

H. B. 2833

(By Delegates Overington, Sobonya and J. Miller)
[Introduced January 24, 2011; referred to the
Committee on the Judiciary then Finance.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §1-2-2a, relating to
12 requiring that the Redistricting Office of the Joint Committee
13 on Government and Finance plan and propose congressional and
14 legislative districts; providing specific criteria that the
15 redistricting office must observe in proposing district
16 mappings; requiring the redistricting office to advertise a
17 proposed draft map of districts to the public; requiring the
18 redistricting office to recommend redistricting plan to the
19 Legislature; requiring the full Legislature to vote on plan
20 ratification; providing for subsequent submissions of plans
21 and vote by Legislature; requiring that commission certify to
22 the Secretary of State that its final proposal for district
23 boundaries is in accordance with Constitutional and legal
24 requirements; and prohibiting certain persons from influencing

1 or attempting to influence district mapping proposals of the
2 redistricting office.

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

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

7 **ARTICLE 2. APPORTIONMENT OF REPRESENTATION.**

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

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

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

1 be tabulated. The Redistricting Office of the Joint Committee on
2 Government and Finance shall use the data so obtained to:

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

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

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

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

23 (1) Not later than April 1 of each year ending in one, the
24 Redistricting Office of the Joint Committee on Government and

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

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

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

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

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

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

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

24 (B) If the population data for legislative districting which

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

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

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

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

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

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

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

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

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

11 (B) Political affiliations of registered voters;

12 (C) Previous election results; and

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

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

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

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

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

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

19 (j) The Redistricting Office of the Joint Committee on
20 Government and Finance may not meet or incur expenses after the
21 proposed redistricting plan is completed, except if litigation or
22 government approval of the plan is pending, or to revise districts
23 if required by court decisions or if the number of congressional or
24 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.

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