WEST VIRGINIA LEGISLATURE
THIRD EXTRAORDINARY SESSION, 1991

ENROLLED
SENATE BILL NO. 1
(By Senator Wooton)

PASSED December 9th, 1991
In Effect from Passage
AN ACT to amend and reenact section one, article two, chapter one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to apportionment of the Senate into seventeen senatorial districts for the purpose of electing thirty-four members; defining terms; and requiring all actions necessary and related to such apportionment.

Be it enacted by the Legislature of West Virginia:

That section one, 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 1991".

(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 ninety, notwithstanding any boundary changes thereof made subsequent thereto;
(2) "Block", "block group", "census tract" 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;

(4) "Incumbent senator" means a senator elected at the general election held in the year one thousand nine hundred ninety 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 constitution must govern and control, as recognized in section one, article one 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 senators being elected biennially, and requires senatorial districts to be compact, formed of contiguous territory and bounded
by county lines. The Legislature finds and declares
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 subsection (d) hereof, has:

(1) Adhered to the equality of population concept,
while at the same time recognizing that from the
formation of this state in the year one thousand eight
hundred sixty-three, each constitution of West Vir-
ginia and the statutes enacted by the Legislature have
recognized political subdivision lines and many func-
tions, 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 ensure that all senatorial districts
were formed of contiguous territory or when adher-
ence 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; and

(5) Also taken into account in crossing county lines,
to the extent feasible, the community of 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 ninety-two, and biennially thereafter for a
four-year term from each of the senatorial districts
hereinafter in this subsection described and consti-
tuted as follows:

(1) The counties of Brooke and Hancock and all of
magisterial District One of Ohio county and voting
district EP 9, voting district EP 20, voting district EP
28, voting district EP 31, voting district EP 113, voting
district EP 115, voting district EP 116, voting district
EP 119, voting district EP 120, Block 302D and Block
320 of Block Group 3 in Census Tract 0002 contained in
voting district EP 24, Block 405B, Block 422 and Block
499B of Block Group 4 in Census Tract 0002 contained
in voting district EP 24, Block 101, Block 102, Block 103,
Block 104, Block 105, Block 106, Block 107, Block 108,
Block 109, Block 110, Block 111, Block 112, Block 113,
Block 114 and Block 116 of Block Group 1 in Census
Tract 0004 contained in voting district EP 24, Block 201
of Block Group 2 in Census Tract 0004 contained in
voting district EP 24, Block 105, Block 106, Block 107,
Block 109A and Block 110A of Block Group 1 in Census
Tract 0014 contained in voting district EP 43, Block
209A, Block 210, Block 211 and Block 212 of Block
Group 2 in Census Tract 0014 contained in voting
district EP 43, and Block 327, Block 328 and Block 329
of Block Group 3 in Census Tract 0015 contained in
voting district EP 43 of magisterial District Two of
Ohio county, and all of magisterial District Three of
Ohio county except voting district EP 87, voting
district EP 95, voting district EP 100, voting district EP
103 and voting district EP 104 shall constitute the first
senatorial district;

(2) The counties of Doddridge, Marshall, Ritchie,
Tyler, Wetzel and that portion of the county of Ohio
not included in the first senatorial district and voting
district EP 66, voting district EP 70, voting district EP
72, voting district EP 74 and voting district EP 78 of the
West Augusta magisterial district of the county of
Marion shall constitute the second senatorial district;

(3) The counties of Calhoun, Pleasants, Wirt and
Wood shall constitute the third senatorial district;
(4) The counties of Jackson, Mason, Putnam and Roane shall constitute the fourth senatorial district;

(5) The county of Cabell and voting district EP 12, voting district VTD 101, Block 103 of Block Group 1 in Census Tract 0202 contained in voting district EP 11, Block 199B of Block Group 1 in Census Tract 0202 contained in voting district EP 59, and Block 101B and Block 199E of Block Group 1 in Census Tract 0202 contained in voting district EP 21 in the Ceredo magisterial district, and that portion of voting district EP 59, voting district EP 63 and Block 101, Block 102, Block 103, Block 104 and Block 105 of Block Group 1 in Census Tract 0051 contained in voting district EP 60 in the Westmoreland magisterial district of the county of Wayne shall constitute the fifth senatorial district;

