

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2764

By Delegates Pushkin, Hornbuckle, Hansen, Lewis,
and Hamilton

[Introduced February 21, 2025; referred to the
Committee on the Judiciary then 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 creating the Independent Redistricting Commission of the
3 Joint Committee on Government and Finance; establishing the Redistricting Commission's
4 purpose and composition; providing qualifications and appointment procedure for
5 commission members; establishing a process for filling commission vacancies;
6 establishing that commission members are not to receive compensation; providing for
7 approved reimbursement of commission member expenses; providing for payment of
8 necessary equipment and materials; requiring the commission to acquire appropriate
9 information; requiring the commission to develop programs and procedures to draw
10 congressional and legislative redistricting plans on the basis of the federal census; to
11 prepare congressional and legislative redistricting; requiring the commission plan and
12 propose congressional and legislative districts; providing specific criteria that the
13 redistricting office must observe in proposing district mappings; requiring the redistricting
14 office to advertise a proposed draft map of districts to the public; requiring a period for
15 public comment on the proposed redistricting plan; providing for members of the
16 Legislature to make inquiries about the commission's methodology or proposed redistrict
17 mapping; requiring the commission to publish a report and final proposals for district
18 boundaries; requiring a recommended redistricting plan to the Legislature including
19 identical bills for consideration by the House and Senate; requiring the full Legislature to
20 vote on plan ratification; providing for subsequent submissions of plans and vote by
21 Legislature; requiring that commission certify to the Secretary of State that its final
22 proposal for district boundaries is in accordance with Constitutional and legal
23 requirements; and prohibiting certain persons from influencing or attempting to influence
24 district mapping proposals of the redistricting office; and providing for completion of the
25 commission's work with certain exceptions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. APPORTIONMENT OF REPRESENTATION.**§1-2-2a. Independent Redistricting Commission of the Joint Committee on Government and Finance to study and propose fair, balanced, and rational plan to redistrict.**

1 (a) Purpose. –There is hereby created the Independent Redistricting Commission of the
2 Joint Committee on Government and Finance ("Redistricting Commission"), established generally
3 to provide a proposed fair, balanced, and rational plan for redistricting of congressional and state
4 legislative voting districts for final approval by the Legislature. The Redistricting Commission
5 shall, among other duties and tasks noted herein, acquire, review, study, and evaluate appropriate
6 information related to establishing and designating voting districts, prepare a report, and present
7 proposed redistricting mappings designed to reflect fair reapportionment and redistricting in
8 conformity with constitutional principles, especially that which requires equality of population to the
9 greatest extent practicable.

10 (b) Establishment of the Redistricting Commission. – No later than February 28 of each
11 year that ends in one, the Redistricting Commission shall be established by appointment in
12 accordance with the procedures set forth in this section to provide for proposed redistricting of
13 congressional and state legislative voting districts.

14 (c) Composition of the Redistricting Commission. –The Redistricting Commission shall
15 consist of six members. Party membership, designated in terms of the state's primary political
16 parties, shall be equally represented in the Redistricting Commission. The residence of members
17 shall reflect a broad geographic representation of the state with at least one member from each
18 congressional district.

19 (d) Appointment and Qualifications of Redistricting Commission Members. –The President
20 of the Senate, the Speaker of the House of Delegates, and the minority leaders of the Senate and
21 the House of Delegates shall each designate one member of the Redistricting Commission. The
22 state chair of the two largest political parties, determined by the vote cast for Governor in the last
23 gubernatorial election, shall each designate one member of the Redistricting Commission. Any

official who fails to make an appointment within the specified time shall forfeit the appointment privilege. If there are two or more minority parties within the House of Delegates or the Senate, the leader of the largest minority party by statewide party registration shall make the appointment.

(1) At the time of their selection each member shall be a registered West Virginia voter who has been continuously registered with the same political party, or unaffiliated, for three or more years immediately preceding their appointment.

(2) No person may serve on the Redistricting Commission who is or has been a registered lobbyist, an elected official, or state party officer within five years prior to selection.

(3) At the time of selection each member shall be knowledgeable and possess expertise relative to constitutional and legal requirements and considerations which bear on the issue of fair reapportionment and redistricting and be committed to applying the provisions of this section in an honest, independent, and impartial fashion and to upholding public confidence in the integrity of the redistricting process.

(e) Vacancy. – If a commissioner or chairperson does not complete the term of office for any reason, the person making the initial appointment in section (d) shall also make the replacement appointment.

