

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1973



**ENROLLED**  
Committee Substitute  
for  
HOUSE BILL No. 811

(By Mr. Speaker, Mr. McManus  
and Mr. Seibert)



PASSED April 14, 1973

In Effect 90 days from Passage



C 641

FILED IN THE OFFICE OF  
EDGAR F. HENNINGER, III  
SECRETARY OF STATE  
THIS DATE 5/3/73

811

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**  
**House Bill No. 811**

(By MR. SPEAKER, MR. MCMANUS, and MR. SEIBERT)

(Originating in the House Select Committee on Redistricting)

[Passed April 14, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article two, chapter one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to apportionment of the House of Delegates; providing a short title for said section; defining the terms "county," "enumeration district," "census tract" and "magisterial district" for the purposes of said section; requiring that the clerk of the House of Delegates file United States census maps in the office of the secretary of state; dividing the state into thirty-six delegate districts for the purpose of electing one hundred members of the House of Delegates; providing certain residency requirements for persons who are elected or appointed to the House of Delegates; requiring county courts to alter the boundary lines of any election precinct that contains territory contained in more than one delegate district as established by said election so that no election precinct contains territory included in more than one delegate district; providing that members of the House of Delegates elected in the general election of one thousand nine hundred seventy-two, as well as any persons appointed to fill a vacancy in the office of member of the House

of Delegates, shall continue to represent the county or delegate district for the term for which each was elected or appointed; and providing a severability clause.

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

That section two, article two, chapter one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. APPORTIONMENT OF REPRESENTATION.**

**§1-2-2. Apportionment of membership of House of Delegates.**

1 (a) This section shall be known and may be cited as “The  
2 House of Delegates Apportionment Act of 1973.”

3 (b) As used in this section:

4 (1) “County” means the territory comprising a county of  
5 this state as it existed on the first day of January, one  
6 thousand nine hundred seventy, notwithstanding any boundary  
7 changes made subsequent thereto;

8 (2) “Enumeration district” and “census tract” mean those  
9 geographic areas as defined by the bureau of the census of the  
10 United States department of commerce for the taking of the one  
11 thousand nine hundred seventy census of population and  
12 described on census maps prepared by the bureau of the census.  
13 Such maps are, at the time of this enactment, maintained by  
14 the said bureau of the census and shall be filed in the office of  
15 the secretary of state by the clerk of the House of Delegates  
16 not later than the first day of July, one thousand nine  
17 hundred seventy-three;

18 (3) “Magisterial district” means the territory comprising  
19 a magisterial district of this state as it existed on the first  
20 day of January, one thousand nine hundred seventy, as defined  
21 in the official records of the county courts of the several  
22 counties, notwithstanding any boundary changes made sub-  
23 sequent thereto.

24 (c) If an election precinct in this state, as it exists  
25 at the time of passage of this section, includes territory  
26 contained in more than one delegate district, as such dele-  
27 gate districts are established by subsection (d) of this  
28 section, it shall be the duty of the county court of the  
29 county in which such precinct is located, prior to the first

30 day of February, one thousand nine hundred seventy-four,  
31 to alter the boundary lines of its election precincts so that  
32 no precinct contains territory included in more than one  
33 delegate district.

34 (d) The House of Delegates shall be composed of one  
35 hundred members elected from the delegate districts here-  
36 inafter described.

37 (1) The county of Hancock (except for census tracts two  
38 hundred one and two hundred two of Butler magisterial  
39 district) shall constitute the first delegate district and shall  
40 elect two delegates;

41 (2) The county of Brooke, and census tracts two hundred  
42 one and two hundred two of Butler magisterial district of the  
43 county of Hancock, shall constitute the second delegate district  
44 and shall elect two delegates;

45 (3) The county of Ohio shall constitute the third delegate  
46 district and shall elect four delegates;

47 (4) The county of Marshall shall constitute the fourth  
48 delegate district and shall elect two delegates;

49 (5) The county of Wetzel (except for enumeration dis-  
50 tricts eighteen, nineteen and twenty of Magnolia magisterial  
51 district) shall constitute the fifth delegate district and shall  
52 elect one delegate;

53 (6) The counties of Doddridge and Tyler, and enumera-  
54 tion districts eighteen, nineteen and twenty of Magnolia  
55 magisterial district of the county of Wetzel, shall constitute  
56 the sixth delegate district and shall elect one delegate;

57 (7) The counties of Pleasants and Ritchie shall con-  
58 stitute the seventh delegate district and shall elect one  
59 delegate;

60 (8) The county of Wood shall constitute the eighth dele-  
61 gate district and shall elect five delegates;

62 (9) The counties of Roane and Wirt shall constitute the  
63 ninth delegate district and shall elect one delegate;

64 (10) The counties of Jackson, Mason and Putnam  
65 shall constitute the tenth delegate district and shall elect  
66 four delegates: *Provided*, That not less than one nor more  
67 than two delegates shall be elected or appointed who  
68 are residents of any single county within the tenth delegate  
69 district;

70 (11) The county of Cabell shall constitute the eleventh

71 delegate district and shall elect six delegates;

72 (12) The county of Wayne shall constitute the twelfth  
73 delegate district and shall elect two delegates;

74 (13) The county of Mingo shall constitute the thirteenth  
75 delegate district and shall elect two delegates;

76 (14) The county of McDowell shall constitute the  
77 fourteenth delegate district and shall elect three dele-  
78 gates;

79 (15) The counties of Boone and Wyoming shall con-  
80 stitute the fifteenth delegate district and shall elect three  
81 delegates: *Provided*, That not more than two delegates shall  
82 be elected or appointed who are residents of any single  
83 county within the fifteenth delegate district;

