

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB761-S1

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input checked="" 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 of the City of Richmond 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 because it does not have such purpose or effect. No qualification, prerequisite, standard, practice, or procedure that is a covered practice shall be given effect until (a) the Circuit Court of the City of Richmond 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. The bill provides to a covered jurisdiction the right to appeal an objection by the Attorney General and provides the right to appeal the Attorney General's issuance of a certification of no objection to a qualified voter whose opportunity to vote is affected by the covered practice. A "Covered jurisdiction" is defined as any county or city 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 also defines "covered practice."

The Senate substitute also contains a delayed enactment clause, providing that its provisions shall become effective January 1, 2022, except that no locality shall be required to comply with its provisions for changes made to the boundaries of election districts or wards until July 1, 2022.

6. Budget Amendment Necessary: Yes; Item 57.

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	-	-	
2022	\$79,994	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. The second enactment clause of the Senate substitute provides that the bill's provisions shall not become effective until January 1, 2022; therefore, funding would be needed beginning with the second half of fiscal year 2022.

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: 3/2/2020