

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 2089**

By Delegate Kump

[Introduced February 12, 2025; referred  
to the Committee on Government Organization then  
the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §4-1B-1, relating to the establishment of an independent citizen redistricting  
3 commission; establishing eligibility requirements for commissioners; creating process for  
4 selection of commissioner through the West Virginia Secretary of State's office;  
5 establishing timelines for application and selections of commissioners; establishing that  
6 the Secretary of State is the secretary of the commission; establishing powers and duties  
7 of commission; appropriating funds for commission to operate; creating the process and  
8 requirements for the adoption of redistricting plans; providing the Supreme Court of  
9 Appeals with original jurisdiction over the commission; and establishing severability of  
10 section.

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

**ARTICLE 1B. INDEPENDENT CITIZENS REDISTRICTING COMMISSION.**

**§4-1B-1. Establishment of Independent Citizens Redistricting Commission.**

1 (a) An independent citizen redistricting commission for state legislative districts  
2 (hereinafter, the "commission") is hereby established as a permanent commission in the  
3 legislative branch. The commission shall consist of 13 commissioners. The commission shall  
4 adopt a redistricting plan for state senate districts and state house of delegates districts. Each  
5 commissioner shall:

6 (1) Be registered and eligible to vote in the state of West Virginia;

7 (2) Not currently be or have been any of the following:

8 (A) A declared candidate for partisan federal, state, or local office;

9 (B) An elected official to partisan federal, state, or local office;

10 (C) An officer or member of the governing body of a national, state, or local political party;

11 (3) Not be otherwise disqualified for appointed or elected office by this constitution.

12 (b) Commissioners shall be selected through the following process:

13 (1) The Secretary of State shall do all of the following:

14       (A) Make applications for commissioner available to the general public not later than  
15       January 1 of the year of the federal decennial census. The Secretary of State shall circulate the  
16       applications in a manner that invites wide public participation from different regions of the state.

17       (B) Require applicants to provide a completed application.

18       (C) Require applicants to attest under oath that they meet the qualifications set forth in this  
19       section; and either that they affiliate with one of the two political parties with the largest  
20       representation in the legislature (hereinafter, "major parties"), and if so, identify the party with  
21       which they affiliate, or that they do not affiliate with either of the major parties.

22       (c) The Secretary of State shall accept applications for commissioner until June 1 of the  
23       year of the federal decennial census.

24       (d) By July 1 of the year of the federal decennial census, from all of the applications  
25       submitted, the Secretary of State shall:

26       (1) Eliminate incomplete applications and applications of applicants who do not meet the  
27       qualifications based solely on the information contained in the applications;

28       (2) Randomly select 60 applicants from each pool of affiliating applicants and 40 applicants  
29       from the pool of non-affiliating applicants.

30       (3) Submit the randomly selected applications to the President, Majority Leader, and the  
31       Minority Leader of the Senate, and the Speaker of the House of Delegates, Majority Leader, and  
32       the Minority Leader of the House of Delegates.

33       (e) By August 1 of the year of the federal decennial census, the President of the Senate,  
34       the Minority Leader of the Senate, the Speaker of the House of Delegates, and the Minority Leader  
35       of the House of Delegates may each strike five applicants from any pool or pools, up to a maximum  
36       of 20 total strikes by the four legislative leaders.

37       (f) By September 1 of the year of the federal decennial census, the Secretary of State shall  
38       randomly draw the names of 10 commissioners from the pool of remaining applicants affiliating  
39       with a major party, and three commissioners from the pool of remaining non-affiliating applicants.

40 (g) If a commissioner's seat becomes vacant for any reason, the Secretary of State shall fill  
41 the vacancy by randomly drawing a name from the remaining qualifying applicants in the selection  
42 pool from which the original commissioner was selected. A commissioner's office shall become  
43 vacant upon the occurrence of any of the following:

44 (1) Death or mental incapacity of the commissioner;

45 (2) The Secretary of State's receipt of the commissioner's written resignation; or

46 (3) The commissioner's disqualification for election or appointment or employment  
47 pursuant to Article XI, Section 8;

48 (4) The commissioner ceases to be qualified to serve as a commissioner under of this  
49 section; or

50 (5) After written notice and an opportunity for the commissioner to respond, a vote of 10 of  
51 the commissioners finding substantial neglect of duty, gross misconduct in office, or inability to  
52 discharge the duties of office.

