

**H. B. 2129**

(By Delegate Overington, Foster, Frich, Householder, Moffatt, Faircloth, Hamilton, Rowan,  
Espinosa, Upson and Butler)

[Introduced January 20, 2015; referred to the  
Committee on the Judiciary.]

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 redistricting office.

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

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

3 **ARTICLE 2. APPORTIONMENT OF REPRESENTATION.**

4 **§1-2-2a. Redistricting Office of Joint Committee on Government and Finance to study and**  
5 **propose fair, balanced and rational plan to redistrict.**

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

12 (b) By December 31 of each year ending in zero, the Redistricting Office of the Joint  
13 Committee on Government and Finance shall obtain from the United States Bureau of the Census  
14 information regarding geographic and political units in this state for which federal census population  
15 data has been gathered and will be tabulated. The Redistricting Office of the Joint Committee on  
16 Government and Finance shall use the data so obtained to:

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

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

22 (c) As soon as possible after January 1 of each year ending in one, the Redistricting Office

1 of the Joint Committee on Government and Finance shall obtain from the United States Bureau of  
2 the Census the population data needed for legislative districting which the Census Bureau is required  
3 to provide this state under the United States Census 2000 Public Law 94-171 and will use that data  
4 to assign a population figure based upon certified federal census data to each geographic or political  
5 unit described pursuant to the provisions of this subsection. Upon completing that task, the  
6 Redistricting Office of the Joint Committee on Government and Finance shall begin the preparation  
7 of congressional and legislative districting plans as required by this section.

8 (d) *Timetable for preparation of plan.* --

9 (1) Not later than April 1 of each year ending in one, the Redistricting Office of the Joint  
10 Committee on Government and Finance shall deliver to the Clerk of the Senate and the Clerk of the  
11 House of Delegates identical bills embodying a plan of legislative and congressional districting  
12 prepared in accordance with this section. It is the intent of this section that the Legislature shall  
13 bring the bill to a vote in either the Senate or the House of Delegates expeditiously, but not less than  
14 three months after the report of the Redistricting Office of the Joint Committee on Government and  
15 Finance required by this section is received and made available to the members of the Legislature,  
16 under a procedure or rule permitting no amendments except those of a purely corrective nature. It  
17 is further the intent of this section that if the bill is approved by the first house in which it is  
18 considered, it shall expeditiously be brought to a vote in the second house under a similar procedure  
19 or rule.

20 (2) If the bill embodying the plan submitted by the Redistricting Office of the Joint  
21 Committee on Government and Finance fails to be approved by a constitutional majority in either  
22 the Senate or the House of Delegates, the Clerk of the Senate or the Clerk of the House, as the case

1 may be, shall at once transmit to the Redistricting Office of the Joint Committee on Government and  
2 Finance information which the Senate or House may direct regarding reasons why the plan was not  
3 approved. The Redistricting Office of the Joint Committee on Government and Finance shall  
4 prepare a bill embodying a second plan of legislative and congressional districting prepared in  
5 accordance with this section, and taking into account the reasons cited by the Senate or House of  
6 Delegates for its failure to approve the plan insofar as it is possible to do so within the requirements  
7 of this section. If a second plan is required under this section, the bill embodying it shall be  
8 delivered to the Clerk of the Senate and the Clerk of the House of Delegates not later than two  
9 months after the date of the vote by which the Senate or the House of Delegates fails to approve the  
10 bill first submitted. It is the intent of this section that, if it is necessary to submit a bill under this  
11 section, the bill be brought to a vote not less than two months after the bill is printed and made  
12 available to the members of the Legislature, in the same manner as prescribed for the first bill  
13 required under this section.

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

1 Clerk of the Senate and the Clerk of the House of Delegates as is prescribed for the bill submitted  
2 under subdivision (2), but shall be subject to amendment in the same manner as other bills.

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

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

14 (B) If the population data for legislative districting which the United States Census Bureau  
15 is required to provide this state under United States Census 2000 Public Law 94-171 is not available  
16 to the Redistricting Office of the Joint Committee on Government and Finance on or before February  
17 1 of the year ending in one, the dates set forth in this section shall be extended by a number of days  
18 equal to the number of days after February 1 of the year ending in one that the federal census  
19 population data for legislative districting becomes available.

20 (e) The Redistricting Office of the Joint Committee on Government and Finance shall plan  
21 and propose congressional and legislative districts. The commencement of the proposed mapping  
22 process for both the congressional and legislative districts shall be the creation of districts of equal

1 population in a grid-like pattern across the state. Adjustments to the grid shall then be made as  
2 necessary to accommodate the goals as set forth below:

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

5 (2) Congressional districts shall have equal population to the extent practicable, and state  
6 legislative districts shall have equal population to the extent practicable;

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

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

9 (5) To the extent practicable, district lines shall use visible geographic features, city, town  
10 and county boundaries, and undivided census tracts; and

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

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

16 (B) Political affiliations of registered voters;

17 (C) Previous election results; and

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

20 (f) Party registration and voting history data shall be excluded from the mapping process.

21 The places of residence of incumbents or candidates shall not be identified or considered.

22 (g) The Redistricting Office of the Joint Committee on Government and Finance shall

1 advertise a proposed draft map of congressional districts and a proposed draft map of legislative  
2 districts to the public for comment, which comment shall be taken for at least thirty days. Any  
3 member of either body of the Legislature may, within this period, make inquiry of the independent  
4 redistricting commission concerning its methodology or proposed redistrict mapping, which inquiry  
5 shall be fully addressed by the independent redistricting commission. The independent redistricting  
6 commission shall then make and publish its final proposal for district boundaries and recommend  
7 the plan to the Legislature, which shall vote as a full body upon it.

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

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

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