

# How Changes to the 2020 Census Timeline Will Impact Redistricting

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**E**very 10 years, all U.S. states redraw their legislative and congressional districts in order to comply with the constitutional mandate that districts be equally populated. States redraw these districts using block-level data from the decennial census conducted in years ending in zero.

For the upcoming redistricting cycle, states were expected to receive census data by the end of March 2021, and, under normal circumstances, most would complete the process of redrawing maps by the end of summer 2021. However, in light of the ongoing Covid-19 emergency, the U.S. Department of Commerce and the U.S. Census Bureau announced on April 13 that there would be significant alterations and delays to census field operations.<sup>1</sup> In conjunction with those delays, the Bureau said that it would ask Congress for a four-month extension of the statutory deadline for delivering redistricting-related data to the states.<sup>2</sup> This would push the delivery of data from February–March 2021, as currently scheduled, to as late as the end of July 2021.

The Commerce Department and the Census Bureau have said that these delays are necessary to ensure public health and an accurate count. The delays will impact the legal or customary redistricting timelines of most states

and, in many cases, will require changes to redistricting deadlines and processes set by state law. Nonetheless, they will not absolve states of their constitutional obligation to carry out the redistricting process once new census data becomes available, even if the original deadlines can no longer be kept.<sup>3</sup> If states do not make the adjustments needed to complete redistricting on time, courts will need to intervene and draw temporary maps to ensure legally compliant districts for upcoming elections—a power they have exercised in the past.<sup>4</sup> Depending on how long this process takes, courts may also need to adjust candidate filing periods and/or delay primary elections.

#### **This memorandum examines:**

- what deadlines for redrawing congressional and legislative district boundaries states will need to adjust in order to accommodate the delayed delivery of redistricting data, and
- how these changes will potentially impact state and federal elections scheduled for 2021 and 2022.

## The Proposed Data Delays

Under current law, after each census, the Commerce Department is obligated to provide two types of data that are used during the redistricting process.

First, by January 1 of the year after the census, the Commerce Department must deliver apportionment counts to the president, which include the total population of each state and the number of congressional seats to which each state is entitled.<sup>5</sup> Then, by January 10, the president must transmit the apportionment counts to Congress, which in turn is responsible for sending the counts to all U.S. governors.<sup>6</sup> In past decades, however, the Census Bureau has finished the process earlier than required, delivering apportionment counts to the president in late December of census years.

Second, the Commerce Department is responsible for providing states with the block-level population and demographic data needed to redraw congressional and legislative districts (commonly known in redistricting parlance as the “P.L. 94-171 file” or simply the “P.L. file,” a reference to the statute creating the requirement to provide redistricting data). By statute, the Commerce Department must provide each state with this information no later than April 1 of the year after the census.<sup>7</sup> In practice, however, the Bureau distributes the information to states on a rolling basis, starting in mid-February of years ending in one, with states with earlier redistricting deadlines receiving data first.

The Census Bureau has proposed to extend the response period for the 2020 census to October 31, 2020. It has asked Congress to extend the deadline for delivering apportionment counts to the President to **April 30, 2021** and the deadline for delivering P.L. files to the states to **July 31, 2021**. The Bureau has not stated whether P.L. files will continue to be produced on a rolling basis.

## The Impact of the Delay

If the delivery of redistricting data is delayed, the overwhelming majority of states would need to adjust in varying degrees their redistricting timelines, in order to avoid having to use court-drawn maps for upcoming elections. In addition, some states may have to adjust their candidate filing or qualification periods and/or move primary dates. Delays would also impact elections in New Jersey and Virginia, the two states with general elections scheduled in 2021.

A delay in delivery of redistricting data also will affect the eight states that have fixed statutory or constitutional deadlines for public input or participation in the redistricting process.

Part I of this memorandum provides a summary of the impacts on the redistricting process in states and Part II outlines additional state-specific information for each state.

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## Overview of State-Level Impact

	LEGISLATIVE	CONGRESSIONAL*	IMPACT OF DELAY
States with general elections in 2021	2	n/a	States may need to use current maps for 2021 elections.
States with set fixed constitutional or statutory deadlines for completing redistricting or deadlines tied to the census year	20	10	To avoid maps being drawn by courts, states will need to adjust deadlines through formal action or, in some cases, through other default processes.
States with deadlines for completing redistricting tied to publication of the census or the state's receipt of redistricting data	11	4	Deadlines will be adjusted automatically but states will still need to complete redistricting in time for 2022 elections. In some states, this will require special sessions.
States with no set redistricting deadlines	12	28	No legal changes are required, but states may need to hold special sessions to complete redistricting in time for 2022 elections.
States required to redistrict in 2022	5	2	No or minimal impact.

\*Numbers do not add to 50 because some states will have only one congressional district and do not need to redraw congressional maps.

