

Capitol Contact

Virginia General Assembly

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Tuesday, February 6, 2024

School Construction Financing Bills Advance in House

On February 5, Subcommittee #3 of the House Finance Committee recommended to report with a substitute [HB 805 \(Rasoul\)](#) on a vote of 5-3. As previously [reported](#), this bill would permit any county or city to impose an additional local sales and use tax of up to 1 percent, if initiated by a resolution of the local governing body and approved by voters at a local referendum. The revenues of such a local tax would be used solely for capital projects for the construction or renovation of schools. Any tax imposed shall expire when the costs for capital projects are to be repaid and shall not be more than 20 years after the date of the resolution passed. Currently, this authority is limited to the qualifying localities of Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville.

The bill now incorporates various “standalone” bills before the committee, including [HB 60 \(Wright\)](#) for Prince Edward County and [HB 193 \(Cole\)](#) for Stafford County. The substitute now also allows localities that choose to exercise this authority, if approved by voter referendum, to use the revenues from such authority for school capital debt payments.

VACo and numerous other local government and K-12 advocates testified in favor of the bill. VACo thanks its members and those who advocated for the bill. A recap of the subcommittee hearing from Cardinal News can be read [here](#).

The bill now heads to the full [House Finance Committee](#), where it could be heard as early as the afternoon of Wednesday, February 7.

The Senate version of the bill, [SB 14 \(McPike\)](#), passed the Senate on a bipartisan vote of 27-13 and now awaits assignment to committee in the House. Both versions of the bill will need to be conformed before passage.

VACo Contact: [Jeremy R. Bennett](#)

Bills Take Differing Approaches to Statutes Regarding Removal of Officers

[HB 1149 \(Cordoza\)](#) would make a significant change to the process of removing an elected officer or officer who has been appointed to fill an elective office. Under current law, the removal process for most elected officials begins with a petition to a circuit court signed by registered voters within the jurisdiction equating to ten percent of the total number of votes cast at the last election for the office that the officer holds. HB 1149 would create an alternative process that would allow the Governor, instead of the voters, to petition the court. **VACo opposes the measure**, as it would substitute one person's judgment for the will of a subset of the voters in a jurisdiction in initiating the removal process.

[HB 265 \(Simon\)](#) makes a set of narrower amendments to the removal statutes. The bill, which has been reported from House Privileges and Elections and is headed to the House floor, contains the following provisions:

- Requires that all signatures for the petition of registered voters to the circuit court that starts the removal process to be collected within 90 days.
- Provides that a petition for removal is not sufficient if the grounds or reasons stated for removal have been the basis for a previously-filed petition that was dismissed, or did not result in the officer's removal at trial.
- Stipulates that if the local Commonwealth's Attorney has a conflict of interest or is otherwise unavailable, the Chief Justice of the Commonwealth would appoint an alternate attorney to receive a copy of the petition and to represent the Commonwealth in proceedings.
- Prohibits discovery for removal proceedings.

VACo Contact: [Katie Boyle](#)

Bill to Make Short-Term Rentals a By-Right Use Passes in Committee

[SB 544 \(Bagby\)](#), as amended in committee, prohibits a locality from adopting a local ordinance that requires a special exception, special use, or conditional use permit be obtained for the use of a residential dwelling as a short-term rental where the dwelling unit is also legally occupied by the property owner as his or her primary residence. SB 544 passed in the [Senate Local Government Committee](#) by a [vote of 11-4](#) and will be considered on the Senate floor later this week. **VACo opposes SB 544.**

Action Required – Contact members of the [Senate](#) to vote “NO” on SB 544.

KEY POINTS

- Local governments have the authority to regulate and address any potential impacts from the operation of short-term rentals within their community.
- Mandated changes to this authority that make short-term rentals a “by right” use erodes the ability of local elected officials to address impacts from their operation.

VACo Contact: [Joe Lerch, AICP](#)

Bill to Make ADUs a By-Right Use Passes in Committee

[SB 304 \(Salim\)](#) passed in the [Senate Local Government Committee](#) on February 5 by a [vote of 8-6-1](#) and will be considered on the Senate floor later this week. **VACo opposes SB 304.**

Action Required – Contact members of the [Senate](#) to vote “NO” on SB 304.

