

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



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FILED IN THE OFFICE OF
EDGAR F. HESS, CLERK OF THE HOUSE
SECRETARY OF THE HOUSE
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.

H. Darrel Darby
Chairman Senate Committee

Clarence C. Chastain 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. Morris
Speaker House of Delegates

The within approved this the 27th
April
day of _____, 1973.

Arch A. Moore Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 4/27/73

Time 2:05 p.m.

RECEIVED

APR 30 2 11 PM '73

CLERK
COMMISSIONER OF STATE
STATE OF WEST VIRGINIA