WEST VIRGINIA LEGISLATURE

Third Extraordinary Session, 1991

ENROLLED

Com. Sub. for
HOUSE BILL No. 301

(By Delegates Damson & Staton)

Passed December 9, 1991

In Effect Passage
PRESENTED TO THE
GOVERNOR
Date 12/13/91
Time 1:25 PM
AN ACT to amend and reenact sections two and two-b, article two, chapter one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to apportionment of membership of the House of Delegates; describing such delegate districts; and requiring that precinct boundaries comport with senatorial and delegate districts.

Be it enacted by the Legislature of West Virginia:

That sections two and two-b, 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 House of Delegates Apportionment Act of 1991."

(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,
(2) "Block," "block group," "census tract," "place" and "voting district" 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 ninety 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 filed in the office of legislative services;

(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 ninety census of population and described on census maps prepared by the bureau of the census;

(c) The House of Delegates shall be composed of one hundred members elected from the delegate districts hereinafter described:

(1) The county of Hancock and Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 110, Block 111, Block 125, Block 126, Block 131 and Block 132 of Block Group 1 in Census Tract 0301 contained in voting district EP 26, Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 110, Block 111, Block 114 and Block 115 of Block Group 1 in Census Tract 0302 contained in voting district EP 26, Block 202, Block 203, Block 204, Block 205 and Block 206 of Block Group 2 in Census Tract 0302 contained in voting district EP 26, and Block 109, Block 112, Block 113, Block 114, Block 115, Block 119, Block 120, Block 121, Block 122 and Block 130 of Block Group 1 in Census Tract 0501 contained in voting district EP 34B of the Weirton magisterial district in the county of Brooke shall constitute the first delegate district and shall elect two delegates;

(2) That portion of Brooke county not included in the
first delegate district, voting district EP 12, voting
district EP 13, voting district EP 142, voting district EP
146, voting district EP 147, voting district EP 158,
vote district EP 159, voting district EP 160, voting
district EP 161, and Block 101A, Block 101B, Block
101C, Block 102, Block 103, Block 104, Block 105A,
Block 105B, Block 106A, Block 106B, Block 107, Block
108A, Block 108B, Block 109A, Block 109B, Block 110A,
Block 110B, Block 111A, Block 111B, Block 112, Block
113A, Block 113B, Block 114, Block 115A, Block 115B
and Block 118 of Block Group 1 in Census Tract 0020
contained in voting district EP 14, and Block 315A,
Block 315C, Block 316A and Block 316C of Block Group
3 in Census Tract 0020 contained in voting district EP
14 of the District One magisterial district of Ohio county
and voting district EP 134, voting district EP 135,
voting district EP 138, voting district EP 141, Block
319, Block 320, Block 321, Block 322 and Block 335 of
Block Group 3 in Census Tract 0018 contained in voting
district EP 137, and Block 413, Block 424, Block 428,
Block 429, Block 430, Block 431, Block 432 and Block
433 of Block Group 4 in Census Tract 0018 contained
in voting district EP 137, and Block 504A of Block
Group 5 in Census Tract 0018 contained in voting
district EP 137, and Block 601A, Block 602A, Block
603A, Block 607A, Block 610, Block 611, Block 612 and
Block 613 of Block Group 6 in Census Tract 0018
contained in voting district EP 137, and Block 701A of
Block Group 7 in Census Tract 0018 contained in voting
district EP 137 of the District Three magisterial district
of Ohio county shall constitute the second delegate
district and shall elect two delegates;

(3) That portion of Ohio county not included in the
second delegate district, except Block 206, Block 216,
Block 217, Block 218, Block 220, Block 221, Block 222
and Block 299 of Block Group 2 in Census Tract 0025
contained in voting district EP 100 of magisterial
District Three of Ohio county shall constitute the third
district and shall elect two delegates;

(4) The county of Marshall and Block 206, Block 216,
Block 217, Block 218, Block 220, Block 221, Block 222
and Block 299 of Block Group 2 in Census Tract 0025 contained in voting district EP 100 of magisterial District Three of Ohio county shall constitute the fourth delegate district and shall elect two delegates;

(5) The county of Wetzel except for voting district EP 37 and voting district EP 38 of magisterial District Two shall constitute the fifth delegate district and shall elect one delegate;

(6) The counties of Doddridge and Tyler and voting district EP 37 and voting district EP 38 of magisterial District Two of Wetzel county shall constitute the sixth delegate district and shall elect one delegate;

