WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1982

ENROLLED
Committee Substitute for
SENATE BILL NO. 263

(By Mr. Wise)

PASSED March 12, 1982
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, relating to apportionment of the Senate and the House of Delegates; providing a short title; defining the terms “county,” “enumeration district,” “block,” “block numbering area,” “census tract” and “magisterial district” for the purposes of apportioning districts; requiring that the clerk of the Senate and the House of Delegates file United States census maps in the office of the secretary of state; dividing the state into seventeen senatorial districts for the purpose of electing thirty-four members of the Senate; dividing the state into forty delegate districts for the purpose of electing one hundred delegates; requiring county commissions to alter the boundary lines of any election precinct that contains territory contained in more than one senatorial district as established hereto, or more than one delegate district as established hereto, so that no election precinct contains territory included in more than one senatorial or delegate district; and providing that members of the Senate elected in the general elections of one thousand nine hundred seventy-eight and one thousand nine hundred eighty, and that members of the House of Delegates elected in the general election of one
thousand nine hundred eighty as well as any persons appointed to fill a vacancy in the office of member of the Senate or House of Delegates, shall continue to represent their senatorial or delegate district for the term for which each was elected or appointed.

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 to read as follows:

ARTICLE 2. APPORTIONMENT OF REPRESENTATION.

§1-2-1. Senatorial districts.

(a) This section shall be known and may be cited as "The Senate Redistricting Act of 1982."

(b) As used in this section:

1. "County" means the territory comprising a county of this state as such county existed on the first day of January, one thousand nine hundred eighty, notwithstanding any boundary changes thereof made subsequent thereto;

2. "Enumeration district," "block" and "census tract" mean those geographic areas as defined by the bureau of the census of the United States department of commerce for the taking of the one thousand nine hundred eighty census of population and described on census maps prepared by the bureau of the census. Such maps are, at the time of this enactment, maintained by the bureau of the census and shall be filed in the office of the secretary of state by the clerk of the Senate not later than the first day of July, one thousand nine hundred eighty-three;

3. "Magisterial district" means the territory comprising a magisterial district of this state as reported to and used by the bureau of the census of the United States department of commerce for the taking of the one thousand nine hundred eighty census of population and described on census maps prepared by the bureau of the census;

4. "Incumbent senator" means a senator elected at the general election held in the year one thousand nine hun-
dred eighty, or at any general election thereafter, with an
unexpired term of at least two years in duration;

(c) The Legislature recognizes that in dividing the
state into senatorial districts, the Legislature is bound
not only by the United States Constitution but also by
the West Virginia Constitution; that in any instance
where the West Virginia Constitution conflicts with the
United States Constitution, the United States Constitu-
tion must govern and control, as recognized in section
one, article I of the West Virginia Constitution; that the
United States Constitution, as interpreted by the United
States supreme court and other federal courts, requires
state legislatures to be apportioned so as to achieve
equality of population as near as is practicable, population
disparities being permissible where justified by rational
state policies; and that the West Virginia Constitution
requires two senators to be elected from each senatorial
district for terms of four years each, one such senator
being elected every two years, with one half of the sena-
tors being elected biennially, and requires senatorial dis-
tricts to be compact, formed of contiguous territory and
bounded by county lines. The Legislature finds and de-
clares that it is not possible to divide the state into
senatorial districts so as to achieve equality of population
as near as is practicable as required by the United States
supreme court and other federal courts and at the same
time adhere to all of these provisions of the West Virginia
Constitution; but that, in an effort to adhere as closely
as possible to all of these provisions of the West Virginia
Constitution, the Legislature, in dividing the state into
senatorial districts, as described and constituted in sub-
section (d) hereof, has:

(1) Adhered to the equality of population concept,
while at the same time recognizing that from the forma-
tion of this state in the year one thousand eight hundred
sixty-three, each Constitution of West Virginia and the
statutes enacted by the Legislature have recognized politi-
cal subdivision lines and many functions, policies and
programs of government have been implemented along
political subdivision lines;
(2) Made the senatorial districts as compact as possible, consistent with the equality of population concept;

(3) Formed the senatorial districts of "contiguous territory" as that term has been construed and applied by the West Virginia supreme court of appeals;

(4) Deviated from the long-established state policy, recognized in (1) above, by crossing county lines only when necessary to insure that all senatorial districts were formed of contiguous territory or when adherence to county lines produced unacceptable population inequalities and only to the extent necessary in order to maintain contiguity of territory and to achieve acceptable equality of population;

(5) When crossing county lines, adhered, whenever possible, in furtherance of the long-established state policy, recognized in (1) above, to the boundary lines of magisterial districts, tax districts or municipal corporations; and

(6) Also taken into account in crossing county lines, to the extent feasible, the community interests of the people involved.