The legislation, as amended in committee, mandates all localities permit accessory dwelling units (ADUs) as an accessory use in residential zoning districts. The legislation also prohibits a locality from requiring rear or side setbacks for the ADU that are greater than the setback required for the primary dwelling, or four feet, whichever is less.

Additionally, the legislation limits what a locality may require to the following:

- No more than one ADU to be located on a lot;

- A rental period for such ADU of at least 30 days;
- Replacement of a primary dwelling's required parking if the construction of the ADU eliminates such parking;
- Square footage of the ADU not to exceed 1,500 square feet or 50 percent of the primary dwelling's square footage, whichever is less; and
- Compliance with (i) building codes; (ii) water, sewer, septic, and stormwater requirements; and (iii) historic and architectural districts and corridor protection restrictions.

KEY POINTS

- Local governments have the authority to allow for the inclusion of ADUs within their zoning ordinances and determine the context of where ADUs can be reasonably accommodated to meet the needs of residents and homeowners.
- A mandate to authorize an ADU in all single-family zoning districts excludes input from citizens and communities on whether, and how, ADUs can fit within existing and proposed residential developments.

VACo Contact: [Joe Lerch, AICP](#)

Speed Camera Roundup

[SB 336 \(Roem\)](#) and [HB 521 \(Laufer\)](#) focus on the ability for localities to expand the use of photo speed monitoring within their jurisdiction but take different approaches in enabling the use of this public safety tool. [As previously reported](#), SB 336 would permit a state or local law enforcement agency to place and operate a photo speed monitoring device at a “high-risk intersection,” as defined in the bill, located within the locality. Before operation of the photo speed camera, the state or local law enforcement agency must certify that a traffic fatality occurred in the “high risk intersection” since January 1, 2014.

HB 521 would allow any locality to authorize, by ordinance, its local law enforcement agency to place and operate photo speed monitoring devices on “locality-designated highway segments.” The bill defines a “locality-designated highway segment,” as any highway or portion thereof designated in a local ordinance where photo speed monitoring devices may be placed and operated.

SB 336 and HB 521 would meet different fates as they made their way through the respective chambers.

VACo is pleased to report that SB 336 reported out of the Senate favorable by a vote of [22-18](#). SB 336 will appear in the House post crossover, and VACo is excited to testify in support of the bill. Unfortunately, while VACo testified in support of HB 521 during its subcommittee hearing, the bill was incorporated into [similar legislation](#) and subsequently carried over to the 2025 Session.

While SB 336 is not the only bill alive regarding photo speed monitoring devices, VACo believes it is the best available approach towards affording localities the ability to expand the use of these public safety tools. **VACo supports SB 336** as the legislation is well tailored to localities and increases the ability for local governments to respond to constituent concerns regarding safety on local roadways. VACo thanks Delegate Laufer for bringing HB 521 forward, and we look forward to reviewing the bill as it is heard during the 2025 Session. VACo thanks Senator Roem for sponsoring SB 336 and championing the issue. Crossover is set for February 14, and VACo will continue to provide updates surrounding SB 336 as they become available.

VACo Contact: [James Hutzler](#)

Update on Elections Bills

Voter satellites

Several bills dealing with the establishment of voter satellite offices are under consideration this session. Since the establishment of voter satellite offices is currently a local option and would be funded by local dollars in the absence of additional state support, VACo has encouraged the preservation of local flexibility in making these decisions. [HB 1172 \(Sickles\)](#), as introduced, would have required the governing body of a county or city with a population of 50,000 or more to establish at least one satellite office, which must be in operation for the duration of the absentee voting period. Last week, this bill was incorporated into [HB 1408 \(Srinivasan\)](#), which was amended to direct the Department of Elections to develop standards and guidelines for determining the minimum number of voter satellite offices and their relative locations for general elections, taking into account the population of registered voters, population density and distribution, proximity to major transportation corridors, and access to public transportation. VACo has encouraged a less prescriptive approach, suggesting the development of guidelines rather than standards, but the bills have been improved from their original versions.