84 (16) The counties of Lincoln and Logan shall constitute  
85 the sixteenth delegate district and shall elect four delegates:  
86 *Provided*, That not more than three delegates shall be elected  
87 or appointed who are residents of any single county within  
88 the sixteenth delegate district;

89 (17) The county of Kanawha shall constitute the  
90 seventeenth delegate district and shall elect thirteen  
91 delegates;

92 (18) The county of Raleigh shall constitute the eigh-  
93 teenth delegate district and shall elect four dele-  
94 gates;

95 (19) The counties of Mercer, Monroe and Summers shall  
96 constitute the nineteenth delegate district and shall elect  
97 five delegates: *Provided*, That not more than four delegates  
98 shall be elected or appointed who are residents of any single  
99 county within the nineteenth delegate district;

100 (20) The county of Greenbrier shall constitute the  
101 twentieth delegate district and shall elect two delegates;

102 (21) The county of Fayette shall constitute the twenty-  
103 first delegate district and shall elect three delegates;

104 (22) The counties of Nicholas and Webster shall constitute  
105 the twenty-second delegate district and shall elect two dele-  
106 gates: *Provided*, That not more than one delegate shall be  
107 elected or appointed who is a resident of any single county  
108 within the twenty-second delegate district;

109 (23) The counties of Braxton, Calhoun, Clay and Gilmer  
110 shall constitute the twenty-third delegate district and shall  
111 elect two delegates: *Provided*, That not more than one dele-

112 gate shall be elected or appointed who is a resident of any  
113 single county within the twenty-third delegate district;

114 (24) The county of Lewis shall constitute the twenty-fourth  
115 delegate district and shall elect one delegate;

116 (25) The county of Harrison shall constitute the twenty-  
117 fifth delegate district and shall elect four delegates;

118 (26) The counties of Marion and Taylor shall constitute  
119 the twenty-sixth delegate district and shall elect four delegates:  
120 *Provided*, That not more than three delegates shall be elected  
121 or appointed who are residents of any single county within the  
122 twenty-sixth delegate district;

123 (27) The county of Monongalia, and Grant, Pleasant and  
124 Valley magisterial districts of the county of Preston, shall  
125 constitute the twenty-seventh delegate district and shall elect  
126 four delegates;

127 (28) The county of Preston (except for Grant, Pleasant  
128 and Valley magisterial districts) shall constitute the twenty-  
129 eighth delegate district and shall elect one delegate;

130 (29) The counties of Barbour and Upshur shall constitute  
131 the twenty-ninth delegate district and shall elect two delegates:  
132 *Provided*, That not more than one delegate shall be elected or  
133 appointed who is a resident of any single county within the  
134 twenty-ninth delegate district;

135 (30) The counties of Pocahontas and Randolph (except for  
136 enumeration districts two and three of Dry Fork magisterial  
137 district) shall constitute the thirtieth delegate district and  
138 shall elect two delegates;

139 (31) The counties of Hardy and Pendleton, and enumera-  
140 tion districts two and three of Dry Fork magisterial district of  
141 the county of Randolph, shall constitute the thirty-first delegate  
142 district and shall elect one delegate;

143 (32) The counties of Grant and Tucker shall constitute the  
144 thirty-second delegate district and shall elect one delegate;

145 (33) The county of Mineral (except for enumeration dis-  
146 tricts one, two, three, four, five, six and eight of Frankfort  
147 magisterial district) shall constitute the thirty-third delegate  
148 district and shall elect one delegate;

149 (34) The county of Hampshire, and enumeration districts  
150 one, two, three, four, five, six and eight of Frankfort magis-  
151 terial district of the county of Mineral, shall constitute the  
152 thirty-fourth delegate district and shall elect one delegate;

153 (35) The counties of Berkeley and Morgan, and Shep-  
154 herdstown magisterial district of the county of Jefferson, shall  
155 constitute the thirty-fifth delegate district and shall elect three  
156 delegates: *Provided*, That not more than two delegates shall  
157 be elected or appointed who are residents of any single county,  
158 or part of a county, within the thirty-fifth delegate district;

159 (36) The county of Jefferson (except for Shepherdstown  
160 magisterial district) shall constitute the thirty-sixth delegate  
161 district and shall elect one delegate.

162 (e) Regardless of the changes in delegate district bound-  
163 aries made by the provisions of subsection (d) of this section,  
164 the delegates elected at the general election held in the year one  
165 thousand nine hundred seventy-two shall continue to hold their  
166 offices as members of the House of Delegates for the term, and  
167 as representatives of the county or delegate district, for  
168 which each thereof, respectively, was elected. Any appoint-  
169 ment made prior to the first day of December, one thousand  
170 nine hundred seventy-four, to fill a vacancy in the office of a  
171 member of the House of Delegates shall be made for the  
172 remainder of the term, and as representative of the county or  
173 delegate district, for which the vacating delegate was elected  
174 or appointed.

175 (f) If any provision or proviso of this section or the  
176 application thereof to any person or circumstance is held  
177 invalid, such invalidity shall not affect other provisions,  
178 provisos or applications of the section, and to this end the  
179 provisions and provisos of this section are declared to be  
180 severable.

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

*N. Darrel Darby*  
Chairman Senate Committee

*Clarence C. Chestnut Jr.*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*Howard W. Carson*  
Clerk of the Senate

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

*W. T. Brotherton Jr.*  
President of the Senate

*Lewis F. M. Thomas*  
Speaker House of Delegates

The within *approved* this the *27th*  
*April*, 1973.  
day of \_\_\_\_\_

*Arch A. Moore Jr.*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/27/73

Time 2:05 p.m.

RECEIVED

APR 27 2 11 PM '73

GOVERNOR  
COMMONWEALTH OF VIRGINIA  
STATE OF WEST VIRGINIA