WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1964

ENROLLED

HOUSE BILL No. 7

(Originating in the Committee on Reapportioning)
(By Mr.__________)

PASSED__________February 15, 1964

In Effect__________from__________Passage

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,
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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 Candidacy for Nomination for State Senate in 1964 Pri­mary Election Validated.—The state shall consist of seventeen senatorial districts as follows:

1. The counties of Brooke, Hancock and Ohio shall consti­
The counties of Doddridge, Marshall, Tyler and Wetzel shall constitute the second senatorial district;
The counties of Calhoun, Pleasants, Ritchie, Wirt and Wood shall constitute the third senatorial district;
The counties of Clay, Jackson, Mason, Putnam and Roane shall constitute the fourth senatorial district;
The counties of Cabell and Wayne shall constitute the fifth senatorial district;
The counties of McDowell and Mingo shall constitute the sixth senatorial district;
The counties of Boone, Lincoln and Logan shall constitute the seventh senatorial district;
The county of Kanawha shall constitute the eighth senatorial district;
The counties of Raleigh and Wyoming shall constitute the ninth senatorial district;
The counties of Mercer, Monroe and Summers shall constitute the tenth senatorial district;
The counties of Fayette and Greenbrier shall constitute the eleventh senatorial district;
The counties of Braxton, Nicholas, Pendleton, Pocahontas, Randolph and Webster shall constitute the twelfth senatorial district;

The counties of Gilmer, Harrison and Lewis shall constitute the thirteenth senatorial district;

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

The counties of Barbour, Grant, Preston, Taylor, Tucker and Upshur shall constitute the fifteenth senatorial district;

The counties of Berkeley, Hampshire, Hardy, Jefferson, Mineral and Morgan shall constitute the sixteenth senatorial district; and

The county of Kanawha shall constitute the seventeenth senatorial district.

Each of the said districts shall have two senators, and, regardless of the changes in district lines made by this act, the senators elected at the general election of one thousand nine hundred sixty and at the general election of one thousand nine hundred sixty-two shall continue to hold their seats as members of the senate for the term,
and as representatives of the senatorial districts, for which each thereof, respectively, was elected.

One senator shall be nominated and elected at the general election of one thousand nine hundred sixty-four from each of the senatorial districts hereinabove described for a term of four years, and one shall be nominated and elected from each of the said senatorial districts biennially thereafter for a term of four years:

Provided, That at the general election to be held in the year one thousand nine hundred sixty-four there shall be two senators elected in the seventeenth senatorial district, as herein designated, one of whom shall be nominated and elected for a term of two years and one of whom shall be nominated and elected for a term of four years, and biennially thereafter one senator shall be elected in said seventeenth senatorial district for a term of four years.

Inasmuch as the designation and arrangement of the senatorial districts provided herein are identical with the designation and arrangement of the senatorial districts set forth in chapter one hundred fifty-eight, acts of the
Legislature, regular session, one thousand nine hundred sixty-three, under which chapter persons filed their announcements of candidacy for nomination for the state senate in the primary election, to be held in May, one thousand nine hundred sixty-four, and consistent with the provisions of Enrolled House Bill No. 53 enacted at the regular session of the Legislature for the year one thousand nine hundred sixty-four, an announcement of candidacy for membership in the state senate from a designated senatorial district which was filed on or before February one, one thousand nine hundred sixty-four, under the provisions of section seven, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, shall be considered a valid and sufficient announcement of candidacy for the state senate from the identically designated senatorial district established by this act.

Sec. 2. Apportionment of Membership of House of Delegates; Announcements of Candidacy for year 1964 Validated.—The house of delegates shall consist of one hundred members, who shall be apportioned as follows:
The counties of Berkeley and Morgan shall form the first delegate district and elect two delegates.

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

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

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

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

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

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

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

The counties of Boone, Brooke, Hancock, Marshall, Mingo, Wayne and Wyoming shall have two delegates each.
The counties of Fayette, Logan, Marion and Monongalia shall have three delegates each.

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

The county of Cabell shall have six delegates.

The county of Kanawha shall have fourteen delegates.

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

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect 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 19th day of February, 1964.

Governor