A more specific bill, [HB 941 \(Shin\)](#), which would have required the establishment of at least one voter satellite office on the campus of any baccalaureate public institution of higher education with more than 3,000 enrolled students, was continued until 2025 with a planned workgroup to be directed by a letter from the Chair of the House Privileges and Elections Committee. VACo raised concerns about the bill when it was heard in subcommittee.

[HB 942 \(Shin\)](#), as introduced, would have allowed tribal governments to request the establishment of a voter satellite office on a tribal reservation on the first and second Saturday preceding the general election, directed a governing body to consider certain factors in establishing voter satellite offices, and barred the use of a police station or sheriff's office from being used as a voter satellite office. This bill has been amended to deal only with the prohibition on use of law enforcement facilities as satellite offices. [HB 1490 \(Reaser\)](#), which was recommended to be reported on Monday evening, would authorize the local governing body to prescribe dates and hours of operation for satellite offices (in accordance with existing Code requirements) and would prohibit any reduction in dates or hours of operation from being enacted within 60 days of a general election. Under current law, the governing body may establish the locations of satellite offices by ordinance and the electoral board sets dates and times of operation.

Ranked choice voting

[HB 841 \(Hope\)](#) and [SB 428 \(VanValkenburg\)](#) would allow elections for local and constitutional offices to be conducted via ranked-choice voting if approved by the local governing body, and direct the Department of Elections to review the testing and approval framework for voting equipment in the Commonwealth. VACo does not have a position on ranked-choice voting as a concept, but has advocated for the decision to conduct elections in this manner to remain with the local governing body, since the costs for any necessary software or equipment upgrades will likely be borne locally. These bills retain the decision-making authority with the local governing body. VACo offered amendments, which the patrons have accepted, to allow counties to recoup the costs of conducting ranked choice voting in town elections if the costs would not have been incurred absent the town council's decision to conduct the election via ranked choice voting. SB 428 has been reported from Senate Privileges and Elections and referred to Senate Finance and Appropriations. HB 841 has been referred to House Rules, where it has not yet been heard.

[SB 270 \(Subramanyam\)](#) would allow for presidential primaries to be conducted via ranked-choice voting, at the option of the political party, subject to a feasibility determination by the state. VACo has raised questions about how this legislation would be implemented since not every jurisdiction has the equipment or software necessary to conduct ranked-choice voting elections. A subcommittee of Senate Finance and Appropriations that heard the bill on Tuesday morning recommended placing a reenactment clause on the bill with a directive to the Department of Elections to provide information on what would be required at the state and local levels to implement this process. A similar bill, [HB 658 \(Cole\)](#), which applied to primary elections more broadly in its amended form, was continued to 2025 in House Privileges and Elections.

Staffing in general registrars' offices

[HB 465 \(Runion\)](#) and [SB 147 \(Head\)](#) were introduced at the request of Augusta County and would direct the State Board of Elections to adopt guidance for determining the recommended number of deputy registrars, including a recommended number based on a county or city's population. Under current law,

the electoral board determines the number of deputy registrars (with a minimum of one deputy in localities with populations greater than 15,500 and one substitute registrar in smaller localities). Under the bills, the electoral board would continue to determine the number of deputy registrars, but that number could not exceed the State Board's recommended number unless the local governing body voted to approve additional deputy registrars. The bills direct the Department of Elections to convene a workgroup on the development of the recommended number of deputy registrars, with a report due by December 1, 2024. VACo spoke in support of SB 147 when it was heard; the bill failed to report from Senate Rules on a 7-7 tie; HB 465 was recommended to be tabled in a subcommittee of House Privileges and Elections on Monday evening. [HB 1530 \(Cordoza\)](#) would require all localities to have a chief deputy registrar; for localities with populations of greater than 10,000, the chief deputy registrar would serve full-time, and for smaller localities, the general registrar would determine whether the chief deputy registrar served on a part-time or full-time basis. The bill would require that full-time chief deputy registrars be paid not less than 60 percent of the general registrar's salary. VACo has expressed concerns about mandating staffing in this manner and has encouraged the patron to consider pursuing additional state support for staffing in general registrars' offices.