# Summary of Deadlines Impacted If Redistricting Data is Delayed

### A. States with 2021 Elections

The most significant challenges as a result of delayed redistricting data will be in *New Jersey* and *Virginia*, which hold legislative elections in odd-numbered years, with the next general election scheduled for November 2, 2021.<sup>8</sup> Both states also currently have primary elections scheduled for June 8, 2021.<sup>9</sup>

If redistricting data is not delivered until July 31, 2021, *New Jersey* or *Virginia* will be unable to complete the redistricting process in time even to hold delayed primaries before the November 2, 2021 general elections. It might be possible, however, for the Census Bureau to prioritize data delivery to these states in order to allow redistricting to be completed somewhat earlier.

Holding legislative elections as scheduled will likely require some legislative, executive, or judicial action, even if data can be delivered earlier than July 31. This could include allowing the states to use their existing legislative plans for the 2021 elections, with new maps in place for the 2023 elections.

### B. States with Fixed Redistricting Deadlines or Deadlines Tied to the Census Year

Twenty-one states have redistricting deadlines that are either fixed or tied to the census year. Most of these states will miss these deadlines if the delivery of redistricting data is delayed until July 31, as requested by the Census Bureau. To avoid this scenario, states should consider construing deadlines flexibly or adjusting them through executive, legislative, or judicial action.

Nine states (*California, Delaware, Hawaii, Maine, New York, Ohio, South Dakota, Utah, and Washington*) have fixed redistricting deadlines for both legislative and congressional districts.<sup>10</sup> If census data are delayed until July, it will be impossible for *California, Delaware, and Maine* to meet their deadlines, which means that the map-drawing process would default to courts if those deadlines are not adjusted. Other states could theoretically meet their redistricting deadlines but would face a substantially compressed timeline. These states may also want to consider some adjustments to allow for the most robust redistricting process possible.

Another 12 states have deadlines for legislative and/or congressional redistricting tied to the census year. The language behind these deadlines is often ambiguous and would benefit from clarification through legislative, execu-

utive, or judicial action. If this deadline language is interpreted as requiring redistricting in the year after the census is *taken* (2020), state-law deadlines would need to be adjusted in most cases so these states have time to redistrict using their regular legislative or commission processes.<sup>11</sup> But if the language is construed to require redistricting in the year after the Census Bureau *delivers* population counts to the president or redistricting data to the states (2021 under the proposed extension), states would not default on state-law redistricting deadlines. However, those states still might need to hold special sessions or make other procedural adjustments in order to be able to complete redistricting in time for the 2022 election.

States with census-related deadlines for legislative redistricting only: *Alabama, Arkansas, Illinois, Massachusetts, Nevada, New Hampshire, Oklahoma, Oregon, and Vermont*.

States with census-related deadlines for both legislative and congressional redistricting: *Connecticut and Michigan*.

States with census-related deadlines for congressional redistricting only: *Indiana*.

### C. States with Redistricting Deadlines Tied to Receipt of Census Data

Eleven states have redistricting deadlines tied either to the report or publication of census population counts or to the state's receipt of redistricting data. In these states, adjustments to the deadline for completing redistricting will occur automatically if apportionment counts or the delivery of data is delayed. Nonetheless, states may need to call special sessions in order to complete redistricting before early primary dates.

Six states expressly tie redistricting deadlines to the state's receipt of block-level census data. These states are: *Alaska, Colorado, Iowa, Missouri, Montana, and Pennsylvania* (legislative only for *Pennsylvania*).

Another five states tie legislative and/or congressional redistricting deadlines to the publication of the census or the delivery of apportionment counts to the president. In the upcoming cycle, that delivery would take place in 2021 if Congress approves the Census Bureau's requested extension. These states are: *Louisiana, Minnesota, North Carolina, Texas, and Wisconsin*.

#### **D. States with No Set Redistricting Deadlines**

Eleven states do not have any statutory or constitutional deadlines for legislative redistricting, and 28 do not have statutory or constitutional deadlines for congressional redistricting.

However, given the need to have new maps in place for the 2022 elections, these states might need to hold special legislative sessions in order to complete redistricting or alternatively consider adjustments to election schedules.

States with no set deadlines for legislative redistricting: *Arizona, Georgia, Idaho, Kentucky, Nebraska, New Mexico, North Dakota, Rhode Island, South Carolina, Tennessee, and West Virginia.*

States with no set deadlines for congressional redistricting: *Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.*

#### **E. States Required to Redistrict in 2022**

Five states are not required under their state law to do legislative redistricting until 2022. The proposed data delay should have little or no impact on redistricting in these states.

The states are: *Florida, Kansas, Maryland, Mississippi, and Wyoming.*

In addition, two states, *Mississippi* and *New Jersey*, have until early 2022 to complete congressional redistricting.

#### **F. States with Constitutionally or Statutorily Fixed Hearing or Public Input Requirements**

Eight states have constitutional or statutory deadlines for making proposed maps available for public comment or for holding public hearings that may need to be adjusted in light of delays to the start of the redistricting process.

