

**H. B. 2742**

(By Delegates Overington, Sobonya, Raines, Householder,  
Frich, Ellington, Butler, Kump and Smith R.)

[Introduced February 26, 2013; referred to the  
Committee on the Judiciary then Finance.]

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §1-2-2a, relating to  
requiring that the Redistricting Office of the Joint Committee  
on Government and Finance plan and propose congressional and  
legislative districts; providing specific criteria that the  
redistricting office must observe in proposing district  
mappings; requiring the redistricting office to advertise a  
proposed draft map of districts to the public; requiring the  
redistricting office to recommend redistricting plan to the  
Legislature; requiring the full Legislature to vote on plan  
ratification; providing for subsequent submissions of plans  
and vote by Legislature; requiring that commission certify to  
the Secretary of State that its final proposal for district  
boundaries is in accordance with constitutional and legal  
requirements; and prohibiting certain persons from influencing  
or attempting to influence district mapping proposals of the

1       redistricting office.

2 *Be it enacted by the Legislature of West Virginia:*

3       That the Code of West Virginia, 1931, as amended, be amended  
4 by adding thereto a new section, designated §1-2-2a, to read as  
5 follows:

6 **ARTICLE 2.   APPORTIONMENT OF REPRESENTATION.**

7 **§1-2-2a.   Redistricting Office of Joint Committee on Government and**  
8                   **Finance to study and propose fair, balanced and**  
9                   **rational plan to redistrict.**

10       (a) Preparation for redistricting. -- The Redistricting Office  
11 of the Joint Committee on Government and Finance shall acquire  
12 appropriate information, review and evaluate available facilities,  
13 and develop programs and procedures in preparation for drawing  
14 congressional and legislative redistricting plans on the basis of  
15 each federal census. Funds shall be expended for the purchase or  
16 lease of equipment and materials only with prior approval of the  
17 Joint Committee on Government and Finance.

18       (b) By December 31 of each year ending in zero, the  
19 Redistricting Office of the Joint Committee on Government and  
20 Finance shall obtain from the United States Bureau of the Census  
21 information regarding geographic and political units in this state  
22 for which federal census population data has been gathered and will  
23 be tabulated. The Redistricting Office of the Joint Committee on

1 Government and Finance shall use the data so obtained to:

2       (1) Prepare necessary descriptions of geographic and political  
3 units for which census data will be reported, and which are  
4 suitable for use as components of legislative districts; and

5       (2) Prepare maps of counties, cities and other geographic  
6 units within the state, which may be used to illustrate the  
7 locations of legislative district boundaries proposed in plans  
8 drawn in accordance with this section.

9       (c) As soon as possible after January 1 of each year ending in  
10 one, the Redistricting Office of the Joint Committee on Government  
11 and Finance shall obtain from the United States Bureau of the  
12 Census the population data needed for legislative districting which  
13 the Census Bureau is required to provide this state under the  
14 United States Census 2000 Public Law 94-171 and will use that data  
15 to assign a population figure based upon certified federal census  
16 data to each geographic or political unit described pursuant to the  
17 provisions of this subsection. Upon completing that task, the  
18 Redistricting Office of the Joint Committee on Government and  
19 Finance shall begin the preparation of congressional and  
20 legislative districting plans as required by this section.

21       (d) Timetable for preparation of plan. --

22       (1) Not later than April 1 of each year ending in one, the  
23 Redistricting Office of the Joint Committee on Government and  
24 Finance shall deliver to the Clerk of the Senate and the Clerk of

1 the House of Delegates identical bills embodying a plan of  
2 legislative and congressional districting prepared in accordance  
3 with this section. It is the intent of this section that the  
4 Legislature shall bring the bill to a vote in either the Senate or  
5 the House of Delegates expeditiously, but not less than three  
6 months after the report of the Redistricting Office of the Joint  
7 Committee on Government and Finance required by this section is  
8 received and made available to the members of the Legislature,  
9 under a procedure or rule permitting no amendments except those of  
10 a purely corrective nature. It is further the intent of this  
11 section that if the bill is approved by the first house in which it  
12 is considered, it shall expeditiously be brought to a vote in the  
13 second house under a similar procedure or rule.