(7) The counties of Pleasants and Ritchie and voting district EP 27 and voting district EP 31 of the DeKalb-Troy magisterial district of Gilmer county shall constitute the seventh delegate district and shall elect one delegate;


(10) That portion of Wood county not included in the eighth or ninth delegate district shall constitute the tenth delegate district and shall elect three delegates;

(11) The county of Roane and voting district EP 23 of the Ripley magisterial district and all of the Washington magisterial district of Jackson county shall constitute the eleventh delegate district and shall elect one delegate;


(13) All of the Union magisterial district and voting district EP 13 and voting district EP 14 of the Ravenswood magisterial district of Jackson county, and all of the Cologne magisterial district, all of the Copper magisterial district, all of the Graham magisterial district, all of the Waggener magisterial district and voting district EP 1, voting district EP 10 and voting district EP 12 of the Robinson magisterial district of Mason county, and all of the Buffalo-Union magisterial district, all of the Pocatalico magisterial district, and voting district EP 27, voting district EP 28 of the Scott magisterial district and that portion of voting district EP 28 in the Teays magisterial district of Putnam county shall constitute the thirteenth delegate district and shall elect two delegates;

(14) That portion of Mason county not in the thirteenth delegate district and that portion of Putnam county not in the thirteenth delegate district shall constitute the fourteenth delegate district and shall elect two delegates;

(16) That portion of Cabell county not included in the
fifteenth delegate district and voting district EP 59, voting district EP 60, voting district EP 61 and voting district EP 63 of the Westmoreland magisterial district and that portion of voting district EP 59 in the Ceredo magisterial district of Wayne county shall constitute the sixteenth delegate district and shall elect three delegates;


(18) That portion of Wayne county not in the sixteenth or seventeenth delegate district shall constitute the eighteenth delegate district and shall elect one delegate;

(19) The county of Mingo and voting district EP 43 of the West magisterial district of Logan county shall constitute the nineteenth delegate district and shall elect two delegates;

(20) All of the county of Logan except voting district EP 43 of the West magisterial district and all of the county of Lincoln except the Carroll magisterial district and voting district EP 1, that portion of voting district EP 2, voting district EP 3, voting district EP 7, voting district EP 15, voting district EP 16, voting district EP 17 and voting district EP 18 of the District Three magisterial district and that portion of voting district EP 2, voting district EP 5 and voting district EP 9 of the District Two magisterial district of Boone county shall constitute the twentieth 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 twentieth
(21) That portion of Boone county not included in the twentieth delegate district shall constitute the twenty-first delegate district and shall elect one delegate;

(22) The county of McDowell shall constitute the twenty-second delegate district and shall elect two delegates;


(25) That portion of Mercer county not included in the twenty-third or twenty-fourth delegate district shall constitute the twenty-fifth delegate district and shall elect two delegates;


(27) The county of Raleigh except Block 101, Block 102, Block 103, Block 104, Block 106, Block 107, Block 108, Block 109, Block 137, Block 138, Block 142 and Block 143 of Block Group 1 in Tract 0112 contained in
voting district EP 61, and Block 301, Block 302, Block
303, Block 305, Block 330, Block 331, Block 332, Block
333, Block 334, Block 347, Block 348, Block 353 and
Block 354 of Block Group 3 in Census Tract 0112
contained in voting district EP 61 in the District Two
magisterial district and that portion of Summers county
not included in the twenty-sixth delegate district shall
considerate the twenty-seventh delegate district and shall
elect five delegates: Provided, That not more than five
delegates may be nominated, elected or appointed who
are residents of any county within the twenty-seventh
delegate district;

(28) The county of Greenbrier except voting district
EP 54 in the Meadow Bluff magisterial district shall
constitute the twenty-eighth delegate district and shall
elect two delegates;

(29) All of the county of Fayette, voting district EP
54 in the Meadow Bluff magisterial district of Greenb-
rier county, voting district EP 131 and voting district
EP 132 in the District One magisterial district of
Kanawha county, voting district EP 25 in the Jefferson
magisterial district of Nicholas county, and Block 101,
Block 102, Block 103, Block 104, Block 105, Block 106,
Block 107, Block 108, Block 109, Block 137, Block 138,
Block 142 and Block 143 of Block Group 1 in Census
Tract 0112 contained in voting district EP 61 and Block
101, Block 102, Block 103, Block 104, Block 105, Block
301, Block 302, Block 303, Block 305, Block 330, Block
331, Block 332, Block 333, Block 334, Block 347, Block
348, Block 353 and Block 354 of Block Group 3 in Census
Tract 0112 contained in voting district EP 61 in the
District Two magisterial district of Raleigh county shall
constitute the twenty-ninth delegate district and shall
elect three delegates;