(d) The Senate shall be composed of thirty-four senators, one senator to be elected at the general election to be held in the year one thousand nine hundred eighty-two and biennially thereafter for a four-year term from each of the senatorial districts hereinafter in this subsection described and constituted as follows:

(1) The counties of Brooke and Hancock and the magisterial districts of Liberty-Triadelphia and Triadelphia of the county of Ohio, and all of magisterial district Richland-Washington except census tract four of the county of Ohio, and census tract nineteen-point-zero-one of the magisterial district of Ritchie-Center-Webster of the county of Ohio shall constitute the first senatorial district;

(2) The counties of Doddridge, Marshall, Ritchie, Tyler and Wetzel and that portion of the county of Ohio not included in the first senatorial district shall constitute the second senatorial district;
The counties of Pleasants, Wirt and Wood and the magisterial districts of Sheridan and Center of the county of Calhoun, shall constitute the third senatorial district;

(4) The counties of Jackson, Mason, Putnam and Roane and that portion of the county of Calhoun not included in the third senatorial district shall constitute the fourth senatorial district;

(5) The county of Cabell and those portions of census tracts fifty-one and fifty-two of the magisterial district of Westmoreland contained within the city of Huntington of the county of Wayne, and that portion of census tract fifty-two of the magisterial district of Westmoreland contained within the city of Ceredo of the county of Wayne, and census tract two hundred two of the magisterial district of Ceredo of the county of Wayne, and those portions of census tracts two hundred three and two hundred four of the magisterial district of Ceredo contained within the city of Ceredo of the county of Wayne, and that portion of block nine hundred three of census tract two hundred four of the magisterial district of Ceredo not included in the city of Ceredo in the county of Wayne shall constitute the fifth senatorial district;

(6) The county of Mingo and that portion of the county of Wayne not included in the fifth or seventh senatorial districts, and that portion of the county of McDowell not included in the tenth senatorial district shall constitute the sixth senatorial district;

(7) The counties of Boone, Lincoln and Logan and the magisterial district of Stonewall of the county of Wayne and enumeration districts two hundred, two hundred one, two hundred two, two hundred three, two hundred eleven and two hundred twelve within the magisterial district of Union of the county of Wayne shall constitute the seventh senatorial district;

(8) The county of Kanawha shall constitute the eighth senatorial district;

(9) The county of Wyoming and that portion of the county of Raleigh not included in the tenth senatorial district shall constitute the ninth senatorial district;

(10) The counties of Mercer, Monroe and Summers and the magisterial districts of Elkhorn and Northfork of the county of McDowell and enumeration districts six hundred twenty-eight and six hundred twenty-nine of the third magisterial district of the county of Raleigh shall constitute the tenth senatorial district;

(11) The counties of Clay, Fayette and Greenbrier and the magisterial districts of Jefferson and Grant of the county of Nicholas shall constitute the eleventh senatorial district;

(12) The counties of Braxton, Pendleton, Pocahontas, Randolph, Upshur and Webster and that portion of the county of Nicholas not included in the eleventh senatorial district shall constitute the twelfth senatorial district;

(13) The counties of Gilmer, Harrison and Lewis and census tract two hundred twelve and that portion of census tract two hundred eleven not contained within the city of Fairmont of the magisterial district of Grant of the county of Marion and those portions of census tract two hundred thirteen contained within the towns of Monongah and Worthington in the magisterial district of Lincoln of the county of Marion shall constitute the thirteenth senatorial district;

(14) That portion of the county of Marion not included in the thirteenth senatorial district and that portion of the county of Monongalia not included in the fifteenth senatorial district shall constitute the fourteenth senatorial district;

(15) The counties of Barbour, Grant, Preston, Taylor and Tucker and that portion of the county of Mineral not included in the sixteenth senatorial district and census tracts one hundred eighteen and one hundred nineteen and enumeration districts one thousand twenty-four, one thousand twenty-six, one thousand twenty-eight and one-thousand twenty-nine all of the eastern magisterial district of the county of Monongalia and census tract one hundred thirteen of the western magisterial district of the county of Monongalia shall constitute the fifteenth senatorial district;

(16) The counties of Berkeley, Hampshire, Hardy,
Jefferson and Morgan and the magisterial districts of Cabin Run and Welton of the county of Mineral and enumeration districts six hundred fifty and six hundred fifty-two of the magisterial district of Frankfort of the county of Mineral shall constitute the sixteenth senatorial district; and

(17) The county of Kanawha shall constitute the seventeenth senatorial district.