These states are: *California, Colorado, Hawaii, Iowa, Michigan, New York, Ohio, and Vermont.*

## Part II

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# State-by-State Assessments

**Notes:** For states with deadlines tied to the receipt of census data, the dates have been calculated assuming data will be delivered on the last day of the requested delay, July 31, 2021. It is possible and, perhaps, even likely that some states will receive data earlier, but the Census Bureau has not provided a schedule.

Also, absent state-specific citations for finalizing ballots, the deadline provided is calculated to comply with the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), which requires state election officials to send absentee ballots to certain military and overseas voters no later than 45 days before elections for federal office.<sup>12</sup>

Except where noted, we have not conducted research into any past judicial or administrative rulings that interpreted the statutory or constitutional provisions cited.

## Alabama

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** May 18, 2021 (final state legislative plans).<sup>13</sup>
- **Primary Election:** candidate filing by January 28, 2022,<sup>14</sup> ballots finalized by March 9, 2022,<sup>15</sup> election on May 24, 2022.<sup>16</sup>
- **General Election:** ballots finalized by August 24, 2022,<sup>17</sup> election on November 8, 2022.<sup>18</sup>

Alabama's legislature must pass state legislative plans during its first session after the taking of the census.<sup>19</sup> With the delay, it is possible this provision could be interpreted to mean the 2021 legislative session, the 2022 legislative session, or a special session convened between the two.

The census data production delay will make redistricting during the 2021 regular session an impossibility. Redistricting during the 2022 regular session would require moving the candidate filing deadline for the 2022 primary. The least disruptive option may be a special legislative session after data is produced but before the end of the 2021 calendar year.

There is no deadline for Alabama's legislature to pass a congressional plan, but logistically a special session will also be required if the 2022 candidate filing deadline is not to be moved.

## Alaska

- **Redistricting:** August 30, 2021 (draft state legislative plans), October 29, 2021 (final state legislative plans).<sup>20</sup>
- **Primary Election:** candidate filing by June 1, 2022,<sup>21</sup> ballots finalized by June 25, 2022,<sup>22</sup> election on August 16, 2022.<sup>23</sup>
- **General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>24</sup>

Alaska's redistricting commission must draw draft state legislative plans 30 days after receipt of census data, and pass final plans 60 days thereafter.<sup>25</sup> Because redistricting is triggered by the census data release and because Alaska has a late primary, Alaska's commission should be able to proceed normally even with the proposed census data production delay without infringing on the candidate filing deadline.

Alaska is projected to continue to have a single congressional district after reapportionment.

## Arizona

- **Redistricting:** no deadlines.
- **Primary Election:** candidate filing by April 4, 2022,<sup>26</sup> ballots printed by June 18, 2022,<sup>27</sup> election on August 2, 2022.<sup>28</sup>
- **General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>29</sup>

Arizona's independent redistricting commission must convene by February 28, 2021,<sup>30</sup> but it has no set deadline to pass either congressional or state legislative plans. There is, however, a requirement that the commission hold a 30-day public comment period on draft maps.<sup>31</sup>

During the 2011 cycle, the commission held a round of public hearings from July to August 2011 to gather input on map-drawing.<sup>32</sup> Later, from October to November 2011, the commission held necessary public hearings on draft maps.<sup>33</sup> Because Arizona has a late primary, the commission should be able to mirror this timeline even with the census data production delay.

## Arkansas

- **Redistricting:** February 1, 2021 or February 1, 2022 (final state legislative plans; unenforced).<sup>34</sup>
- **Primary Election:** candidate filing by March 1, 2022,<sup>35</sup> ballots finalized by April 7, 2022,<sup>36</sup> election on June 21, 2022.<sup>37</sup>
- **General Election:** ballots finalized by August 10, 2022,<sup>38</sup> election on November 8, 2022.<sup>39</sup>

In theory, Arkansas' redistricting panel must pass state legislative plans by February 1 "immediately following each Federal census."<sup>40</sup> However, the Arkansas Supreme Court has long not enforced this provision,<sup>41</sup> and if Arkansas follows its normal practice, there will be ample time for redistricting ahead of primary election deadlines.

Arkansas' legislature has no redistricting-specific deadlines for passing a congressional plan, but given the state's late primary there should be no difficulty enacting a plan in time.

## California

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** August 15, 2021.<sup>42</sup>
- **Backup Redistricting:** December 10, 2021 (special master).<sup>43</sup>
- **Primary Election:** candidate filing by December 10, 2021,<sup>44</sup> ballots finalized by December 30, 2021,<sup>45</sup> election on March 8, 2022.<sup>46</sup>
- **General Election:** ballots finalized by September 1, 2022,<sup>47</sup> election on November 8, 2022.<sup>48</sup>

California's independent redistricting commission must draw draft congressional and state legislative plans by July 1, 2021,<sup>49</sup> hold them open for comment for at least 14 days,<sup>50</sup> and then pass final plans by August 15, 2021.<sup>51</sup> If the commission cannot pass final plans, the California Supreme Court would appoint a special master to redraw the plans.<sup>52</sup>

It will be impossible for the California commission to meet its deadlines under the proposed census data production delay. California will need to alter the map-drawing timeline and potentially adjust its 2022 primary schedule.

