

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 2129**

**2015 Carryover**

(BY DELEGATE OVERINGTON, FOSTER, FRICH,  
HOUSEHOLDER, MOFFATT, FAIRCLOTH, HAMILTON,  
ROWAN, ESPINOSA, UPSON AND BUTLER)

[Introduced January 13, 2016; referred to the  
Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §1-2-2a, relating to requiring that the Redistricting Office of the Joint  
 3 Committee on Government and Finance plan and propose congressional and legislative  
 4 districts; providing specific criteria that the redistricting office must observe in proposing  
 5 district mappings; requiring the redistricting office to advertise a proposed draft map of  
 6 districts to the public; requiring the redistricting office to recommend redistricting plan to  
 7 the Legislature; requiring the full Legislature to vote on plan ratification; providing for  
 8 subsequent submissions of plans and vote by Legislature; requiring that commission  
 9 certify to the Secretary of State that its final proposal for district boundaries is in  
 10 accordance with constitutional and legal requirements; and prohibiting certain persons  
 11 from influencing or attempting to influence district mapping proposals of the redistricting  
 12 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:

**ARTICLE 2. APPORTIONMENT OF REPRESENTATION.**

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

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

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

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

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

17           (c) As soon as possible after January 1 of each year ending in one, the Redistricting  
18 Office of the Joint Committee on Government and Finance shall obtain from the United States  
19 Bureau of the Census the population data needed for legislative districting which the Census  
20 Bureau is required to provide this state under the United States Census 2000 Public Law  
21 94-171 and will use that data to assign a population figure based upon certified federal census  
22 data to each geographic or political unit described pursuant to the provisions of this subsection.  
23 Upon completing that task, the Redistricting Office of the Joint Committee on Government and  
24 Finance shall begin the preparation of congressional and legislative districting plans as required  
25 by this section.

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

27           (1) Not later than April 1 of each year ending in one, the Redistricting Office of the Joint  
28 Committee on Government and Finance shall deliver to the Clerk of the Senate and the Clerk of  
29 the House of Delegates identical bills embodying a plan of legislative and congressional  
30 districting prepared in accordance with this section. It is the intent of this section that the

31 Legislature shall bring the bill to a vote in either the Senate or the House of Delegates  
32 expeditiously, but not less than three months after the report of the Redistricting Office of the  
33 Joint Committee on Government and Finance required by this section is received and made  
34 available to the members of the Legislature, under a procedure or rule permitting no  
35 amendments except those of a purely corrective nature. It is further the intent of this section  
36 that if the bill is approved by the first house in which it is considered, it shall expeditiously be  
37 brought to a vote in the second house under a similar procedure or rule.

38 (2) If the bill embodying the plan submitted by the Redistricting Office of the Joint  
39 Committee on Government and Finance fails to be approved by a constitutional majority in  
40 either the Senate or the House of Delegates, the Clerk of the Senate or the Clerk of the House,  
41 as the case may be, shall at once transmit to the Redistricting Office of the Joint Committee on  
42 Government and Finance information which the Senate or House may direct regarding reasons  
43 why the plan was not approved. The Redistricting Office of the Joint Committee on  
44 Government and Finance shall prepare a bill embodying a second plan of legislative and  
45 congressional districting prepared in accordance with this section, and taking into account the  
46 reasons cited by the Senate or House of Delegates for its failure to approve the plan insofar as  
47 it is possible to do so within the requirements of this section. If a second plan is required under  
48 this section, the bill embodying it shall be delivered to the Clerk of the Senate and the Clerk of  
49 the House of Delegates not later than two months after the date of the vote by which the Senate  
50 or the House of Delegates fails to approve the bill first submitted. It is the intent of this section  
51 that, if it is necessary to submit a bill under this section, the bill be brought to a vote not less  
52 than two months after the bill is printed and made available to the members of the Legislature,  
53 in the same manner as prescribed for the first bill required under this section.

54 (3) If the bill embodying the plan submitted by the Redistricting Office of the Joint

55 Committee on Government and Finance under subdivision (2) of this section fails to be  
56 approved by a constitutional majority in either the Senate or the House of Delegates, the same  
57 procedure as prescribed by subdivision (2) shall be followed. If a third plan is required under  
58 this section, the bill embodying it shall be delivered to the Clerk of the Senate and the Clerk of  
59 the House of Delegates not later than two months after the date of the vote by which the Senate  
60 or the House of Delegates fails to approve the bill submitted under subdivision (2), but before  
61 the beginning of the next regular session of the Legislature. It is the intent of this section that,  
62 if it is necessary to submit a bill under this subsection, the bill be brought to a vote within the  
63 same time period after its delivery to the Clerk of the Senate and the Clerk of the House of  
64 Delegates as is prescribed for the bill submitted under subdivision (2), but shall be subject to  
65 amendment in the same manner as other bills.

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

67 (A) If population data from the federal census which is sufficient to permit preparation of  
68 a congressional districting plan complying with article one, section four of the Constitution of  
69 West Virginia becomes available at an earlier time than the population data needed to permit  
70 preparation of a legislative districting plan in accordance with this section, the Redistricting  
71 Office of the Joint Committee on Government and Finance shall so inform the presiding officers  
72 of the Senate and House of Delegates. If the presiding officers so direct, the Redistricting  
73 Office of the Joint Committee on Government and Finance shall prepare a separate bill  
74 establishing congressional districts and submit it separately from the bill establishing legislative  
75 districts. It is the intent of this section that the Legislature shall proceed to consider the  
76 congressional districting bill in substantially the manner prescribed by this section.

77 (B) If the population data for legislative districting which the United States Census  
78 Bureau is required to provide this state under United States Census 2000 Public Law 94-171 is

79 not available to the Redistricting Office of the Joint Committee on Government and Finance on  
80 or before February 1 of the year ending in one, the dates set forth in this section shall be  
81 extended by a number of days equal to the number of days after February 1 of the year ending  
82 in one that the federal census population data for legislative districting becomes available.

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

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

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

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

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

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

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

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

101 (B) Political affiliations of registered voters;

102 (C) Previous election results; and

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

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

107 (g) The Redistricting Office of the Joint Committee on Government and Finance shall  
108 advertise a proposed draft map of congressional districts and a proposed draft map of  
109 legislative districts to the public for comment, which comment shall be taken for at least thirty  
110 days. Any member of either body of the Legislature may, within this period, make inquiry of the  
111 independent redistricting commission concerning its methodology or proposed redistrict  
112 mapping, which inquiry shall be fully addressed by the independent redistricting commission.  
113 The independent redistricting commission shall then make and publish its final proposal for  
114 district boundaries and recommend the plan to the Legislature, which shall vote as a full body  
115 upon it.

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

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

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

127 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.