53 (h) The Secretary of State shall be secretary of the commission without vote, and in that  
54 capacity shall furnish, under the direction of the commission, all technical services that the  
55 commission deems necessary. The commission shall elect its own chairperson. The commission  
56 has the sole power to make its own rules of procedure. The commission shall have procurement  
57 and contracting authority and may hire staff and consultants for the purposes of this section,  
58 including legal representation.

59 (i) Beginning no later than December 1 of the year preceding the federal decennial census,  
60 and continuing each year in which the commission operates, the legislature shall appropriate  
61 funds sufficient to compensate the commissioners and to enable the commission to carry out its  
62 functions, operations and activities, which activities include retaining independent, nonpartisan  
63 subject-matter experts and legal counsel, conducting hearings, publishing notices and maintaining  
64 a record of the commission's proceedings, and any other activity necessary for the commission to  
65 conduct its business. Within six months after the conclusion of each fiscal year, the commission

66 shall return to the state treasury all moneys unexpended for that fiscal year. The commission shall  
67 furnish reports of expenditures, at least annually, to the governor and the legislature and shall be  
68 subject to annual audit as provided by law.

69 (j) The commission shall have legal standing to prosecute an action regarding the  
70 adequacy of resources provided for the operation of the commission, and to defend any action  
71 regarding an adopted plan. The commission shall inform the legislature if the commission  
72 determines that funds or other resources provided for operation of the commission are not  
73 adequate. The legislature shall provide adequate funding to allow the commission to defend any  
74 action regarding an adopted plan.

75 (k) The Secretary of State shall issue a call convening the commission by October 15 in the  
76 year of the federal decennial census. Not later than November 1 in the year immediately following  
77 the federal decennial census, the commission shall adopt a redistricting plan under this section for  
78 each of the following types of districts: state senate districts, state house of representative  
79 districts, and congressional districts.

80 (l) Before commissioners draft any plan, the commission shall hold at least ten public  
81 hearings throughout the state for the purpose of informing the public about the redistricting  
82 process and the purpose and responsibilities of the commission and soliciting information from the  
83 public about potential plans. The commission shall receive for consideration written submissions  
84 of proposed redistricting plans and any supporting materials, including underlying data, from any  
85 member of the public. These written submissions are public records.

86 (m) After developing at least one proposed redistricting plan for each type of district, the  
87 commission shall publish the proposed redistricting plans and any data and supporting materials  
88 used to develop the plans. Each commissioner may only propose one redistricting plan for each  
89 type of district. The commission shall hold at least five public hearings throughout the state for the  
90 purpose of soliciting comment from the public about the proposed plans. Each of the proposed  
91 plans shall include such census data as is necessary to accurately describe the plan and verify the

92 population of each district, and a map and legal description that include the political subdivisions,  
93 such as counties, cities, and townships; man-made features, such as streets, roads, highways,  
94 and railroads; and natural features, such as waterways, which form the boundaries of the districts.

95 (n) Each commissioner shall perform his or her duties in a manner that is impartial and  
96 reinforces public confidence in the integrity of the redistricting process. The commission shall  
97 conduct all of its business at open meetings. Nine commissioners, including at least one  
98 commissioner from each selection pool shall constitute a quorum, and all meetings shall require a  
99 quorum. The commission shall provide advance public notice of its meetings and hearings. The  
100 commission shall conduct its hearings in a manner that invites wide public participation throughout  
101 the state. The commission shall use technology to provide contemporaneous public observation  
102 and meaningful public participation in the redistricting process during all meetings and hearings.

103 (o) The commission, its members, staff, attorneys, and consultants shall not discuss  
104 redistricting matters with members of the public outside of an open meeting of the commission,  
105 except that a commissioner may communicate about redistricting matters with members of the  
106 public to gain information relevant to the performance of his or her duties if such communication  
107 occurs in writing or at a previously publicly noticed forum or town hall open to the general public.