## Colorado

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** July 7, 2021 (public hearings on congressional plan);<sup>53</sup> July 21, 2021 (public hearings on legislative plans);<sup>54</sup> September 1, 2021 (final congressional plan);<sup>55</sup> September 15, 2021 (final state legislative plans).<sup>56</sup>
- **Backup Redistricting:** if the commission misses a final plan deadline, the third nonpartisan staff plan becomes final.<sup>57</sup>
- **Primary Election:** candidate filing by March 29, 2022,<sup>58</sup> ballots mailed by May 14, 2022, election on June 28, 2022.<sup>59</sup>
- **General Election:** ballots finalized by September 24, 2022, election on November 8, 2022.<sup>60</sup>

Colorado's independent redistricting commission must draw draft congressional and state legislative plans no later than 45 days after convening or after census data has been produced (whichever is later).<sup>61</sup> The commission must also hold public hearings in July 2021, pass a final congressional plan by September 1, 2021, and pass final state legislative plans by September 15, 2021.<sup>62</sup>

However, the Colorado constitution allows the commission to adjust these deadlines "if conditions outside of the commission's control require" it.<sup>63</sup> This safety valve provision, along with a comparatively late March 15, 2022 candidate filing deadline, allow the commission to shift dates to make the timing workable.

## Connecticut

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** September 15, 2021.<sup>64</sup>
- **Backup Redistricting:** November 30, 2021 (backup commission),<sup>65</sup> February 15, 2022 (state supreme court).<sup>66</sup>
- **Primary Election:** candidate filing by June 7, 2022,<sup>67</sup> ballots mailed by June 25, 2022, election on August 9, 2022.<sup>68</sup>
- **General Election:** ballots finalized by September 22, 2022,<sup>69</sup> election on November 8, 2022.<sup>70</sup>

Connecticut's legislature must pass congressional and state legislative plans by September 15 "next following" the year in which the census is taken.<sup>71</sup> Otherwise, a backup commission has until November 30 to pass plans and, failing that, the Connecticut Supreme Court steps in before February 15 the following year.<sup>72</sup> Parts of this process will need to be adjusted depending on which year is deemed to be the census year.

In the past, Connecticut has considered the year ending in zero to be the census year even though data is not delivered until years ending in one. If this practice holds and deadlines are not adjusted, the legislature will have until September 15, 2021 to pass plans before the backup process would be triggered.

## Delaware

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** June 30, 2021.<sup>73</sup>
- **Primary Election:** candidate filing by July 12, 2022,<sup>74</sup> ballots finalized by July 15, 2022,<sup>75</sup> election on September 13, 2022.<sup>76</sup>
- **General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>77</sup>

Delaware's legislature must pass state legislative plans by June 30, 2021.<sup>78</sup> However, because this deadline is set by statute, this date can be changed during the 2021 legislative session to account for the census data production delay.

Delaware is projected to continue to have a single congressional district after reapportionment.

## Florida

- **Redistricting:** March 12, 2022 (final state legislative plans).<sup>79</sup>
- **Backup Redistricting:** 30-day special session, else state supreme court (final state legislative plans).<sup>80</sup>
- **Primary Election:** federal candidate filing by April 29, 2022,<sup>81</sup> state candidate filing by June 17, 2022,<sup>82</sup> ballots printed by July 9, 2022, election on August 23, 2022.<sup>83</sup>
- **General Election:** ballots printed by September 24, 2022, election on November 8, 2022.<sup>84</sup>

Florida's legislature must pass state legislative plans

during years ending in two.<sup>85</sup> Even with a census data production delay, the legislature will have the usual period of time to draft and pass new plans by March 12, 2022 when the session ends.

Florida's legislature has no redistricting-specific deadlines for passing a congressional plan, but its late primary should give the legislature sufficient time to enact a congressional plan.

