

LD1747483

HOUSE BILL NO. 1594

Offered January 11, 1995

A BILL to require the reapportionment of boroughs in the City of Virginia Beach.

Patrons—Wardrup and Wagner

Referred to Committee on Privileges and Elections

Whereas, the Virginia Beach City Council is elected from the city at large under a plan known as the Seven-Four Plan; and

Whereas, this plan for electing the council evolved from the 1963 consolidation of the City of Virginia Beach with Princess Anne County and was enacted in 1966 as a means to resolve challenges to the fairness of the original 1963 plan; and

Whereas, under the present Seven-Four Plan, the council is now composed of a mayor and three members elected at large without regard to the residence of the candidates and of seven members elected by the city at large with the requirement one reside in each of the seven boroughs; and

Whereas, the populations among the seven boroughs vary greatly today just as they did when the Seven-Four Plan was first adopted in 1966 and approved by the Supreme Court in *Dusch v. Davis*, 387 U.S. 112 (1967); and

Whereas, the Supreme Court found that the Seven-Four Plan was constitutional in that each member of council was elected by all voters in the city and found further that the consolidation of urban and rural areas "demonstrates the compelling need, at least during an appreciable transition period, for knowledge [on the Council] of rural problems handling the affairs of one of the largest area-wide cities in the United States." 387 U.S. at 116 (quoting from the lower court decision); and

Whereas, after nearly thirty years since enactment of the Seven-Four Plan, it can no longer be argued that the City of Virginia Beach is in a transition period; and

Whereas, it is questionable whether the current Seven-Four Plan, with its boroughs of disparate populations, could pass a legal challenge; and

Whereas, during the 1991 Session, the General Assembly passed House Joint Resolution No. 359, which requested that the City of Virginia Beach review the fairness of the representation afforded by the present Seven-Four Plan in light of the 1990 census reports and the evolution of the city since the 1963 consolidation which brought it into being; and

Whereas, in the four years since passage of House Joint Resolution No. 359, the city has not amended the Seven-Four Plan; and

Whereas, in a referendum held in May of 1994 the voters of Virginia Beach expressed support for the idea of seven boroughs of equal population; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *Notwithstanding provisions of the City of Virginia Beach charter, the city shall reapportion its seven boroughs so that they contain approximately equal populations according to 1990 census figures. The new boroughs shall be effective for the May 1998 council elections.*

INTRODUCED

HB1594