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HOUSE BILL NO. 767

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Privileges and Elections
on February 20, 2018)

(Patron Prior to Substitute—Delegate Jones, S.C.)

A *BILL to amend and reenact §§ 24.2-304.1, 24.2-307, 24.2-308, and 24.2-309.2 of the Code of Virginia, relating to redistricting of local election districts; requirements for precincts; split precincts; precinct changes prohibited for certain period of time.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-304.1, 24.2-307, 24.2-308, and 24.2-309.2 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-304.1. At-large and district elections; reapportionment and redistricting 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 10 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 redistricting and reapportioning representation in 2001 and every 10 years thereafter, the governing body of a county, city, or town shall use the most recent decennial population figures for such county, city, or town from the United States 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 these redistricting and apportionment purposes will not include any population figure that 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. The governing body of any county, city, or town may elect to exclude the adult inmate population of any federal, state, or regional adult correctional facility located in the locality from the population figures used for the purposes of the decennial reapportionment and redistricting. The adult inmate population so excluded shall be based on information provided by the facility as to the adult inmate population at the facility on the date of the decennial census.

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 that 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~~ *shall* 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 reapportionment are invalid under the provisions of this subsection, the immediately preexisting districts shall remain in force and effect until validly reapportioned in accordance with law.

§ 24.2-307. Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct

60 in an election for President of the United States exceeds 4,000. Within six months of receiving the
61 notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or
62 redrawn precinct shall have no more than 5,000 registered voters.

63 At the time any precinct is established, each precinct in a county shall have no fewer than 100
64 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

65 Each precinct shall be wholly contained within any election district used for the election of one or
66 more members of the governing body or school board for the county or city.

67 *Each precinct shall be wholly contained within a congressional or state legislative district in the*
68 *event that the county or city is divided between two or more such districts. The governing body shall*
69 *establish precinct boundaries immediately following the completion of decennial redistricting so that no*
70 *precinct is split between two or more congressional, state Senate, or House of Delegates districts. If,*
71 *after exercising its authority to establish precincts pursuant to this section and to adjust local election*
72 *districts pursuant to subsection D of § 24.2-304.1, the local governing body is unable to eliminate a*
73 *precinct split, the governing body may apply to the State Board for a waiver to administer a split*
74 *precinct. The State Board shall have the authority to grant such waiver or direct that the local*
75 *governing body establish a precinct containing fewer than the minimum number of registered voters as*
76 *provided in § 24.2-309, as it deems appropriate.*

77 The governing body shall establish by ordinance one polling place for each precinct.

78 **§ 24.2-308. Requirements for town precincts.**

79 There shall be one precinct for each town unless the council by ordinance establishes more than one
80 precinct.

81 Each town precinct shall be wholly contained within any election district used for the election of one
82 or more council or school board members.

83 *Each town precinct shall be wholly contained within a congressional or state legislative district in*
84 *the event that the town is divided between two or more such districts. The town council shall establish*
85 *precinct boundaries immediately following the completion of decennial redistricting so that no precinct*
86 *is split between two or more congressional, state Senate, or House of Delegates districts. If the town*
87 *council is unable to eliminate a precinct split, the council may apply to the State Board for a waiver to*
88 *administer a split precinct. The State Board shall have the authority to grant such waiver or direct that*
89 *the council establish a precinct containing fewer than the minimum number of registered voters as*
90 *provided in § 24.2-309, as it deems appropriate.*

91 The council shall establish by ordinance one polling place for each precinct.

92 **§ 24.2-309.2. Election precincts; prohibiting precinct changes for specified period of time.**

93 No county, city, or town shall create, divide, abolish, or consolidate any precincts, or otherwise
94 change the boundaries of any precinct, effective during the period from February 1, 2009 2019, to May
95 15, 2014 2021, except as (i) provided by law upon a change in the boundaries of the county, city, or
96 town; (ii) the result of a court order; (iii) the result of a change in the form of government; or (iv) the
97 result of an increase or decrease in the number of local election districts other than at-large districts.
98 Any ordinance required to comply with the requirements of § 24.2-307 shall be adopted on or before
99 February 1, 2009 2019.

100 If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv) above,
101 the county, city, or town shall comply with the applicable requirements of law, including §§ 24.2-304.3
102 and 30-264, and send copies of the ordered or enacted changes to the State Board of Elections and the
103 Division of Legislative Services.

104 This section shall not prohibit any county, city, or town from adopting an ordinance revising precinct
105 boundaries or submitting that ordinance to the United States Department of Justice in accordance with
106 § 5 of the United States Voting Rights Act of 1965, as amended, after January 1, 2014 2021. However,
107 no revisions in precinct boundaries shall be implemented in the conduct of elections prior to May 15,
108 2014 2021.