## Georgia

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** no deadlines.
- **Primary Election:** candidate filing by March 11, 2022,<sup>86</sup> ballots finalized by March 14, 2022,<sup>87</sup> election on May 24, 2022.<sup>88</sup>
- **General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>89</sup>

Georgia's legislature has no redistricting-specific deadlines for passing either congressional or state legislative plans. However, to keep to the existing primary schedule, the legislature will need to redistrict during either a special session in the fall of 2021 or early in the 2022 regular session. A special session may be initiated by three-fifths of the members of each chamber or by the governor and may last 40 days unless extended by the legislature and governor.<sup>90</sup> The regular session will convene on January 10, 2022 and can last a maximum of 40 legislative days.<sup>91</sup>

## Hawaii

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** September 28, 2021.<sup>92</sup>
- **Primary Election:** candidate filing by June 7, 2022,<sup>93</sup> ballots finalized by June 24, 2022,<sup>94</sup> election on August 13, 2022.<sup>95</sup>
- **General Election:** ballots finalized by August 25, 2022,<sup>96</sup> election on November 8, 2022.<sup>97</sup>

By statute, Hawaii's redistricting commission must draw draft congressional and state legislative plans by August 9, 2021 and hold public hearings on the draft plans in each of the basic island units after giving 20-days public notice.<sup>98</sup> Constitutionally, the commission must

pass final plans by September 28, 2021 (150 days after convening).<sup>99</sup>

The commission may be able complete its task on time even with the census data production delay, but the process will be significantly compressed if no timing adjustments are made.

## Idaho

- **Redistricting:** October 29, 2021 (draft plans).<sup>100</sup>
- **Primary Election:** candidate filing by March 11, 2022,<sup>101</sup> ballots finalized by March 25, 2022,<sup>102</sup> election on May 17, 2022.<sup>103</sup>
- **General Election:** ballots finalized by September 9, 2022,<sup>104</sup> election on November 8, 2022.<sup>105</sup>

Idaho's redistricting commission must be convened within 15 days of the secretary of state issuing an order declaring that "there is reason to reapportion the legislature or to provide for new congressional district boundaries in the state, or both, because of a new federal census."<sup>106</sup> The commission must draw draft congressional and state legislative plans 90 days after convening or its receipt of census data, whichever is later.<sup>107</sup> The commission has no deadline for passing final plans, but it will be limited by the candidate filing period ending March 11, 2022.

Because of the flexibility in the timing of the commission's appointment and a late primary, Idaho should be able to complete redistricting on time.

## Illinois

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** June 30, 2021 or June 30, 2022 (final state legislative plans).<sup>108</sup>
- **Backup Redistricting:** August 10, 2021 or August 10, 2022 (8-member commission),<sup>109</sup> October 5, 2021 or October 5, 2022 (9-member commission).<sup>110</sup>
- **Primary Election:** candidate filing by November 29, 2021,<sup>111</sup> ballots printed by January 28, 2022,<sup>112</sup> election on March 15, 2022.<sup>113</sup>
- **General Election:** ballots printed by September 23, 2022,<sup>114</sup> election on November 8, 2022.<sup>115</sup>

Illinois' legislature must pass state legislative plans by June 30 in the year following the census year.<sup>116</sup> If it is the census year is construed to be 2020 and no adjustments are made, the deadline for the legislature will have passed before census data is produced leaving the backup commission until October 5, 2021 to pass plans. If the census year is construed to be 2021, the legislature would have until June 30, 2022 to pass plans, but the primary election and related deadlines would have to be moved.

Illinois' legislature has no redistricting-specific deadlines for passing a congressional plan, but it will need to convene in a special session to avoid disruption to the 2022 primary schedule.

## Indiana

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** January 3, 2023; March 14, 2022.<sup>117</sup>
- **Backup Redistricting:** 30 days after regular session (final congressional plan).<sup>118</sup>
- **Primary Election:** candidate filing by February 4, 2022,<sup>119</sup> ballots finalized by March 14, 2022,<sup>120</sup> election on May 3, 2022.<sup>121</sup>
- **General Election:** ballots finalized September 19, 2022,<sup>122</sup> election on November 8, 2022.<sup>123</sup>

Indiana's legislature that is elected in November 2020 must pass state legislative plans.<sup>124</sup> That means the outer deadline for redistricting is January 3, 2023.<sup>125</sup> However, because new maps will be needed for the 2022 elections, the legislature will need to pass plans in a special session in 2021 (since the regular session is scheduled to adjourn by April 29, 2021).<sup>126</sup> It could also pass plans in its 2022 regular session, but that likely would require adjustments to the 2022 primary schedule.

By statute, Indiana's legislature must pass a congressional plan at its first regular session "convening immediately following the United States decennial census."<sup>127</sup> If the legislature fails to do so, a backup commission would be convened and would have 30 days after the adjournment of the legislature to pass a plan.<sup>128</sup> This date will need to be moved or construed to allow the legislature additional time.



## Iowa

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** April 1, 2021 (draft plans),<sup>129</sup> September 15, 2021 (final state legislative plans).<sup>130</sup>
- **Backup Redistricting:** December 31, 2021 (state supreme court passes final legislative plans).<sup>131</sup>
- **Primary Election:** candidate filing by March 18, 2022,<sup>132</sup> ballots finalized by March 30, 2022,<sup>133</sup> election on June 7, 2022.<sup>134</sup>
- **General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>135</sup>

Iowa's advisory commission must submit congressional and state legislative plans to the legislature by April 1, 2021, but that deadline can be extended by the number of days beyond February 15 that the Census Bureau takes to produce population data.<sup>136</sup> Because the proposed July 31 data production date is 166 days beyond February 15, the commission will have until September 14, 2021 to submit plans to the legislature. But this extension will not alter the legislature's constitutional obligation to pass legislative plans by September 15, 2021 to avoid a default of map-drawing responsibility to the Iowa Supreme Court.