(f) Reimbursement of Redistricting Commission Members, Staff. – Members of the Redistricting Commission may not be compensated for the performance of their duties as a member of the Redistricting Commission. However, each member of the Redistricting Commission shall be reimbursed for all reasonable and necessary expenses incurred in the performance of his or her duties as a member of the Redistricting Commission. The Joint Committee on Government and Finance shall provide any necessary staff for the Redistricting Commission.

(g) Necessary Expenses. – Funds shall be expended for the purchase or lease of necessary equipment and materials only with prior approval of the Joint Committee on Government and Finance.

50 (h) Preparation for redistricting. –The Redistricting Commission shall acquire appropriate
51 information, review and evaluate available facilities, and develop programs and procedures in
52 preparation for drawing congressional and legislative redistricting plans on the basis of each
53 federal census.

54 (1) As soon as possible after January 1 of each year ending in one, the Redistricting
55 Commission shall obtain from the United States Bureau of the Census the population data needed
56 for legislative districting which the Census Bureau is required to provide this state under the United
57 States Census 2000 Public Law 94-171 and will use that data to assign a population figure based
58 upon certified federal census data to each geographic or political unit described pursuant to the
59 provisions of this subsection.

60 (2) Upon completing that task, the Redistricting Commission shall begin the preparation of
61 congressional and legislative districting plans as required by this section and use the data so
62 obtained to:

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

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

68 (3) If population data from the federal census which is sufficient to permit preparation of a
69 congressional districting plan complying with article one, section four of the Constitution of West
70 Virginia becomes available at an earlier time than the population data needed to permit
71 preparation of a legislative districting plan in accordance with this section, the Redistricting
72 Commission shall so inform the presiding officers of the Senate and House of Delegates.

73 (4) If the population data for legislative districting which the United States Census Bureau
74 is required to provide this state under United States Census 2000 Public Law 94-171 is not
75 available to the Redistricting Office of the Joint Committee on Government and Finance on or

76 before February 1 of the year ending in one, the dates set forth in this section shall be extended by
77 a number of days equal to the number of days after February 1, of the year ending in one, that the
78 federal census population data for legislative districting becomes available.

79 (i) *Factors to be Considered in the Mapping Process.* –The Redistricting Commission shall
80 plan and propose congressional and legislative districts, to include the commencement of the
81 proposed mapping process for both the congressional and legislative districts. The mapping
82 process shall strive to create districts of equal population in a grid-like pattern across the state.
83 Adjustments to the redistricting map shall then be made as necessary to accommodate the goals
84 set forth below:

85 (1) Congressional and legislative districts shall comply with the United States Constitution,
86 the United States Voting Rights Act, and to every extent possible, Article six, Sections seven and
87 eight of the Constitution of West Virginia;

88 (2) Congressional and legislative districts shall have equal population to the extent
89 practicable;

90 (3) Congressional and legislative districts shall be geographically compact and contiguous
91 to the extent practicable;

92 (4) To the extent practicable, district lines shall use visible geographic features, city, town,
93 and county boundaries, and undivided census tracts;

94 (5) To the extent practicable, competitive districts should be favored where to do so would
95 create no significant detriment to the other goals;

96 (6) Party registration and voting history data shall be excluded from the initial phase of the
97 mapping process but may be used to test maps for compliance with the above goals. The places
98 of residence of incumbents or candidates shall not be identified or considered;

99 (7) The geographic integrity of any city, county, and local neighborhood, or local community
100 of interest shall be respected in a manner that minimizes their division to the extent possible
101 without violating the requirements of any of the preceding subdivisions;

(8) To the extent practicable, and where this does not conflict with the criteria above, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant population;

(9) To the extent practicable, competitive districts should be favored where to do so would create no significant detriment to the other goals;

(10) Districts may not be drawn for favoring or discriminating against an incumbent, political candidate, or political party;

(11) To the maximum extent possible, the plan shall avoid drawing districts that are oddly shaped;

(12) Division of counties shall be avoided whenever possible. If a county must be divided, the number of such divisions, per county, shall be kept to a minimum;

(13) To the extent that counties must be divided to create districts, such districts shall be composed of contiguous counties;

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

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

(16) A district may not be drawn to favor a political party, incumbent Legislator or member of Congress, or other person or group, or for the purpose of augmenting or diluting the voting strength of a language or racial minority group.