Enr. S. B. No. 1] 6

171 210A and Block 211A of Block Group 2 in Census Tract
172 0201 contained in voting district EP 11, Block 102, Block
173 104, Block 105, Block 106, Block 107, Block 108, Block
174 109, Block 110, Block 111, Block 112, Block 113, Block
175 114, Block 115, Block 116, Block 117, Block 118, Block
176 119, Block 120, Block 121 and Block 199A of Block
177 Group 1 in Census Tract 0202 contained in voting
district EP 11, Block 225 and Block 226 of Block Group
179 2 in Census Tract 0202 contained in voting district EP
180 11, and Block 218A of Block Group 2 in Census Tract
181 0203 contained in voting district EP 11, and Block 101A,
182 Block 102A, Block 103, Block 104, Block 120A, Block
183 122A, Block 122B, Block 124A, Block 156, Block 157 and
184 Block 199A of Block Group 1 in Census Tract 0204
185 contained in voting district EP 11, Block 101B, Block
186 102, Block 103, Block 104, Block 105, Block 106, Block
187 107, Block 108, Block 109, Block 110, Block 111, Block
188 112, Block 113B, Block 114, Block 115, Block 116, Block
189 117, Block 119, Block 120, Block 121, Block 122, Block
190 123, Block 124 and Block 134 of Block Group 1 in
191 Census Tract 0203 contained in voting district EP 21,
192 Block 401, Block 402, Block 417 and Block 418 of Block
193 Group 4 in Census Tract 0203 contained in voting
district EP 21, Block 505, Block 520, Block 522 and Block
194 523 of Block Group 5 in Census Tract 0203 contained in
195 voting district EP 21 of the Ceredo magisterial district
196 in the county of Wayne, and voting district EP 30,
197 voting district EP 31, voting district EP 34, voting
198 district EP 36, voting district EP 37, and that portion of
199 voting district EP 3 of the Stonewall magisterial
district in the county of Wayne, and voting district EP
200 48, Block 318 of Block Group 3 in Census Tract 0206
201 contained in voting district EP 53, Block 144 and Block
204 145 of Block Group 1 in Census Tract 0207 contained in
205 voting district EP 53, Block 255B of Block Group 2 in
206 Census Tract 0207 contained in voting district EP 53,
207 Block 464B of Block Group 4 in Census Tract 0206
208 contained in voting district EP 54, and Block 319B,
209 Block 315B and Block 314B of Block Group 3 in Census
210 Tract 0209 contained in voting district EP 54 of the
211 Union magisterial district in the county of Wayne, and
212 voting district EP 14, voting district EP 19, voting
(7) The counties of Boone, Lincoln and Logan and the portion of the county of Wayne not included in the fifth or sixth senatorial districts shall constitute the seventh senatorial district;

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

(9) The counties of Raleigh and Wyoming shall constitute the ninth senatorial district;

(10) The counties of Monroe and Summers and that portion of the county of Mercer not included in the sixth senatorial district, and voting district EP 68, voting district EP 72 and voting district EP 74 of the New Haven magisterial district of Fayette county, and voting district EP 3, voting district EP 4, voting district EP 5, voting district EP 9, voting district EP 10, voting district EP 11, voting district EP 12, voting district EP 14, voting district EP 19, voting district EP 23, voting district EP 24, Block 225A, Block 228A, Block 229 and Block 230 of Block Group 2 in Census Tract 0202 contained in voting district EP 8, Block 312A, Block 312B, Block 312C, Block 317A, Block 317B, Block 318, Block 319, Block 320A, Block 320B, Block 321, Block 322A, Block 322B, Block 323, Block 324, Block 325, Block 326, Block 327 and Block 328 of Block Group 3 in Census Tract 0202 contained in voting district EP 8, Block 401A, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414A, Block 415, Block 416 and Block 417 of Block Group 4 in Census Tract 0202 contained in voting district EP 8, Block 536, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544, Block 545, Block 546, Block 547, Block 548, Block 552, Block 553, Block 554 and Block 555 of Block Group 5 in Census Tract 0202 contained in voting district EP 8, Block 330, Block 331, Block 334, Block 335, Block 337, Block 338,
Enr. S. B. No. 1