The September 15 deadline does not apply to congressional plans.

## Kansas

- **Redistricting:** April 10, 2022 (final state legislative plans).<sup>137</sup>
- **Primary Election:** candidate filing by June 1, 2022,<sup>138</sup> ballots mailed by June 18, 2022, election on August 2, 2022.<sup>139</sup>
- **General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>140</sup>

Kansas' legislature must pass state legislative plans during the regular 2022 session, ending April 10, 2022.<sup>141</sup> Even with the proposed census data production delay, the legislature will have the usual period to draft and pass plans by the end of that session.

Kansas' legislature has no redistricting-specific deadlines to pass a congressional plan.

## Kentucky

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** no deadlines.
- **Primary Election:** candidate filing by January 7, 2022,<sup>142</sup> ballots mailed by April 2, 2022, election on May 17, 2022.<sup>143</sup>
- **General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>144</sup>

Kentucky's legislature has no redistricting-specific deadlines for passing either congressional or state legislative plans. However, the state has an early candidate filing deadline for the 2022 primary, which may force the legislature to redistrict during the 2021 calendar year in a special session in order to avoid disruption to the primary schedule.<sup>145</sup>

## Louisiana

- **Redistricting:** December 31, 2021 (final state legislative plans).<sup>146</sup>
- **Congressional Primary Election:** candidate filing by July 22, 2022,<sup>147</sup> ballots finalized by July 27, 2022,<sup>148</sup> election on November 8, 2022.<sup>149</sup>
- **Congressional General Election:** ballots mailed by October 26, 2022, election on December 10, 2022.<sup>150</sup>
- **Legislative Primary Election:** candidate filing by August 10, 2023,<sup>151</sup> ballots finalized by August 15, 2023,<sup>152</sup> election on October 14, 2023.<sup>153</sup>
- **Legislative General Election:** ballots printed by November 5, 2023,<sup>154</sup> election on November 18, 2023.<sup>155</sup>

Louisiana's legislature must pass state legislative plans "by the end of the year following the year in which the population of this state is reported to the president of the United States for each decennial federal census." Because under the census data production delay proposed numbers will not be reported to the president until 2021, the legislature will have until the end of 2022 to pass plans.<sup>156</sup> This gives the legislature ample time ahead of its November 2023 legislative elections.

Louisiana's legislature has no redistricting-specific deadlines for passing a congressional plan. Because Louisiana has a late 2022 congressional primary, the legisla-

ture will have time to enact a congressional plan during the regular session that will convene March 14, 2022.<sup>157</sup>

## Maine

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** June 1, 2021 (advisory commission submits plans),<sup>158</sup> June 11, 2021 (legislature passes final plans).<sup>159</sup>
- **Backup Redistricting:** August 10, 2021 (state supreme court).<sup>160</sup>
- **Primary Election:** candidate filing by March 15, 2022,<sup>161</sup> ballots mailed by April 30, 2022, election on June 14, 2022.<sup>162</sup>
- **General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>163</sup>

Maine’s advisory commission must submit congressional and state legislative plans no later than June 1, 2021 to the legislature, which must pass them by June 11 “of the year in which apportionment is required.”<sup>164</sup> Other constitutional provisions provide that 2021 is the next apportionment year.<sup>165</sup>

Strict adherence to this redistricting timeline would mean that the advisory commission and the legislature could not meet their respective deadlines. This would put redistricting into the hands of the Maine Supreme Court, which would have until August 10, 2021 to pass state legislative and congressional plans. It is unlikely that the court would be able to meet this deadline given the census data production delay.

## Maryland

- **Redistricting:** February 25, 2022 (final state legislative plans).<sup>166</sup>
- **Primary Election:** candidate filing by February 22, 2022,<sup>167</sup> ballots finalized by April 24, 2022,<sup>168</sup> election on June 28, 2022.<sup>169</sup>
- **General Election:** ballots finalized by September 4, 2022,<sup>170</sup> election on November 8, 2022.<sup>171</sup>

Maryland’s governor must submit draft state legislative plans to the legislature by January 12, 2022.<sup>172</sup> If the legislature fails to pass final plans by February 25, 2022, the governor’s plans become final.<sup>173</sup> Even with the proposed

census data production delay, Maryland should be able to meet these deadlines.

Maryland’s legislature has no redistricting-specific deadlines for passing a congressional plan, but would need to redistrict in 2021 in order to avoid disruption to the primary schedule.

