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
EDGAR F. NEISKELL III
SECRETARY OF S.C.
THIS DATE 5/3/73
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
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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 (a) This section shall be known and may be cited as “The
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
day of February, one thousand nine hundred seventy-four,
to alter the boundary lines of its election precincts so that
no precinct contains territory included in more than one
delegate district.

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

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

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

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

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

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

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

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

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

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

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

(11) The county of Cabell shall constitute the eleventh
delegate district and shall elect six delegates;
12 (12) The county of Wayne shall constitute the twelfth
delegate district and shall elect two delegates;
13 (13) The county of Mingo shall constitute the thirteenth
delegate district and shall elect two delegates;
14 (14) The county of McDowell shall constitute the
fourteenth delegate district and shall elect three dele-
gates;
15 (15) The counties of Boone and Wyoming shall con­
stitute the fifteenth delegate district and shall elect three
delegates: Provided, That not more than two delegates shall
be elected or appointed who are residents of any single
county within the fifteenth delegate district;
16 (16) The counties of Lincoln and Logan shall constitute
the sixteenth delegate district and shall elect four delegates:
Provided, That not more than three delegates shall be elected
or appointed who are residents of any single county within
the sixteenth delegate district;
17 (17) The county of Kanawha shall constitute the
seventeenth delegate district and shall elect thirteen
delegates;
18 (18) The county of Raleigh shall constitute the eight­
teenth delegate district and shall elect four dele-
gates;
19 (19) The counties of Mercer, Monroe and Summers shall
constitute the nineteenth delegate district and shall elect
five delegates: Provided, That not more than four delegates
shall be elected or appointed who are residents of any single
county within the nineteenth delegate district;
20 (20) The county of Greenbrier shall constitute the
twentieth delegate district and shall elect two delegates;
21 (21) The county of Fayette shall constitute the twenty-
first delegate district and shall elect three delegates;
22 (22) The counties of Nicholas and Webster shall constitute
the twenty-second delegate district and shall elect two dele-
gates: Provided, That not more than one delegate shall be
elected or appointed who is a resident of any single county
within the twenty-second delegate district;
23 (23) The counties of Braxton, Calhoun, Clay and Gilmer
shall constitute the twenty-third delegate district and shall
elect two delegates: Provided, That not more than one dele-
gate shall be elected or appointed who is a resident of any single county within the twenty-third delegate district;

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

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

(26) The counties of Marion and Taylor shall constitute the twenty-sixth delegate district and shall elect four delegates: 

Provided, That not more than three delegates shall be elected or appointed who are residents of any single county within the twenty-sixth delegate district;

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

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

(29) The counties of Barbour and Upshur shall constitute the twenty-ninth delegate district and shall elect two delegates: 

Provided, That not more than one delegate shall be elected or appointed who is a resident of any single county within the twenty-ninth delegate district;

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

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

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

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

(34) The county of Hampshire, and enumeration districts one, two, three, four, five, six and eight of Frankfort magisterial district of the county of Mineral, shall constitute the thirty-fourth delegate district and shall elect one delegate;
(35) The counties of Berkeley and Morgan, and Shepherdstown magisterial district of the county of Jefferson, shall constitute the thirty-fifth delegate district and shall elect three delegates: Provided, That not more than two delegates shall be elected or appointed who are residents of any single county, or part of a county, within the thirty-fifth delegate district;

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

(e) Regardless of the changes in delegate district boundaries made by the provisions of subsection (d) of this section, the delegates elected at the general election held in the year one thousand nine hundred seventy-two shall continue to hold their offices as members of the House of Delegates for the term, and as representatives of the county or delegate district, for which each thereof, respectively, was elected. Any appointment made prior to the first day of December, one thousand nine hundred seventy-four, to fill a vacancy in the office of a member of the House of Delegates shall be made for the remainder of the term, and as representative of the county or delegate district, for which the vacating delegate was elected or appointed.

(f) If any provision or proviso of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions, provisos or applications of the section, and to this end the provisions and provisos of this section are declared to be severable.
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 ninety 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 27th day of ____________________, 1973.

Governor
PRESENTED TO THE GOVERNOR

Date 4/27/73
Time 2:05 p.m.