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SENATE BILL NO. 1087

Offered January 9, 2019

Prefiled December 18, 2018

A BILL to amend and reenact §§ 24.2-304.1, 24.2-307, and 24.2-308 of the Code of Virginia, relating to election districts; requirements for precincts; remedying split precincts.

Patrons—Obenshain, Barker, Peake and Ebbin

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-304.1, 24.2-307, and 24.2-308 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.

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59 At the time any precinct is established, it shall have no more than 5,000 registered voters. The
60 general registrar shall notify the governing body whenever the number of voters who voted in a precinct
61 in an election for President of the United States exceeds 4,000. Within six months of receiving the
62 notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or
63 redrawn precinct shall have no more than 5,000 registered voters.

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

66 Each precinct shall be wholly contained within ~~any~~ a single congressional district, Senate district,
67 House of Delegates district, or election district used for the election of one or more members of the
68 governing body or school board for the county or city. *The governing body of each county and city
69 shall establish its precinct boundaries immediately after the completion of the decennial redistricting by
70 the General Assembly so that each precinct is so wholly contained. If, after exercising its authority to
71 establish precincts pursuant to this section and to adjust local election districts pursuant to
72 § 24.2-304.1, the governing body is unable to establish a precinct without splitting the precinct between
73 two or more congressional districts, Senate districts, House of Delegates districts, or local election
74 districts, it shall apply to the State Board for a waiver to administer a split precinct. The State Board
75 may grant the waiver or direct the governing body to establish a precinct with less than the minimum
76 number of registered voters as permitted by § 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~~ a single congressional district, Senate
82 district, House of Delegates district, or election district used for the election of one or more council or
83 school board members. *The council shall establish its precinct boundaries immediately after the
84 completion of the decennial redistricting by the General Assembly so that each precinct is so wholly
85 contained. If, after exercising its authority to establish precincts pursuant to this section and to adjust
86 local election districts pursuant to § 24.2-304.1, the council is unable to establish a precinct without
87 splitting the precinct between two or more congressional districts, Senate districts, House of Delegates
88 districts, or local election districts, it shall apply to the State Board for a waiver to administer a split
89 precinct. The State Board may grant the waiver or direct the council to establish a precinct with less
90 than the minimum number of registered voters as permitted by § 24.2-309, as it deems appropriate*

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