## Massachusetts

- **Redistricting:** regular session in 2021 (final state legislative plans).<sup>174</sup>
- **Primary Election:** state legislative candidate filing by May 31, 2022,<sup>175</sup> congressional candidate filing by June 7, 2022,<sup>176</sup> ballots mailed by August 6, 2022, election on September 20, 2022.<sup>177</sup>
- **General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>178</sup>

Massachusetts’ legislature must pass state legislative plans “at its first regular session after the year in which said census was taken.”<sup>179</sup> Because Massachusetts has a full-time legislature, the state should be able to complete redistricting before candidate filing deadlines.

Massachusetts’ legislature has no redistricting-specific deadlines for passing a congressional plan, but should be able to complete redistricting in time given that it has a late primary schedule.

## Michigan

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** November 1, 2021.<sup>180</sup>
- **Primary Election:** candidate filing by April 19, 2022,<sup>181</sup> ballots finalized by June 3, 2022,<sup>182</sup> election on August 2, 2022.<sup>183</sup>
- **General Election:** ballots mailed by September 24, 2022,<sup>184</sup> election on November 8, 2022.<sup>185</sup>

Michigan’s independent redistricting commission must pass congressional and state legislative plans by November 1, 2021.<sup>186</sup> The commission must also do extensive public engagement, including 10 hearings before prior to any plans being drawn, five hearings after proposed plans are drawn, and a 45-day public comment period before voting on final plans.<sup>187</sup>

It will be difficult for the commission to meet these constitutional obligations with the proposed census data

production delay. The commission will have to produce preliminary plans within six weeks (by mid-September 2021) to leave sufficient time for public comment before passing final plans.

## Minnesota

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** May 17, 2021<sup>188</sup> or February 15, 2022.<sup>189</sup>
- **Primary Election:** candidate filing by May 31, 2022,<sup>190</sup> ballots mailed by June 24, 2022,<sup>191</sup> election on August 9, 2022.<sup>192</sup>
- **General Election:** ballots mailed by September 23, 2022,<sup>193</sup> election on November 8, 2022.<sup>194</sup>

Minnesota's legislature must pass congressional and state legislative plans during its first session after the census enumeration.<sup>195</sup> If the census enumeration year is deemed to be 2020, when the census began, the legislature will not be able to meet this deadline because the regular legislative session is scheduled to end on May 17, 2021, before data would be available. But if the enumeration is deemed to be 2021 when the enumeration is reported to the President or census data is delivered, the main constraint will be completing redistricting before a February 15, 2022 statutory deadline meant to give local election officials enough time to chance precinct boundaries.<sup>196</sup> This means the most viable option for redistricting will be a special session in late 2021.

## Mississippi

- **Redistricting:** December 5, 2021 (commission submits congressional plan),<sup>197</sup> April 3, 2022 (final state legislative plans).<sup>198</sup>
- **Backup Redistricting:** June 2, 2022 (state legislative during special session),<sup>199</sup> November 29, 2022 (state legislative backup commission).<sup>200</sup>
- **Congressional Primary Election:** candidate filing by March 1, 2022,<sup>201</sup> ballots mailed by April 23, 2022, election on June 7, 2022.<sup>202</sup>
- **Congressional General Election:** ballots mailed by September 24, 2022, election November 8, 2022.<sup>203</sup>

- **Legislative Primary Election:** candidate filing by March 1, 2023,<sup>204</sup> ballots finalized by June 18, 2023,<sup>205</sup> election on August 7, 2023.<sup>206</sup>
- **Legislative General Election:** ballots printed by September 23, 2023,<sup>207</sup> election November 7, 2023.<sup>208</sup>

Mississippi's legislative congressional redistricting committee must submit a congressional plan to the legislature no later than 30 days before the start of the 2022 legislative session.<sup>209</sup> The legislature does not have a deadline to enact a plan, but it will be limited by the candidate filing deadline on March 1, 2022.

Mississippi will not hold state legislative elections until 2023; however, Mississippi's legislature must pass state legislative plans during the 90-day regular session scheduled to end April 3, 2022.<sup>210</sup> If the legislature fails to meet this deadline, the legislature has 30 days to convene in a 30-day special session. If this deadline too is missed, a backup commission would have 180 days pass plans that would not be subject to gubernatorial veto.<sup>211</sup>

## Missouri

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** March 31, 2022 (final state legislative plans).<sup>212</sup>
- **Primary Election:** candidate filing by March 29, 2022,<sup>213</sup> ballots finalized by May 24, 2022,<sup>214</sup> election on August 2, 2022.<sup>215</sup>
- **General Election:** ballots finalized by August 30, 2022,<sup>216</sup> election on November 8, 2022.<sup>217</sup>