14       (2) If the bill embodying the plan submitted by the  
15 Redistricting Office of the Joint Committee on Government and  
16 Finance fails to be approved by a constitutional majority in either  
17 the Senate or the House of Delegates, the Clerk of the Senate or  
18 the Clerk of the House, as the case may be, shall at once transmit  
19 to the Redistricting Office of the Joint Committee on Government  
20 and Finance information which the Senate or House may direct  
21 regarding reasons why the plan was not approved. The Redistricting  
22 Office of the Joint Committee on Government and Finance shall  
23 prepare a bill embodying a second plan of legislative and  
24 congressional districting prepared in accordance with this section,

1 and taking into account the reasons cited by the Senate or House of  
2 Delegates for its failure to approve the plan insofar as it is  
3 possible to do so within the requirements of this section. If a  
4 second plan is required under this section, the bill embodying it  
5 shall be delivered to the Clerk of the Senate and the Clerk of the  
6 House of Delegates not later than two months after the date of the  
7 vote by which the Senate or the House of Delegates fails to approve  
8 the bill first submitted. It is the intent of this section that,  
9 if it is necessary to submit a bill under this section, the bill be  
10 brought to a vote not less than two months after the bill is  
11 printed and made available to the members of the Legislature, in  
12 the same manner as prescribed for the first bill required under  
13 this section.

14       (3) If the bill embodying the plan submitted by the  
15 Redistricting Office of the Joint Committee on Government and  
16 Finance under subdivision (2) of this section fails to be approved  
17 by a constitutional majority in either the Senate or the House of  
18 Delegates, the same procedure as prescribed by subdivision (2)  
19 shall be followed. If a third plan is required under this section,  
20 the bill embodying it shall be delivered to the Clerk of the Senate  
21 and the Clerk of the House of Delegates not later than two months  
22 after the date of the vote by which the Senate or the House of  
23 Delegates fails to approve the bill submitted under subdivision  
24 (2), but before the beginning of the next regular session of the

1 Legislature. It is the intent of this section that, if it is  
2 necessary to submit a bill under this subsection, the bill be  
3 brought to a vote within the same time period after its delivery to  
4 the Clerk of the Senate and the Clerk of the House of Delegates as  
5 is prescribed for the bill submitted under subdivision (2), but  
6 shall be subject to amendment in the same manner as other bills.

7 (4) Notwithstanding any other provision of this section:

8 (A) If population data from the federal census which is  
9 sufficient to permit preparation of a congressional districting  
10 plan complying with article one, section four of the Constitution  
11 of West Virginia becomes available at an earlier time than the  
12 population data needed to permit preparation of a legislative  
13 districting plan in accordance with this section, the Redistricting  
14 Office of the Joint Committee on Government and Finance shall so  
15 inform the presiding officers of the Senate and House of Delegates.  
16 If the presiding officers so direct, the Redistricting Office of  
17 the Joint Committee on Government and Finance shall prepare a  
18 separate bill establishing congressional districts and submit it  
19 separately from the bill establishing legislative districts. It is  
20 the intent of this section that the Legislature shall proceed to  
21 consider the congressional districting bill in substantially the  
22 manner prescribed by this section.

23 (B) If the population data for legislative districting which  
24 the United States Census Bureau is required to provide this state

1 under United States Census 2000 Public Law 94-171 is not available  
2 to the Redistricting Office of the Joint Committee on Government  
3 and Finance on or before February 1 of the year ending in one, the  
4 dates set forth in this section shall be extended by a number of  
5 days equal to the number of days after February 1 of the year  
6 ending in one that the federal census population data for  
7 legislative districting becomes available.