Other elections bills of note

Split precincts: [HB 1358 \(Kent\)](#) would have streamlined the split precinct waiver process by allowing a governing body that has been granted a waiver to administer a split precinct to continue to use that precinct until the governing body made changes to precinct boundaries or until the waiver was withdrawn by the State Board of Elections. Under current law, a locality must reapply for the waiver every year. VACo spoke in support of the bill as an administrative efficiency for counties, but the bill was tabled in a subcommittee of House Privileges and Elections.

Voting machine receipts: [HB 907 \(Kent\)](#) and [SB 303 \(Stuart\)](#) would have required voting systems approved by the State Board of Elections to produce a printed receipt for each voter that would show the date and time the voter's ballot was cast, the voter's number corresponding to the order in which ballots were cast, and a list of all the voter's selections on the ballot. Current equipment used in localities does not have this capability and there are questions as to whether such equipment is available; VACo raised concerns about potential compliance costs to localities when the Senate bill was heard. SB 303 was passed by indefinitely in Senate Privileges and Elections. HB 907 was continued to 2025 at the request of the patron in House Privileges and Elections.

Filling of vacancies: [HB 417 \(Convirs-Fowler\)](#) provides that when a vacancy occurs in an elected local office that is subject to a ward-based or district-based residency requirement, the election to fill the vacancy must be held within 365 days of the vacancy occurring. Under current law, unless provided otherwise by statute or charter, a governing body or an elected school board must petition for a special election to fill the vacancy within 15 days of the occurrence of the vacancy. The court would then order the special election to be held on the date of the next general election. If the vacancy occurs within 90 days of the next general election, the

special election would be held on the date of the second such general election (unless the governing body requests a special election sooner).

List maintenance: [HB 1177 \(Sickles\)](#) and [SB 606 \(VanValkenburg\)](#) direct the Commissioner of Elections to reinstate the Commonwealth’s membership in the Electronic Registration Information Center. HB 1177 was reported from House Privileges and Elections and awaits a hearing in the House Appropriations Committee. SB 606 was reported from Senate Privileges and Elections and referred to Senate Finance and Appropriations. VACo spoke in support of both measures when they were heard in their respective originating committees.

Party identification on ballots: [HB 176 \(Gardner\)](#) provides that any candidate for a constitutional office who is nominated by a political party or at a primary election shall be identified with a political party on the ballot. Currently, only candidates for federal, statewide, and General Assembly offices have this designation on the ballot. This legislation was recommended to be reported by a subcommittee of House Privileges and Elections last week, but the bill was delayed for a week in full committee. A broader bill, [HB 254 \(Sullivan\)](#), would provide for party identification on the ballot for candidates for local and constitutional offices who are nominated by a political party or at a primary election. This bill has not yet been heard.

VACo Contact: [Katie Boyle](#)

Key Dates for the 2024 General Assembly

As part of its organizational work on the first day of the 2024 session, the General Assembly adopted a procedural resolution on January 10 that sets out important dates and deadlines for the 2024 legislative session.

- **January 10:** General Assembly convened at noon. Bills that were “prefiled” were due to be submitted by 10:00 a.m. Bills affecting the Virginia Retirement System, or creating or continuing a study, were required to be filed by adjournment of the floor session.
- **January 12:** Deadline for submission of member budget amendments.
- **January 19:** Deadline for all bills or joint resolutions to be filed (by 3 p.m.), with some exceptions, such as legislation introduced at the request of the Governor or legislation allowed to be introduced after deadlines by unanimous consent.
- **February 13:** “Crossover” deadline for each chamber to complete work on legislation originating in that chamber (except for the budget bill).

- **February 18:** “Budget Sunday,” the deadline for the “money committees” to report their respective budgets by midnight.
- **February 22:** Deadline for each chamber to complete consideration of its budget bill.
- **February 28:** Deadline for each chamber to complete consideration of the other chamber’s budget bill and revenue bills.
- **March 4:** Deadline for committee consideration of legislation, by midnight.
- **March 9:** Scheduled adjournment *sine die*.
- **April 17:** Reconvened session for consideration of Governor’s amendments and vetoes.

VACo Contact: [Katie Boyle](#)