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HOUSE BILL NO. 761

Offered January 8, 2020

Prefiled January 7, 2020

A BILL to amend the Code of Virginia by adding a section numbered 24.2-304.1:1, relating to elections; preclearance of certain covered practices required.

Patrons—VanValkenburg, Price, Hudson and Levine

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 24.2-304.1:1 as follows:

§ 24.2-304.1:1. Preclearance of certain covered practices.

A. For purposes of this section, "covered practice" means:

1. Any change to the method of election of members of a governing body or an elected school board by adding seats elected at-large or by converting one more seats elected from a single-member district to one or more at-large seats or seats from a multi-member district;

2. Any change, or series of changes within a 12-month period, to the boundaries of a county or city;

3. Any change to the boundaries of election districts or wards in a county or city; or

4. Any change that reduces, consolidates, or relocates voting locations in a county or city, including locations for in-person absentee voting, or that reduces the days or hours of in-person absentee voting.

B. Prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, that is a covered practice, each governing body shall submit such qualification, prerequisite, standard, practice, or procedure by either (i) instituting an action in the Court of Appeals for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color or membership in a language minority group or (ii) submitting such qualification, prerequisite, standard, practice, or procedure to the Office of the Attorney General.

C. No qualification, prerequisite, standard, practice, or procedure that is a covered practice shall be given effect until (i) the Court of Appeals has entered such judgment, (ii) the Attorney General has not interposed an objection within 60 days of the governing body's submission, or (iii) upon good cause shown and to facilitate an expedited approval within 60 days of the governing body's submission, the Attorney General has affirmatively indicated that no such objection will be made.

Neither an affirmative indication by the Attorney General that no objection will be made, nor the Attorney General's failure to object, nor a declaratory judgment entered by the Court of Appeals pursuant to this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

In the event that the Attorney General affirmatively indicates that no objection will be made within the 60-day period following the receipt of the governing body's submission, the Attorney General may reserve the right to reexamine the submission if additional information that would otherwise require objection in accordance with this section comes to his attention during the remainder of the 60-day period.

INTRODUCED

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