

## **Department of Planning and Budget**

### **2020 Fiscal Impact Statement**

**1. Bill Number:** HB761-H1

<b>House of Origin</b>	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** VanValkenburg

**3. Committee:** Privileges and Elections

**4. Title:** Elections; preclearance of certain covered practices required.

**5. Summary:** Requires the governing body of a covered jurisdiction, 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, to either (i) institute an action in the circuit court for a declaratory judgment that such covered practice 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 nor will it result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise, or (ii) submit such covered practice to the Office of the Attorney General for issuance of a certification that no objection exists to the enactment or administration of the covered practice. No qualification, prerequisite, standard, practice, or procedure that is a covered practice shall be given effect until (a) the circuit court has entered such judgment, (b) the Attorney General has issued such certification, or (c) 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. "Covered jurisdiction" is defined as the governing body of any county, city, or town with a voting age population that contains two or more racial or ethnic groups, each constituting at least 20 percent of its voting age population. The bill defines "covered practice" as any change to the method of election in a locality, any change to jurisdiction boundaries within a 12-month period that reduces by more than five percentage points the proportion of the jurisdiction's voting age population composed of members of a single racial or language minority group, any change to election districts or wards, any change that restricts the ability of any person to provide interpreter services to voters or which limits or impairs the creation or distribution of voting materials in any language other than English, or any change that reduces, consolidates, or relocates voting locations.

**6. Budget Amendment Necessary:** Yes.

**7. Fiscal Impact Estimates:** See Item 8.

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2020	-	-	
2021	\$159,988	1	GF
2022	\$159,988	1	GF
2023	\$159,988	1	GF
2024	\$159,988	1	GF
2025	\$159,988	1	GF
2026	\$159,988	1	GF

**8. Fiscal Implications:** While it is unknown how many changes to covered practices will be submitted to the Attorney General for preclearance pursuant to the provisions of the bill, it is estimated that the additional workload could be handled with one additional attorney, at an estimated annual cost of \$159,988.

While this bill could lead to some additional actions being filed in circuit court, it is not expected to have a material fiscal impact on the court system.

There is no expected fiscal impact to the Department of Elections.

Any potential impact on localities is indeterminate.

**9. Specific Agency or Political Subdivisions Affected:** Office of the Attorney General and Department of Law, Circuit Courts, Department of Elections, State Board of Elections, local general registrars, and localities.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

Date: 2/5/2020