Nicholas, Preston, Putnam, Randolph, Roane, Sum-
22 mers, Taylor, Upshur, Webster and Wetzel shall have one
23 delegate each.

24 The counties of Boone, Brooke, Hancock, Marshall,
25 Mingo, Wayne and Wyoming shall have two delegates
26 each.

27 The counties of Fayette, Logan, Marion and Monon-
28 galia shall have three delegates each.

29 The counties of Harrison, McDowell, Mercer, Ohio,
30 Raleigh and Wood shall have four delegates each.

31 The county of Cabell shall have six delegates.

32 The county of Kanawha shall have fourteen delegates.

33 Consistent with the provisions of Enrolled House Bill
34 No. 53 enacted at the regular session of the Legislature
35 for the year one thousand nine hundred sixty-four, an
36 announcement of candidacy for membership in the house
37 of delegates which was filed on or before February one,
38 one thousand nine hundred sixty-four, under the provi-
39 sions of section seven, article five, chapter three of the
40 code of West Virginia, one thousand nine hundred thirty-
41 one, as amended, shall be considered a valid and sufficient
42 announcement of candidacy for the house of delegates
43 from the county in which the candidate resided at the
44 time said announcement was filed, and, in the event such
45 county is by this act made a part of a delegate district,
46 from the delegate district of which the candidate's county
47 of residence at the time of such filing is made a part.

Sec. 4. Severability of Provisions of Article.—If section one, two or three of this article or any part of any one or more of said sections is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections or provisions of this article or the article in its entirety.

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

Ray Parker
Chairman Senate Committee

Esther L. Randall
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

Julius W. Singleton
Speaker House of Delegates

The within approved this the 19th
day of February, 1964.

W. W. Carson

Governor

