

Commission on Local Government

Estimate of Local Fiscal Impact

2021 General Assembly Session

Bill: SB1395

Special Session:

Patron: McClellan

Date: 2/3/2021

In accordance with the provisions of §30-19.03 of the Code of Virginia, the staff of the Commission on Local Government offers the following analysis of the above-referenced legislation:

Bill Summary:

; prohibited discrimination in voting and elections administration; required process for enacting certain covered practices; civil causes of action. Prohibits any voting qualification or any standard, practice, or procedure related to voting from being imposed or applied in a manner that results in the denial or abridgment of the right of any United States citizen to vote based on his race or color or membership in a language minority group. The bill further prohibits at-large methods of election from being imposed or applied in a locality in a manner that impairs the ability of a protected class, defined in the bill, to elect candidates of its choice or to influence the outcome of an election, by diluting or abridging the rights of voters who are members of a protected class. Prior to enacting or administering a covered practice, defined in the bill, the governing body of a locality is required to publish the proposed covered practice and accept public comment for a minimum of 30 days on the proposed covered practice; after the public comment period, a 30-day waiting period is required. During this period, any person who will be subject to or affected by the covered practice may challenge the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. The bill permits the local governing body to instead submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection and, once such certification is issued, to enact or administer the covered practice. Certain unlawful actions, including knowingly communicating false information to voters, that are currently subject to criminal penalties will create civil causes of action under the bill. Current provisions related to language minority accessibility are moved to a newly created chapter relating to the rights of voters.

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### Executive Summary:

Only three localities responded and all of them noted that the bill would not have any fiscal impact. Those who responded, two of them are towns and they are not responsible for elections because elections are the responsibility of the county. One locality noted that the provision of the bill would allow litigation and a civil penalty, which could result in some fiscal impact.

This bill is a companion bill for HB1890.

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### Local Analysis:

**Locality:** City of Manassas

**Estimated Fiscal Impact:** \$0.00

We don't necessarily expect a fiscal impact for this bill; however, there are new provisions to allow litigation and a civil penalty of \$1,000 per voter could result in some fiscal impact. However, all voters in Manassas use the same ballot as local elections are at large and the entire city is within the same federal and state voting districts.

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Locality: Town of Blacksburg

Estimated Fiscal Impact: \$0.00

No impact to the Town as the County handles all election matters.

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**Locality:** Town of Marion.

**Estimated Fiscal Impact:** \$0.00

No local impact on town

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