108 (p) A final decision of the commission requires the concurrence of a majority of the  
109 commissioners. All decisions of the commission shall be recorded, and the record of its decisions  
110 shall be readily available to any member of the public without charge.

111 (q) The commission shall abide by the following criteria in proposing and adopting each  
112 plan, in order of priority:

113 (1) Districts shall be of equal population as mandated by the United States Constitution  
114 and shall comply with the voting rights act and other federal laws.

115 (2) Districts shall be reasonably compact.

116 (3) Districts shall be geographically contiguous. Island areas are contiguous by land to the  
117 county of which they are a part.

118 (4) Districts shall reflect the state's diverse population and communities of interest.

119 Communities of interest may include, but shall not be limited to, populations that share cultural or  
120 historical characteristics or economic interests. Communities of interest do not include  
121 relationships with political parties, incumbents, or political candidates.

122 (5) Districts shall not provide a disproportionate advantage to any political party. A  
123 disproportionate advantage to a political party shall be determined using accepted measures of  
124 partisan fairness.

125 (6) Districts shall not favor or disfavor an incumbent elected official or a candidate.

126 (7) Districts shall reflect consideration of county, city, and township boundaries.

127 (r) The commission shall follow the following procedure in adopting a plan:

128 (1) Before voting to adopt a plan, the commission shall ensure that the plan is tested, using  
129 appropriate technology, for compliance with the criteria described above; and

130 (2) Before voting to adopt a plan, the commission shall provide public notice of each plan  
131 that will be voted on and provide at least 45 days for public comment on the proposed plan or  
132 plans. Each plan that will be voted on shall include such census data as is necessary to accurately  
133 describe the plan and verify the population of each district, and shall include the map and legal  
134 description; and

135 (3) A final decision of the commission to adopt a redistricting plan requires a majority vote  
136 of the commission, including at least two commissioners who affiliate with each major party, and at  
137 least two commissioners who do not affiliate with either major party.

138 (s) If no plan satisfies the requirements in subsection (q), the commission shall use the  
139 following procedure to adopt a plan:

140 (1) Each commissioner may submit one proposed plan for each type of district to the full  
141 commission for consideration.

142 (2) Each commissioner shall rank the plans submitted according to preference. Each plan  
143 shall be assigned a point value inverse to its ranking among the number of choices, giving the

lowest ranked plan one point and the highest ranked plan a point value equal to the number of plans submitted.

(3) The commission shall adopt the plan receiving the highest total points, that is also ranked among the top half of plans by at least two commissioners not affiliated with the party of the commissioner submitting the plan, or in the case of a plan submitted by non-affiliated commissioners, is ranked among the top half of plans by at least two commissioners affiliated with a major party. If plans are tied for the highest point total, the Secretary of State shall randomly select the final plan from those plans. If no plan meets the requirements of this subparagraph, the Secretary of State shall randomly select the final plan.

(t) Within 30 days after adopting a plan, the commission shall publish the plan and the material reports, reference materials, and data used in drawing it, including any programming information used to produce and test the plan. For each adopted plan, the commission shall issue a report that explains the basis on which the commission made its decisions in achieving compliance with plan requirements and shall include the map and legal description required in this section.

(u) An adopted redistricting plan shall become law 60 days after its publication. The Secretary of State shall keep a public record of all proceedings of the commission and shall publish and distribute each plan and required documentation.

(v) The Supreme Court of Appeals, in the exercise of original jurisdiction, shall direct the Secretary of State or the commission to perform their respective duties, may review a challenge to any plan adopted by the commission, and shall remand a plan to the commission for further action if the plan fails to comply with the requirements of the West Virginia Constitution, the United States constitution, or superseding federal law. In no event shall any body, except the independent citizens redistricting commission acting pursuant to this section, promulgate and adopt a redistricting plan or plans for this state.

(w) This section is self-executing. If a final court decision holds any part or parts of this



- 170 section to be in conflict with the United States Constitution or federal law, the section shall be  
171 implemented to the maximum extent that the United States Constitution and federal law permit.  
172 Any provision held invalid is severable from the remaining portions of this section.

NOTE: The purpose of this bill is to create an independent redistricting commission for the Legislature.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.