253 Block 339, Block 340, Block 342, Block 343, Block 344,
254 Block 345, Block 346 and Block 347 of Block Group 3 in
255 Census Tract 0203 contained in voting district EP 13,
256 Block 101A, Block 101B, Block 102A, Block 102B, Block
257 103, Block 104, Block 105, Block 106, Block 108, Block
258 109, Block 110, Block 111, Block 112, Block 113, Block
259 114, Block 116, Block 117, Block 119, Block 120, Block
260 121A, Block 121B, Block 122, Block 123A, Block 123B,
261 Block 124A, Block 124B, Block 125A, Block 126, Block
262 127 and Block 128 of Block Group 1 in Census Tract
263 0204 contained in voting district EP 13, Block 501A,
264 Block 503, Block 504, Block 505, Block 506, Block 507,
265 Block 508, Block 509, Block 510, Block 511, Block 512,
266 Block 513, Block 514, Block 515, Block 516, Block 517,
267 Block 518, Block 519, Block 520, Block 521, Block 522,
268 Block 523A, Block 524, Block 525A, Block 526, Block
269 527A, Block 528A, Block 528B, Block 529A, Block 532,
270 Block 534A, Block 535, Block 537, Block 538, Block 549,
271 Block 550 and Block 551 of Block Group 5 in Census
272 Tract 0202 contained in voting district EP 15, Block
273 001A of Block Group 6 in Census Tract 0202 contained
274 in voting district EP 15, Block 307, Block 309A, Block
275 309B and Block 315 of Block Group 3 in Census Tract
276 0202 contained in voting district EP 16, and Block 234A
277 of Block Group 2 in Census Tract 0206 contained in
278 voting district EP 18 of the Plateau magisterial district
279 of Fayette county shall constitute the tenth senatorial
district;
280

281 (11) The counties of Clay, Greenbrier, Nicholas and
282 Webster and that portion of the county of Fayette not
283 included in the tenth senatorial district shall constitute
284 the eleventh senatorial district;
285

286 (12) The counties of Braxton, Gilmer, Harrison and
287 Lewis shall constitute the twelfth senatorial district;
288

289 (13) That portion of the county of Marion not
290 included in the second senatorial district, and all of the
291 Central magisterial district of Monongalia county, and
292 voting district EP 40, voting district EP 41, voting
293 46, voting district EP 47, voting district EP 49, voting
district EP 51, voting district EP 52, voting district EP
93

