



MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Kathleen Dooley, City Attorney, Mark Whitely, Assistant City Manager, and
Chuck Johnston, Planning & Building Director
DATE: 2022 January 25
RE: Fredericksburg City Ward Redistricting – Supplemental comments

Issue

The boundaries of the City’s election wards need to be changed to correct an imbalance of population shown in the 2020 US Census. A public hearing is scheduled for the Council’s February 8 regular session on the modified citizen’s plan (version2). Today, the Council is being informed about how this plan is proposed to modified from the 1st read ordinance to preclude the need for an additional precinct in Ward 3. The City Electoral Board submitted comments on January 21 recommending an additional precinct and polling place in each of Wards 2 and 3.

Recommendation

After considering the Electoral Board’s memo, the staff recommendation remains that City Council should adopt the modified citizen’s plan (version 2) after its public hearing on February 8, 2022.

Discussion

On January 11, City Council selected the modified citizen’s plan as the preferred redistricting option of the four presented, by a vote of 4 to 3. Much of Council’s discussion at that meeting related to the fact that the number of registered voters in proposed Ward 3 exceeded the maximum number of voters for a single precinct by just five voters. Under state law, a precinct may have no more than 5,000 registered voters when it is created – Ward 3 would have 5,005.

After the meeting, staff revised the selected plan to address this anomaly, with the purpose of avoiding the necessity of creating a new precinct and polling place for a small population; and staff will present this adjusted plan to City Council at tonight’s meeting.

On Friday, January 21, the Electoral Board wrote to recommend the creation of two new precincts and polling places -- one each for Wards 2 and 3. The new Ward 2 precinct would serve about 540 registered voters and the new Ward 3 precinct would serve 796 registered voters. The Electoral Board proposed that both precincts and polling places could be located in the Trinity Episcopal Church at 825 College Avenue.

Fiscal Impact

Opening a new precinct site for an election does involve costs to the local government for the administration of the new site. Equipment (e.g. voting machines) and staff must be provided, as well as oversight by the staff and the location by the Voter Registrar's office.

The City Registrar estimate for opening a new precinct, including staff and new equipment, is \$16,200, with ongoing staffing and supply costs per subsequent election of an additional \$2,000. The Registrar and Electoral Board believe that current equipment on-hand would be sufficient to open a new polling place, which would reduce the initial cost to \$2,000 – assuming no other changes to election laws.

Eventually, if new precincts are established, at some point the City Manager's office believes that voting machines and equipment would need to be added. Currently, a new precinct scanner costs approximately \$6,500, and a new ballot marking device costs approximately \$3,500. There are small costs, about \$500 per machine, for ongoing software and maintenance support. Additional electronic poll books would be needed as well. The \$16,200 estimate includes 3 poll books and 1 vote tabulator and 1 express vote marking device (to assist voters who need that assistance).

Legal Impact

Under state law, each polling place shall be located in a public building whenever practicable. There are many public buildings in the vicinity of the proposed new polling places – namely on UMW campus. If Council wishes to establish new polling places, then the City should engage the University to determine if it would be practicable to locate new polling places in a public building. If two polling places are to be located in a single building, then state law requires each polling place to be located in a separate room or separate and defined space. Each polling place must have at least one vote scanner. In addition, accessibility surveys of new polling places must be completed.

Finally, the City Council would be required to publish notice of the proposed new precincts and polling places for two weeks prior to enactment. If Council wishes to do so, then staff recommends delaying the planned February 8 public hearing to February 22 to allow time to advertise a new public hearing.