8 (e) The Redistricting Office of the Joint Committee on  
9 Government and Finance shall plan and propose congressional and  
10 legislative districts. The commencement of the proposed mapping  
11 process for both the congressional and legislative districts shall  
12 be the creation of districts of equal population in a grid-like  
13 pattern across the state. Adjustments to the grid shall then be  
14 made as necessary to accommodate the goals as set forth below:

15 (1) Districts shall comply with the United States Constitution  
16 and the United States Voting Rights Act;

17 (2) Congressional districts shall have equal population to the  
18 extent practicable, and state legislative districts shall have  
19 equal population to the extent practicable;

20 (3) Districts shall be geographically compact and contiguous  
21 to the extent practicable;

22 (4) District boundaries shall respect communities of interest  
23 to the extent practicable;

24 (5) To the extent practicable, district lines shall use

1 visible geographic features, city, town and county boundaries, and  
2 undivided census tracts; and

3 (6) A district may not be drawn for the purpose of favoring a  
4 political party, incumbent Legislator or member of Congress, or  
5 other person or group, or for the purpose of augmenting or diluting  
6 the voting strength of a language or racial minority group. In  
7 establishing districts, no use may be made of any of the following  
8 data:

9 (A) Address of incumbent Legislators or members of Congress;

10 (B) Political affiliations of registered voters;

11 (C) Previous election results; and

12 (D) Demographic information, other than population head  
13 counts, except as required by the Constitution and laws of the  
14 United States.

15 (f) Party registration and voting history data shall be  
16 excluded from the mapping process. The places of residence of  
17 incumbents or candidates shall not be identified or considered.

18 (g) The Redistricting Office of the Joint Committee on  
19 Government and Finance shall advertise a proposed draft map of  
20 congressional districts and a proposed draft map of legislative  
21 districts to the public for comment, which comment shall be taken  
22 for at least thirty days. Any member of either body of the  
23 Legislature may, within this period, make inquiry of the  
24 independent redistricting commission concerning its methodology or



1 proposed redistrict mapping, which inquiry shall be fully addressed  
2 by the independent redistricting commission. The independent  
3 redistricting commission shall then make and publish its final  
4 proposal for district boundaries and recommend the plan to the  
5 Legislature, which shall vote as a full body upon it.

6       (h) The provisions regarding this section are self-executing.  
7 The independent redistricting commission shall certify to the  
8 Secretary of State that its final proposal for district boundaries  
9 of congressional and legislative districts are in accordance with  
10 those constitutional and legal requirements and considerations as  
11 provided in this section.

12       (i) An elected or appointed office holder, lobbyist, official  
13 of a political party, or other person affiliated with an elected or  
14 appointed office holder, lobbyist or official of a political party,  
15 may not influence or attempt to influence the district-mapping  
16 proposals of the Redistricting Office of the Joint Committee on  
17 Government and Finance.

18       (j) The Redistricting Office of the Joint Committee on  
19 Government and Finance may not meet or incur expenses after the  
20 proposed redistricting plan is completed, except if litigation or  
21 government approval of the plan is pending, or to revise districts  
22 if required by court decisions or if the number of congressional or  
23 legislative districts is changed.

NOTE: The purpose of this bill is to provide for the Redistricting Office of the Joint Committee on Government and Finance to propose redistricting plans during census years. The main task of the Redistricting Office is to propose a plan to the Legislature which is based on constitutional and legal requirements and considerations. The bill provides specific criteria that the redistricting office must observe in proposing district mappings. The bill requires the redistricting office to advertise a proposed draft map of districts to the public. The bill requires the redistricting office to recommend redistricting plan to the Legislature. The bill requires the full Legislature to vote on plan ratification. The bill provides for subsequent submissions of plans and vote by Legislature. The bill requires that the commission certify to the Secretary of State that its final proposal for district boundaries is in accordance with constitutional and legal requirements. The bill prohibits certain persons from influencing or attempting to influence district mapping proposals of the redistricting office.

This section is new; therefore, it has been completely underscored.