(e) The West Virginia Constitution further provides, in section four, article VI thereof, that where a senatorial district is composed of more than one county, both senators for such district shall not be chosen from the same county, a residency dispersal provision which is clear with respect to senatorial districts which follow county lines, as required by such Constitution, but which is not clear in application with respect to senatorial districts which cross county lines. However, in an effort to adhere as closely as possible to the West Virginia Constitution in this regard, the following additional provisions, in furtherance of the rationale of such residency dispersal provision and to give meaning and effect thereto, are hereby established:

(1) With respect to a senatorial district which is composed of one or more whole counties and one or more parts of another county or counties, no more than one senator shall be chosen from the same county or part of a county to represent such senatorial district;

(2) With respect to a senatorial district which does not contain any whole county but only parts of two or more counties, no more than one senator shall be chosen from the same part to represent such senatorial district; and

(3) With respect to superimposed senatorial districts which contain only one whole county, all senators shall be chosen from such county to represent such senatorial districts.

(f) Candidates for the Senate shall be nominated as provided in section four, article five, chapter three of this code, except that such candidates shall be nominated in accordance with the residency dispersal provisions specified in section four, article VI of the West Virginia Con-
stitution and the additional residency dispersal provisions specified in subsection (e) hereof. Candidates for the Senate shall also be elected in accordance with the residency dispersal provisions specified in said section four, article VI of the West Virginia Constitution and the additional residency dispersal provisions specified in subsection (e) hereof. In furtherance of the foregoing provisions of this subsection (f), no person may file a certificate of candidacy for election from a senatorial district described and constituted in subsection (d) hereof if he resides in the same county and the same such senatorial district wherein also resides an incumbent senator, whether the senatorial district wherein such incumbent senator resides was described and constituted by chapter sixty-six, acts of the Legislature, one thousand nine hundred seventy-six or was described and constituted in subsection (d) hereof. Any vacancy in a nomination shall be filled, any appointment to fill a vacancy in the Senate shall be made, and any candidates in an election to fill a vacancy in the Senate shall be chosen, so as to be consistent with the residency dispersal provisions specified in section four, article VI of the West Virginia Constitution and the additional residency dispersal provisions specified in subsection (e) hereof.

(g) Regardless of the changes in senatorial district boundaries made by the provisions of subsection (d) hereof, all senators elected at the general election held in the year one thousand nine hundred seventy-eight and at the general election held in the year one thousand nine hundred eighty shall continue to hold their seats as members of the Senate for the term, and as representatives of the senatorial district, for which each thereof, respectively, was elected. Any appointment made or election held to fill a vacancy in the Senate shall be for the remainder of the term, and as a representative of the senatorial district, for which the vacant senator was elected or appointed, and any such election shall be held in the district as the same was described and constituted at the time the vacating senator was elected or appointed.
(h) Notwithstanding the provisions of sections five and seven, article one, chapter three of this code, if an election precinct of this state contains territory included within more than one senatorial district (other than a superimposed senatorial district), as such senatorial districts are described and constituted by subsection (d) hereof, it shall be the duty of the county commission of the county in which such precinct is located to alter the boundary lines of the county’s election precincts prior to the twentieth day of April, one thousand nine hundred eighty-two, so that no election precinct contains territory which is included within more than one such senatorial district.

(i) The secretary of state may promulgate rules and regulations to implement the provisions of this section, including emergency rules and regulations promulgated pursuant to the provisions of section five, article three, chapter twenty-nine-a of this code.


(a) This section shall be known and may be cited as “The House of Delegates Apportionment Act of 1982.”