$\text{93 voting district EP 54, voting district EP 55, voting}$

$\text{district EP 56, voting district EP 58, voting district EP}$

$\text{70, voting district EP 71, voting district EP 72, voting}$

$\text{district EP 73, voting district EP 74, voting district EP}$

$\text{75 and Block 301B, Block 302B and Block 399B of Block}$

$\text{Group 3 in Census Tract 0112 contained in voting}$

$\text{district EP 48, Block 401, Block 402, Block 403, Block}$

$\text{404, Block 405, Block 406, Block 407, Block 408, Block}$

$\text{409, Block 410, Block 411, Block 412, Block 413A, Block}$

$\text{413B, Block 414, Block 415, Block 416, Block 417, Block}$

$\text{418, Block 419, Block 420, Block 421, Block 422, Block}$

$\text{423, Block 424, Block 425 and Block 499 of Block Group}$

$\text{4 in Census Tract 0112 contained in voting district EP}$

$\text{48, Block 501B, Block 502A, Block 502B, Block 502C,}$

$\text{Block 503A, Block 503B, Block 503C, Block 504A, Block}$

$\text{504B, Block 505A, Block 505B, Block 506, Block 507A,}$

$\text{507B, Block 508, Block 509A, Block 509B, Block}$

$\text{510, Block 511, Block 512, Block 513, Block 514A, Block}$

$\text{514B, Block 515A, Block 515B, Block 516A, Block 516B,}$

$\text{Block 517, Block 518, Block 519A, Block 519B, Block}$

$\text{520A, Block 520B, Block 521A and Block 521B of Block}$

$\text{Group 5 in Census Tract 0112 contained in voting}$

$\text{district EP 48, Block 301, Block 302, Block 303, Block}$

$\text{304, Block 305, Block 306, Block 307, Block 308, Block}$

$\text{309, Block 311, Block 312, Block 313, Block 314, Block}$

$\text{315, Block 316, Block 317, Block 355A, Block 355B, Block}$

$\text{357A, Block 357B, Block 358, Block 360, Block 362 and}$

$\text{Block 399 of Block Group 3 in Census Tract 0115}$

$\text{contained in voting district EP 48 of the Western}$

$\text{magisterial district of Monongalia county, and that}$

$\text{portion of voting district EP 22, that portion of voting}$

$\text{district EP 30, voting district EP 32, voting district EP}$

$\text{36, voting district EP 39, voting district EP 76, voting}$

$\text{district EP 80, voting district EP 81, voting district EP}$

$\text{82, voting district EP 83, voting district EP 84, voting}$

$\text{district EP 86, that portion of voting district EP 87,}$

$\text{voting district EP 88, voting district EP 89, voting}$

$\text{district EP 91, Block 418B, Block 419C, Block 419D and}$

$\text{Block 421B of Block Group 4 in Census Tract 0108}$

$\text{contained in voting district EP 35, Block 101D, Block}$

$\text{102, Block 103, Block 105 and Block 110 of Block Group}$

$\text{1 in Census Tract 0109 contained in voting district EP}$
336 35, Block 731B, Block 732B, Block 733 and Block 734B of Block Group 7 in Census Tract 0109 contained in voting district EP 35, Block 301C, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310 of Block Group 8 in Census Tract 0109 contained in voting district EP 35, Block 315B of Block Group 3 in Census Tract 0110 contained in voting district EP 35, Block 315A of Block Group 5 in Census Tract 0110 contained in voting district EP 79, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131A, Block 131B, Block 132A, Block 132B, Block 133A, Block 133B, Block 134, Block 135, Block 136, Block 137A, Block 137B, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156A, Block 156B, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 199A, Block 199B, Block 199C, Block 199D, Block 199E, Block 199F, Block 199G, Block 199H and Block 199I of Block Group 1 in Census Tract 0117 contained in voting district EP 79, Block 613B of Block Group 6 in Census Tract 0110 contained in voting district EP 85, and Block 701, Block 702A, Block 702B and Block 703 of Block Group 7 in Census Tract 0110 contained in voting district EP 85 of the Eastern magisterial district of Monongalia county shall constitute the thirteenth senatorial district;

voting district EP 13, voting district EP 14, voting
district EP 15, voting district EP 32 and that portion of
voting district EP 5 in magisterial District Three of
Mineral county shall constitute the fourteenth senato-
rial district;

(15) The counties of Hampshire, Hardy, Randolph,
Pendleton, Pocahontas and Upshur and that portion of
the county of Grant not included in the fourteenth
senatorial district, and that portion of the county of
Mineral county not included in the fourteenth senato-
rial district shall constitute the fifteenth senatorial
district;

(16) The counties of Berkeley, Jefferson and Morgan
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 constitution 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 or she 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 ninety-nine, acts of the Legislature, one thousand nine hundred eighty-two, 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 eighty-eight
and at the general election held in the year one
thousand nine hundred ninety 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 appoint-
ment 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 vacating 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) The secretary of state may promulgate rules and
regulations to implement the provisions of this section,
including emergency rules and regulations promul-
gated pursuant to the provisions of section five, article
three, chapter twenty-nine-a of this code.
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.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ..... this the ............... day of ............... , 1991.

Governor