(17) In establishing districts, no use may be made of any of the following data:

(A) Addresses of incumbent Legislators or members of Congress;

(B) Political affiliations of registered voters;

(C) Previous election results; and

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

(18) Party registration and voting history data shall be excluded from the mapping process;

128 (19) The places of residence of incumbents or candidates may not be identified or
129 considered;

130 (20) An elected or appointed office holder, lobbyist, official of a political party, or other
131 person affiliated with an elected or appointed office holder, lobbyist, or official of a political party,
132 may not influence or attempt to influence the district-mapping proposals of the Redistricting
133 Commission;

134 (21) When a legislative district contains more than one county or a portion of a county, the
135 counties or portion of a county in the district shall be directly connected by roads and highways
136 which are designated as part of the interstate highway system, the United States highway system,
137 or the state highway system; and

138 (22) When the Redistricting Commission determines, by an affirmative vote of at least five
139 members recorded in its minutes, that it cannot complete its duties for a legislative district by fully
140 complying with the provisions of this subsection, this subsection is not applicable to the
141 Redistricting Commission or legislative redistricting plan it adopts.

142 (j) *Advertisement, publication, certification, and submission of the commission report for*
143 *legislative approval.* – The Redistricting Commission shall advertise proposed draft maps of
144 congressional and legislative districts to the public for comment, to include on-line publication and
145 access, which comment period shall be taken for at least 30 days, also including on-line access.
146 The Redistricting Commission shall hold a public hearing in each Congressional district at a
147 location, or locations, to be determined by the Redistricting Commission.

148 (1) Any member of either body of the Legislature may, within this period, make written or
149 on-line inquiry of the Redistricting Commission concerning its apportionment methodology or
150 proposed redistrict mapping, which inquiry shall be fully addressed by the Redistricting
151 Commission.

152 (2) Within 20 days after the period for comment, the Redistricting Commission shall certify
153 to the Secretary of State that its final proposal for boundaries of congressional and legislative

districts are in accordance with constitutional and legal requirements and considerations as provided in this section.

(3) Not later than April 1 of each year ending in one, the Redistricting Commission shall make and publish its final proposal for district boundaries, a report to include identical bills embodying a plan of legislative and congressional districting prepared in accordance with this section, and deliver that plan to the Clerk of the Senate and the Clerk of the House of Delegates with recommendation of the plan to the Legislature, which shall vote as a full body upon it.

(4) The Redistricting Commission may not meet or incur expenses after the proposed redistricting plan is completed, unless:

(A) Litigation or legislative approval of the plan is pending;

(B) Necessary to revise districts if required by court decisions;

(C) The number of congressional or legislative districts is changed; or,

(D) The Redistricting Commission shall prepare a bill in accordance with subsections (k)(2) and (k)(3) of this section.

(5) The provisions regarding this section are self-executing.

(k) Legislative approval.

(1) The Legislature shall bring the bill embodying the plan submitted by the Redistricting Commission to a vote in either the Senate or the House of Delegates expeditiously, but not less than three months after the report of the Redistricting Commission required by this section is received and made available to the members of the Legislature. The legislative vote on the proposed redistricting shall occur under procedure or rule permitting no amendments except those of a purely corrective nature. If the bill is approved by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar procedure or rule permitting no amendments except those of a purely corrective nature.

(2) If the bill embodying the plan submitted by the Redistricting Commission fails to be approved by a constitutional majority in either the Senate or the House of Delegates, the Clerk of

the Senate or the Clerk of the House shall at once transmit to the Redistricting Commission information which the Senate or House may direct regarding reasons why the plan was not approved.

(A) The Redistricting Commission shall then prepare a bill embodying a second plan of legislative and congressional districting prepared in accordance with this section considering the reasons cited by the Senate or House of Delegates for its failure to approve the plan insofar as it is possible to do so within the requirements of this section.

(B) If a second plan is required under this section, the bill embodying it shall be delivered to the Clerk of the Senate and the Clerk of the House of Delegates not later than two months after the date of the vote by which the Senate or the House of Delegates fails to approve the bill first submitted. If it is necessary to submit a bill under this section, the bill shall be brought to a vote in not less than two months, in the same manner as prescribed for the first bill required under this section.

(3) If the bill embodying the plan submitted by the Redistricting Commission Office under subdivision (2) of this section fails to be approved by a constitutional majority in either the Senate or the House of Delegates, the same procedure as prescribed by subdivision (2) of this section shall be followed.

(A) If a third plan is required, the bill embodying it shall be delivered to the Clerk of the Senate and the Clerk of the House of Delegates not later than two months after the date of the vote by which the Senate or the House of Delegates fails to approve the bill submitted under subdivision (2) of this section, but before the beginning of the next regular session of the Legislature. If it is necessary to submit a bill under this subsection, the bill shall be brought to a vote within the same time after its delivery to the Clerk of the Senate and the Clerk of the House of Delegates as is prescribed for the bill submitted under subdivision (2) of this section.

(B) If it is necessary to submit a third bill under this section, that bill shall be subject to amendment in the Legislature in the same manner as any other bills in the regular legislative

206 process.

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.

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