(b) As used in this section:

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

(2) “Enumeration district,” “block,” “block numbering area” and “census tract” mean those geographic areas as defined by the bureau of the census of the United States department of commerce for the taking of the one thousand nine hundred eighty census of population and described on census maps prepared by the bureau of the census. Such maps are, at the time of this enactment, maintained by the bureau of the census and shall be filed in the office of the secretary of state by the clerk of the House of Delegates not later than the first day of July, one thousand nine hundred eighty-three;

(3) “Magisterial district” means the territory comprising a magisterial district of this state as it existed on the first day of January, one thousand nine hundred eighty, as defined in the official records of the county commissions of the several
counties, notwithstanding any boundary changes made
subsequent thereto.

(c) If an election precinct in this state, as it exists at the
time of passage of this section, includes territory contained in
more than one delegate district, as such delegate districts are
established by subsection (d) of this section, it shall be the
duty of the county commission of the county in which such
precinct is located, prior to the first day of April, one
thousand nine hundred eighty-two, 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
hereinafter described:

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

(2) The county of Brooke, census tract two hundred one
within the Clay magisterial district of the county of Hancock
and all of the Richland-Washington magisterial district of the
county of Ohio except for the portion contained within the
city of Wheeling shall constitute the second delegate district
and shall elect two delegates;

(3) That portion of the county of Ohio not contained
within the second delegate district and enumeration district
two hundred fifty of magisterial district one of the county of
Marshall shall constitute the third delegate district and shall
elect three delegates;

(4) The county of Marshall (except for enumeration
district two hundred fifty of magisterial district one) shall
constitute the fourth delegate district and shall elect two
delegates;

(5) The county of Wetzel (except for enumeration district
three hundred ninety-one of the Magnolia magisterial district)
shall constitute the fifth delegate district and shall elect one
delegate;

(6) The counties of Doddridge and Tyler, and enumeration
district three hundred ninety-one of the 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 constitute
the seventh delegate district and shall elect one delegate;
(8) The county of Wood and the county of Wirt shall constitute the eighth delegate district and shall elect five delegates;
(9) The counties of Braxton, Calhoun and Gilmer and the county of Clay (except for the Union magisterial district and enumeration district one hundred four of the Henry magisterial district) shall constitute the ninth delegate district and shall elect two delegates: Provided, That not more than one delegate may be nominated, elected or appointed who is a resident of any single county within the ninth delegate district;
(10) The counties of Roane and that portion of the county of Clay not contained within the ninth delegate district shall constitute the tenth delegate district and shall elect one delegate;
(11) The Washington, Grant and Ripley magisterial districts of the county of Jackson, enumeration districts four hundred twenty-six and four hundred twenty-eight of the Ravenswood magisterial district of the county of Jackson, block numbers one hundred one, one hundred two, one hundred three and one hundred four of block numbering area nine thousand nine hundred one within the Ravenswood magisterial district of the county of Mason shall constitute the eleventh delegate district and shall elect one delegate;
(12) The county of Putnam, the Carroll magisterial district of the county of Lincoln and those portions of the counties of Jackson and Mason not contained within the eleventh delegate district shall constitute the twelfth delegate district and shall elect four delegates: Provided, That not less than one delegate may be nominated, elected or appointed who is a resident of each of those portions of the counties of Mason and Putnam within the twelfth delegate district;
(13) The county of Cabell and all of the Westmoreland magisterial district of the county of Wayne except for census tracts two hundred one and two hundred four shall constitute the thirteenth delegate district and shall elect six delegates;
(14) The county of Wayne (except for the portions of the Westmoreland magisterial district not contained within census tracts two hundred one and two hundred four) shall constitute the fourteenth delegate district and shall elect two delegates;
(15) The county of Mingo shall constitute the fifteenth delegate district and shall elect two delegates;

(16) The county of Logan, the county of Lincoln (except for the Carroll magisterial district), the Washington magisterial district of the county of Boone and all of the Scott magisterial district of the county of Boone except for the portion contained within the city of Madison shall constitute the sixteenth delegate district and shall elect four delegates:

Provided, That not more than three delegates may be nominated, elected or appointed who are residents of any single county within the sixteenth delegate district;

(17) That portion of the county of Boone not contained within the sixteenth delegate district shall constitute the seventeenth delegate district and shall elect one delegate;

(18) The county of McDowell (except for enumeration districts five hundred eighty-five, five hundred eighty-eight and five hundred eighty-nine of the Browns Creek magisterial district and enumeration districts five hundred ninety, five hundred ninety-three-u and five hundred ninety-four of the Sandy River magisterial district) shall constitute the eighteenth delegate district and shall elect two delegates;

