

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **Senate Bill 170**

By Senator Caputo

[Introduced January 13, 2023; referred  
to the Committee on the Judiciary; and then to the  
Committee on Finance]

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 increasing transparency in the apportionment process for  
 3 congressional and legislative districts; defining procedures to enhance public access and  
 4 participation in the development of such districts; and establishing a period for public  
 5 comment on district maps to be voted on by the Legislature prior to their adoption.

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

**ARTICLE 2. APPORTIONMENT OF REPRESENTATION.**

**§1-2-2a. Legislature to hold public hearings to enhance public input.**

1 (a) When apportioning the state into congressional or legislative districts on the basis of the  
 2 federal census, the Legislature shall hold at least 10 public hearings at locations throughout the  
 3 state prior to proposing a reapportionment plan. The purpose of these hearings is to inform the  
 4 public about the redistricting process and the responsibilities of the Legislature and to solicit  
 5 information from the public about potential plans.

6 (b) In addition to the hearings required under subsection (a) of this section, the Legislature  
 7 shall:

8 (1) Hold at least five public hearings after reapportionment plans for congressional and  
 9 legislative districts are proposed, but before the plans are adopted. The adoption of a  
 10 reapportionment plan may not be delayed by the impracticability of holding the hearings required  
 11 under this subsection.

12 (2) Conduct the hearings required under this subsection at different locations across the  
 13 state. Some, but not all, hearings may be conducted solely with the use of videoconferencing  
 14 technologies that permit active citizen participation throughout the state.

15 (c) In holding the hearings required under subsections (a) and (b) of this section, the  
 16 Legislature shall:

17 (1) Provide appropriate public notice of the time and location of each hearing;

18 (2) Hold at least two hearings required under subsection (a) of this section in each

19 congressional district of this state;

20 (3) Provide and advertise access to the proposed plan(s) under subsection (b) of this  
21 section at least three days prior to the public hearing in an electronic format that is easily  
22 accessible to the public. Each plan shall include such census data as are necessary to accurately  
23 describe the plan and verify the population of each district, and each plan shall include its maps  
24 and legal descriptions in an electronic format that is easily accessible to the public;

25 (4) Hold at least one hearing required under subsection (a) of this section and one hearing  
26 required under subsection (b) of this section in areas that have experienced the largest shifts in  
27 population since the previous reapportionment, and prioritize holding additional public hearings in  
28 these areas; and

29 (5) Permit and make provision for individuals at remote sites throughout the state to  
30 provide public testimony at the hearings using videoconferencing.

31 (6) Throughout the apportionment process, the Legislature shall receive for consideration  
32 written submissions of proposed redistricting plans and any supporting materials, including  
33 underlying data, from any member of the public. These written submissions are public records.

34 (d) Before voting to adopt a reapportionment plan, the House of Delegates and the Senate  
35 each shall provide public notice of each plan that will be voted on and provide at least 15 days for  
36 public comment on the proposed plan. Each plan that will be voted on shall include such census  
37 data as are necessary to accurately describe the plan and verify the population of each district,  
38 and each plan shall include its maps and legal descriptions in an electronic format that is easily  
39 accessible to the public.

NOTE: The purpose of this bill is to increase transparency in the apportionment process for congressional and legislative districts.

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