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HOUSE BILL NO. 1486

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on February 7, 2000)

(Patron Prior to Substitute—Delegate Devolites)

A BILL to amend and reenact §§ 24.2-304.1 and 24.2-309.1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 3 of Title 24.2 a section numbered 24.2-301.1, relating to congressional, state legislative, and local election districts and precincts; reapportionment and precinct changes; and use of United States Census population counts.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-304.1 and 24.2-309.1 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Article 2 of Chapter 3 of Title 24.2 a section numbered 24.2-301.1, as follows:

§ 24.2-301.1. Reapportionment of congressional and state legislative districts; United States Census population counts.

For the purposes of redrawing the boundaries of the congressional, state Senate, and House of Delegates districts after the United States Census for the year 2000 and every ten years thereafter, the General Assembly shall use the population data provided by the United States Bureau of the Census identical to those from the actual enumeration conducted by the Bureau for the apportionment of the Representatives of the United States House of Representatives following the United States decennial census, except that the census data used for this apportionment purpose shall not include any population figure which is not allocated to specific census blocks within the Commonwealth, even though that population may have been included in the apportionment population figures of the Commonwealth for the purpose of allocating United States House of Representatives seats among the states.

§ 24.2-304.1. At-large and district elections; reapportionment of districts or wards; limits.

A. Except as otherwise specifically limited by general law or special act, the governing body of each county, city, or town may provide by ordinance for the election of its members on any of the following bases: (i) at large from the county, city, or town; (ii) from single-member or multi-member districts or wards, or any combination thereof; or (iii) from any combination of at-large, single-member, and multi-member districts or wards. A change in the basis for electing the members of the governing body shall not constitute a change in the form of county government.

B. If the members are elected from districts or wards and other than entirely at large from the locality, the districts or wards shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district or ward. In 1971 and every ten years thereafter, the governing body of each such locality shall reapportion the representation among the districts or wards, including, if the governing body deems it appropriate, increasing or diminishing the number of such districts or wards, in order to give, as nearly as is practicable, representation on the basis of population.

C. For the purposes of reapportioning representation in 1971 2001 and every ten years thereafter, the governing body of a county, city, or town shall use population figures of the most recent decennial population figures for such county, city, or town from the United States census for such county, city, or town Bureau of the Census, which figures are identical to those from the actual enumeration conducted by the United States Bureau of the Census for the apportionment of representatives in the United States House of Representatives, except that the census data for this apportionment purpose will not include any population figure which is not allocated to specific census blocks within the Commonwealth, even though that population may have been included in the apportionment population figures of the Commonwealth for the purpose of allocating United States House of Representatives seats among the states.

D. Notwithstanding any other provision of general law or special act, the governing body of a county, city, or town shall not reapportion the representation in the governing body at any time other than that required following the decennial census, except as (i) provided by law upon a change in the boundaries of the county, city, or town which results in an increase or decrease in the population of the county, city, or town of more than one percent, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of districts or wards other than at-large districts or wards. The foregoing provisions notwithstanding, the governing body subsequent to the decennial redistricting may adjust district or ward boundaries in order that the boundaries might coincide with state legislative or congressional district boundaries; however, no adjustment shall affect more than five percent of the population of a ward or district or 250 persons, whichever is lesser. If districts created by a reapportionment enacted subsequent to a decennial

60 reapportionment are invalid under the provisions of this subsection, the immediately pre-existing districts
61 shall remain in force and effect until validly reapportioned in accordance with law.

62 § 24.2-309.1. Election precincts; prohibiting precinct changes for specified period of time.

63 No county, city, or town shall create, divide, abolish, or consolidate any precincts, or otherwise
64 change the boundaries of any precinct, effective during the period from September 1, 1998, to ~~June 4~~
65 *May 15*, 2001, except as (i) provided by law upon a change in the boundaries of the county, city, or
66 town, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the
67 result of an increase or decrease in the number of local election districts other than at-large districts.

68 If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv) above,
69 the county, city, or town shall comply with the applicable requirements of law, including §§ 24.2-301
70 and 24.2-304.3, and send copies of the ordered or enacted changes to the State Board of Elections and
71 the Division of Legislative Services.

72 *This section shall not prohibit any county, city, or town from adopting an ordinance revising precinct*
73 *boundaries or submitting that ordinance to the United States Department of Justice in accordance with*
74 *Section 5 of the federal Voting Rights Act of 1965, as amended, before May 15, 2001. However, no*
75 *revisions in precinct boundaries shall be implemented in the conduct of elections prior to May 15, 2001.*