

Department of Planning and Budget 2021 Fiscal Impact Statement

1. Bill Number: HB1883

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ 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, to either (i) institute an action in the Circuit Court of the City of Richmond for a declaratory judgment that the covered practice neither has the purpose or effect of denying or abridging the right to vote on account of race or color or membership in a language minority group nor will 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 of no objection. No covered practice can be given effect until the Circuit Court of the City of Richmond has entered such judgment or the Attorney General has issued such certification. The bill permits certain persons to institute an action to compel the governing body of a covered jurisdiction to institute an action in the Circuit Court of the City of Richmond or to seek issuance of a certification of no objection and provides for appeals by the governing body or certain persons to decisions made by the Attorney General. A covered jurisdiction is defined by the bill as any county or city that is determined by the Attorney General using annual American Community Survey data to have a voting age population that contains two or more racial or ethnic groups, each constituting at least 20 percent of its voting age population, but excludes any county or city that, on or after January 1, 2008, was exempt from the preclearance requirements of § 5 of the Voting Rights Act of 1965, as amended, pursuant to a declaratory jurisdiction issued by the United States District Court for the District of Columbia under § 4 of that Act.

6. Budget Amendment Necessary: Yes; Item 57.

7. Fiscal Impact Estimates: Preliminary

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2021	-	-	-
2022	\$159,988	2	GF
2023	\$319,976	2	GF
2024	\$319,976	2	GF
2025	\$319,976	2	GF

2026	\$319,976	2	GF
2027	\$319,976	2	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, the Office of the Attorney General and Department of Law estimates that the additional workload could be handled with two additional attorneys, at an estimated annual cost of \$319,976. The second enactment clause of the bill provides that its provisions shall not become effective until January 1, 2022, except that covered jurisdictions shall not be required to comply with the provisions of subsection B of § 24.2-304.1:1 for changes made to boundaries of elections districts or wards until July 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: 1/21/2021