WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003

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ENROLLED

House Bill No. 3093

(By Mr. Speaker, Mr. Kiss, and Delegates Staton,
Kominar and Trump)

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Passed March 8, 2003

In Effect Ninety Days from Passage

ENROLLED

H. B. 3093

(BY MR. SPEAKER, MR. KISS, AND DELEGATES STATON,
KOMINAR AND TRUMP)

[Passed March 8, 2003; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article one, chapter three
of the code of West Virginia, one thousand nine hundred thirty-
one, as amended, relating to requiring county commissions to
follow geographic physical features recognized by the U.S.
Census Bureau when determining precinct boundaries.

Be it enacted by the Legislature of West Virginia:

That section five, article one, chapter three of the code of West
Virginia, one thousand nine hundred thirty-one, as amended, be
amended and reenacted to read as follows:

§3-1-5. Voting precincts and places established; number of voters in precincts; precinct map; municipal map.

1   (a) The precinct shall be the basic territorial election unit.
2 The county commission shall divide each magisterial district of
3 the county into election precincts, shall number the precincts,
4 shall determine and establish the boundaries thereof, and shall

5   designate one voting place in each precinct, which place shall
6   be established as nearly as possible at the point most convenient
7   for the voters of the precinct. Each magisterial district shall
8   contain at least one voting precinct and each precinct shall have
9   but one voting place therein.

10   Each precinct within any urban center shall contain not less
11   than three hundred nor more than one thousand five hundred
12   registered voters. Each precinct in a rural or less thickly settled
13   area shall contain not less than two hundred nor more than
14   seven hundred registered voters, unless upon a written finding
15   by the county commission that establishment of or retention of
16   a precinct of less than two hundred voters would prevent undue
17   hardship to the voters, the secretary of state determines that
18   such precinct be exempt from the two hundred voter minimum
19   limit. If, at any time the number of registered voters exceeds the
20   maximum number specified, the county commission shall
21   rearrange the precincts within the political division so that the
22   new precincts each contain a number of registered voters within
23   the designated limits. If a county commission fails to rearrange
24   the precincts as required, any qualified voter of the county may
25   apply for a writ of mandamus to compel the performance of this
26   duty: *Provided,* That when in the discretion of the county
27   commission, there is only one place convenient to vote within
28   the precinct and when there are more than seven hundred
29   registered voters within the existing precinct, the county
30   commission may designate two or more precincts with the same
31   geographic boundaries and which have voting places located
32   within the same building. The county commission shall
33   designate alphabetically the voters who will be eligible to vote
34   in each precinct so created. Each such precinct shall be operated
35   separately and independently with separate voting booths, ballot
36   boxes, election commissioners and clerks, and whenever
37   possible, in separate rooms. No two of such precincts may use
38   the same counting board.

39   (b) In order to facilitate the conduct of local and special
40   elections and the use of election registration records therein,
41   precinct boundaries shall be established to coincide with the
42   boundaries of any municipality of the county and with the
43   wards or other geographical districts of the municipality except
44   in instances where found by the county commission to be
45   wholly impracticable so to do. Governing bodies of all munici-
46   palities shall provide accurate and current maps of their
47   boundaries to the clerk of any county commission of a county
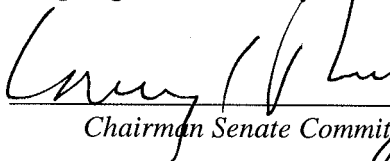48   in which any portion of the municipality is located.

49   (c) To facilitate the federal and state redistricting process,
50   precinct boundaries must be comprised of intersecting geo-
51   graphic physical features or municipal boundaries recognized
52   by the U.S. Census Bureau. For purposes of this subsection,
53   geographic physical features include streets, roads, streams,
54   creeks, rivers, railroad tracks and mountain ridge lines. The
55   county commission of every county must modify precinct
56   boundaries to follow geographic physical features or municipal
57   boundaries and submit changes to the West Virginia office of
58   legislative services by June 30, 2007 and by the thirtieth day of
59   June, every ten calendar years thereafter. The County Commis-
60   sion must also submit precinct boundary details to the U.S.
61   Census Bureau upon request.

62   The West Virginia office of legislative services shall be
63   available for consultation with the county commission regard-
64   ing the precinct modification process: *Provided*, That nothing
65   in this subsection removes or limits the ultimate responsibility
66   of the county commission to modify precinct boundaries to
67   follow geographic physical features.

68   (d) The provisions of this section are subject to the provi-
69   sions of section twenty-eight, article four of this chapter
70   relating to the number of voters in precincts in which voting
71   machines are used.

72   (e) The county commission shall keep available at all times
73   during business hours in the courthouse at a place convenient
74   for public inspection a map or maps of the county and munici-
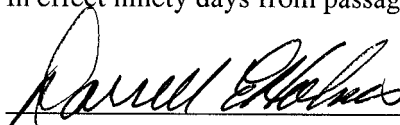75   palities with the current boundaries of all precincts.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.
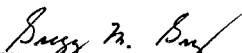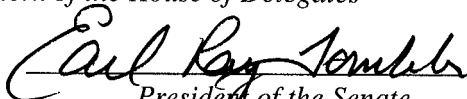
_____
Chairman Senate Committee

_____
Chairman House Committee

Originating in the House.

In effect ninety days from passage

_____
Clerk of the Senate

_____
Clerk of the House of Delegates

_____
President of the Senate

_____
Speaker of the House of Delegates

The within _____ this the _____

day of _____ 2003.

_____
Governor