(30) That portion of magisterial District One not
included in the twenty-ninth delegate district, all of the
magisterial District Two, voting district EP 307, voting
district EP 310, voting district EP 312, voting district
EP 313, voting district EP 314, voting district EP 350,
voting district EP 352, voting district EP 353, voting
district EP 355, voting district EP 356, voting district
and that portion of Block Group 1 in Census Tract 0132
contained in voting district EP 311, Block 201, Block
206, Block 207 and Block 208 of Block Group 2 in Census
Tract 0132, that portion of Block Group 3 in Census
Tract 0132 contained in voting district EP 311, Block
101, Block 102B, Block 120, Block 121, Block 122, Block
123, Block 124, Block 125, Block 126, Block 127, Block
128, Block 129, Block 130, Block 131, Block 132, Block
133, Block 134, Block 140, Block 141, Block 142, Block
143 and Block 199B of Block Group 1 in Census Tract
0134 contained in voting district EP 311 of magisterial
District Three, voting district EP 412, voting district
EP 414, voting district EP 444, voting district EP 447,
voting district EP 448, voting district EP 449, voting
district EP 450, voting district EP 453, voting district
EP 454, voting district EP 455, voting district EP 459,
voting district EP 462, voting district EP 463, that
portion of voting district EP 311, that portion of voting
district EP 350, that portion of voting district EP 355,
that portion of voting district EP 360 and that portion
of voting district EP 504 of the magisterial District
Four, voting district EP 501, voting district EP 502,
voting district EP 504, voting district EP 508, voting
district EP 509, voting district EP 510, voting district
EP 513, voting district EP 515, voting district EP 526,
voting district EP 527, voting district EP 528, voting
district EP 529, voting district EP 542, voting district
EP 546, voting district EP 547, voting district EP 549,
voting district EP 553, voting district EP 573, Block
201, Block 202, Block 203, Block 204, Block 205, Block
206, Block 207, Block 208, Block 209, Block 210, Block
211, Block 212, Block 213, Block 214 and Block 215 of
Block Group 2 in Census Tract 0005 contained in voting
district EP 541, Block 304 of Block Group 3 in Census
Tract 0005 contained in voting district EP 541, Block
305 of Block Group 3 in Census Tract 0011 contained
in voting district EP 541, that portion of Census Tract
0110 contained in voting district EP 541, Block 501A
and 504 of Block Group 5 in Census Tract 0011
contained in voting district EP 572 of magisterial
District Five and voting district EP 617, voting district
EP 620, voting district EP 641, voting district EP 642,
That portion of magisterial District Six of Kanawha county shall constitute the thirtieth delegate district and shall elect seven delegates;

That portion of Kanawha county not included in the thirtieth delegate district shall constitute the thirty-first delegate district and shall elect one delegate;

That portion of Kanawha county not included in the twenty-ninth, thirtieth or thirty-first delegate district shall constitute the thirty-second delegate district and shall elect four delegates;

The counties of Calhoun and Clay and voting district EP 12 and voting district EP 13 of the DeKalb-Troy magisterial district of Gilmer county shall constitute the thirty-third delegate district and shall elect one delegate;

The county of Braxton and the Center magisterial district, the City magisterial district and the Glenville magisterial district of Gilmer county shall constitute the thirty-fourth delegate district and shall elect one delegate;

The Grant magisterial district, the Hamilton magisterial district, the Summersville magisterial district, the Wilderness magisterial district, voting district EP 16 of the Beaver magisterial district, voting district EP 24, voting district EP 26 and voting district EP 27 of the Jefferson magisterial district, and voting district EP 28, voting district EP 29 and voting district EP 30 of the Kentucky magisterial district of Nicholas county shall constitute the thirty-fifth delegate district and shall elect one delegate;

The county of Webster and that portion of Nicholas county not included in the twenty-ninth or thirty-fifth delegate district shall constitute the thirty-sixth delegate district and shall elect one delegate;

The counties of Pocahontas and Randolph shall constitute the thirty-seventh delegate district and shall elect two delegates;
(38) The county of Lewis and voting district EP 4 and voting district EP 7 of the Banks magisterial district of Upshur county shall constitute the thirty-eighth delegate district and shall elect one delegate;