(19) That portion of the county of McDowell not contained within the eighteenth delegate district and the county of Wyoming (except for the Barkers Ridge magisterial district) shall constitute the nineteenth delegate district and shall elect two delegates;

(20) The county of Mercer and that portion of the county of Wyoming not contained within the nineteenth delegate district shall constitute the twentieth delegate district and shall elect four delegates;

(21) The county of Monroe, enumeration district two of the New River magisterial district of the county of Summers and enumeration districts nine, ten, eleven and twelve of the Greenbrier River magisterial district of the county of Summers shall constitute the twenty-first delegate district and shall elect one delegate;

(22) The county of Raleigh and that portion of the county of Summers not contained within the twenty-first delegate district shall constitute the twenty-second delegate district and shall elect five delegates: Provided, That not more than four delegates may be nominated, elected or appointed who
(23) The county of Kanawha shall constitute the twenty-third delegate district and shall elect twelve delegates; (24) The county of Fayette shall constitute the twenty-fourth delegate district and shall elect three delegates; (25) The county of Greenbrier shall constitute the twenty-fifth delegate district and shall elect two delegates; (26) The counties of Nicholas and Webster shall constitute the twenty-sixth delegate district and shall elect two delegates: Provided, That not less than one delegate may be nominated, elected or appointed who is a resident of any single county within the twenty-sixth delegate district; (27) The counties of Pocahontas and Randolph shall constitute the twenty-seventh delegate district and shall elect two delegates; (28) The county of Barbour and the county of Upshur shall constitute the twenty-eighth delegate district and shall elect two delegates: Provided, That not less than one delegate may be nominated, elected or appointed who is a resident of any single county within the twenty-eighth delegate district; (29) The county of Lewis shall constitute the twenty-ninth delegate district and shall elect one delegate; (30) The county of Harrison shall constitute the thirtieth delegate district and shall elect four delegates; (31) The counties of Marion and Taylor shall constitute the thirty-first delegate district and shall elect four delegates: Provided, That not less than one delegate may be nominated, elected or appointed who is a resident of any single county within the thirty-first delegate district; (32) The county of Monongalia shall constitute the thirty-second delegate district and shall elect four delegates; (33) The counties of Preston and Tucker shall constitute the thirty-third delegate district and shall elect two delegates; (34) The counties of Grant and Mineral shall constitute the thirty-fourth delegate district and shall elect two delegates: Provided, That not less than one delegate may be nominated, elected or appointed who is a resident of any single county within the thirty-fourth delegate district; (35) The counties of Pendleton and Hardy and the Mill Creek magisterial district of the county of Hampshire shall
constitute the thirty-fifth delegate district and shall elect one
delegate;

(36) The county of Hampshire (except for the Mill Creek
magisterial district), the Cacapon, Rock Gap and Timber
Ridge magisterial districts of the county of Morgan and
enumeration districts eighty and eighty-one of the Bath
magisterial district of the county of Morgan shall constitute
the thirty-sixth delegate district and shall elect one delegate;

(37) That portion of the county of Morgan not contained
within the thirty-sixth district, the Martinsburg magisterial
district of the county of Berkeley, the Hedgesville magisterial
district of the county of Berkeley (except for enumeration
districts five hundred eighty-three and five hundred
eighty-two) and block numbers two hundred three, two
hundred four, two hundred five, two hundred six, two
hundred seven, two hundred eight, two hundred nine, two
hundred ten, two hundred eleven, two hundred twelve, two
hundred eighteen and two hundred nineteen of block
numbering area nine thousand nine hundred three within the
Arden magisterial district of the county of Berkeley shall
constitute the thirty-seventh delegate district and shall elect
one delegate;

(38) That portion of the county of Berkeley not contained
within the thirty-seventh delegate district (except for the
Falling Waters and Opequon magisterial districts) shall
constitute the thirty-eighth delegate district and shall elect
one delegate;

(39) The Opequon and Falling Waters magisterial districts
of the county of Berkeley and the Shepherdstown and
Middleway magisterial districts of the county of Jefferson
shall constitute the thirty-ninth delegate district and shall
elect one delegate; and

(40) The Charles Town, Kabletown and Harpers Ferry
magisterial districts of the county of Jefferson shall
constitute the fortieth 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 eighty shall continue to
hold their offices as members of the House of Delegates for
the term, and as representatives of the county or delegate
Any appointment made prior to the first day of December, one thousand nine hundred eighty-two, 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 17th day of March, 1982.

Governor