(39) The Buckhannon magisterial district, the Meade magisterial district, the Washington magisterial district, voting district EP 35, that portion of voting district EP 14 and that portion of voting district EP 15 of the Union magisterial district and voting district EP 6 of the Banks magisterial district of Upshur county shall constitute the thirty-ninth delegate district and shall elect one delegate;

(40) The county of Barbour and that portion of Upshur county not included in the thirty-eighth or thirty-ninth delegate district shall constitute the fortieth delegate district and shall elect one delegate;

(41) The county of Harrison shall constitute the forty-first delegate district and shall elect four delegates;

(42) The county of Taylor, voting district EP 125 of the Palatine magisterial district of Marion county, and voting district EP 62 of the Eastern magisterial district of Monongalia county shall constitute the forty-second delegate district and shall elect one delegate;

(43) That portion of Marion county not included in the forty-second delegate district shall constitute the forty-third delegate district and shall elect three delegates;

(44) That portion of Monongalia county not included in the forty-second delegate district shall constitute the forty-fourth delegate district and shall elect four delegates;

(45) All of the Grant magisterial district, all of the Kingwood magisterial district, all of the Pleasant magisterial district, that portion of voting district EP 6, voting district EP 17, voting district EP 18 and voting district EP 19 of the Portland magisterial district and voting district EP 9, voting district EP 12, that portion of Block Group 1 in Census Tract 9639 contained in voting district EP 10, that portion of Block Group 4 in Census Tract 9639 contained in voting district EP 10,
and Block 301, Block 302, Block 303, Block 304, Block 305B, Block 312B, Block 313, Block 314, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 326, Block 327, Block 338 and Block 399 of Block Group 3 in Census Tract 9639 contained in voting district EP 10, and Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338B, Block 340B, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368 and Block 399C of Block Group 3 in Census Tract 9643 contained in voting district EP 11 of the Valley magisterial district of Preston county shall constitute forty-fifth delegate district and shall elect one delegate;

(46) The county of Tucker and that portion of Preston county not included in the forty-fifth delegate district shall constitute the forty-sixth delegate district and shall elect one delegate;

(47) The county of Hardy and all of the county of Pendleton except voting district EP 13 of the Union magisterial district shall constitute the forty-seventh delegate district and shall elect one delegate;


county shall constitute the forty-ninth delegate district and shall elect one delegate;

(50) The county of Hampshire and that portion of Mineral county not included in the forty-eighth or forty-ninth delegate district shall constitute the fiftieth delegate district and shall elect one delegate;

(51) The county of Morgan and voting district EP 40, voting district EP 41 and voting district EP 42 of the Hedgesville magisterial district of Berkeley county shall constitute the fifty-first delegate district and shall elect one delegate;


(53) All of the Gerrardstown magisterial district, all of the Mill Creek magisterial district and voting district EP 29, voting district EP 31, voting district EP 34, voting district EP 35 and Block 119, Block 127, Block 128, Block 130, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142 and Block 143 of Block Group 1 in Census Tract 9720 contained in voting district EP 25 of the Arden magisterial district of Berkeley county shall constitute the fifty-third delegate district and shall elect one delegate;

(54) That portion of Berkeley county not included in the fifty-first, fifty-second or fifty-third delegate district shall constitute the fifty-fourth delegate district and shall elect one delegate;

(55) All of the Middleway magisterial district, all of
the Shepherdstown magisterial district, voting district
EP 22 of the Kabletown magisterial district and voting
district EP 13 of the Harpers Ferry magisterial district
of Jefferson county shall constitute the fifty-fifth
delegate district and shall elect one delegate; and

(56) That portion of Jefferson county not included in
the fifty-fifth delegate district shall constitute the fifty-
sixth delegate district and shall elect one delegate.

(d) Regardless of the changes in delegate district
boundaries made by the provisions of subsection (c) of
this section, the delegates elected at the general election
held in the year one thousand nine hundred ninety 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
ninety-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.

§1-2-2b. Precinct boundary changes.

1 If an election precinct of this state includes territory
2 contained in more than one senatorial or delegate
district, as such senatorial districts are established by
subsection (d), section one of this article, and as such
delegate districts are established by subsection (c),
section two of this article, it shall be the duty of the
county commission of the county in which such precinct
is located, prior to the fifteenth day of March, one
thousand nine hundred ninety-two, to alter the boundary
lines of its election precincts so that no precinct contains
territory included in more than one senatorial or
delegate district. The provisions of this section shall
govern and control notwithstanding any conflicting
 provision of section seven, article one, chapter three of
this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within ______ approved ______ this the ______ day of ____________, 1991.

Governor