Missouri's nonpartisan state demographer must submit draft legislative plans within six months of receiving census data.<sup>218</sup> The latest this could be is January 31, 2022. The commissions charged with legislative redistricting will then have two months to hold public hearings and finalize the plans by March 31, 2022.<sup>219</sup> The commissions will be functionally limited by the need to have plans finalized before the candidate filing deadline. If the commissions fail to approve changes to the demographer's plans with the requisite supermajority before the deadline, the demographer's plans become final.<sup>220</sup>

Missouri's legislature has no redistricting-specific deadlines for passing a congressional plan. The legislature could enact a new plan in a special session or during the regular session that starts on January 5, 2022, given the state's late 2022 primary.<sup>221</sup>

## Montana

- **Redistricting:** October 29, 2021 (final congressional plan),<sup>222</sup> 90 legislative days from January 2, 2023 (final state legislative plans).<sup>223</sup>
- **Primary Election:** candidate filing by March 14, 2022,<sup>224</sup> ballots mailed by April 23, 2022, election on June 7, 2022.<sup>225</sup>
- **General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>226</sup>

Montana’s redistricting commission must submit state legislative plans to the legislature for comment during the first legislative regular session after the commission is appointed or when census data is released.<sup>227</sup> That relevant session will begin on January 2, 2023 and likely end sometime in April 2023.<sup>228</sup> Once the commission submits plans, the legislature will have 30 days to comment and return them; the commission will then have another 30 days to finalize the plans,<sup>229</sup> likely in June 2023.<sup>230</sup>

If Montana gains a congressional district, Montana’s redistricting commission must pass a congressional plan 90 days “after the official final decennial census figures are available.”<sup>231</sup>

## Nebraska

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** no deadlines.
- **Primary Election:** candidate filing by February 15 or March 1, 2022,<sup>232</sup> ballots mailed by March 26, 2022, election on May 10, 2022.<sup>233</sup>
- **General Election:** ballots finalized by August 1, 2022,<sup>234</sup> election on November 8, 2022.<sup>235</sup>

Nebraska’s legislature has no redistricting-specific deadlines for passing either congressional or state legislative plans. However, districts will need to be drawn before the comparatively early incumbent candidate filing deadline on February 15, 2022.<sup>236</sup> Because the 2021 legislative session is scheduled to end before the proposed census data production date, the legislature may opt to extend the session (with a supermajority vote of four-fifths of its members)<sup>237</sup> or the governor could call a special session.<sup>238</sup> The 2022 legislative session will begin on January 5, 2022, making it impractical for passing plans ahead of the candidate filing deadline.

## Nevada

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** June 1, 2021 (final state legislative plans).<sup>239</sup>
- **Primary Election:** candidate filing by March 18, 2022,<sup>240</sup> ballots mailed by April 30, 2022, election on June 14, 2022.<sup>241</sup>
- **General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>242</sup>

Nevada’s legislature must pass state legislative plans during its first session after the “taking of the decennial census.”<sup>243</sup> Because census data will not be released until after Nevada’s 2021 legislative session, and there’s no regular session in 2022, the legislature will need to convene in a special session to have new districts in time for the 2022 elections.

Nevada’s legislature has no redistricting-specific deadlines for passing a congressional plan, but the same timing considerations will apply.

## New Hampshire

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** July 1, 2021 (final state legislative plans).<sup>244</sup>
- **Primary Election:** candidate filing by June 10, 2022,<sup>245</sup> ballots mailed by July 30, 2022, election on September 13, 2022.<sup>246</sup>
- **General Election:** ballots mailed on September 24, 2022, election on November 8, 2022.<sup>247</sup>

New Hampshire’s legislature must pass state legislative plans “at the regular session following every decennial federal census,”<sup>248</sup> referred to elsewhere in the constitution as the session beginning in the year ending in one.<sup>249</sup> The legislature meets for annual sessions and adjourns after 45 legislative days or by July 1, whichever comes first, due to compensation limits,<sup>250</sup> before data would be available. New Hampshire will need to adjust these deadlines in order to complete redistricting.

New Hampshire’s legislature has no redistricting-specific deadlines for passing a congressional plan, but should not have difficulty doing so given the state’s late 2022 primary.

## New Jersey

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** September 30, 2021 (final state legislative plans)<sup>251</sup> and January 18, 2022 (final congressional plans).<sup>252</sup>
- **Legislative Primary Election:** candidate filing by April 5, 2021,<sup>253</sup> ballots finalized by April 15, 2021,<sup>254</sup> and election June 8, 2021.<sup>255</sup>
- **Legislative General Election:** ballots finalized by September 13, 2021,<sup>256</sup> and election on November 2, 2021.<sup>257</sup>
- **Congressional Primary Election:** candidate filing by April 4, 2022,<sup>258</sup> ballots finalized by April 14, 2022,<sup>259</sup> election on June 7, 2022.<sup>260</sup>
- **Congressional General Election:** ballots finalized by September 19, 2022,<sup>261</sup> and election on November 8, 2022.<sup>262</sup>

New Jersey will not be able to complete state legislative redistricting in time for its November 2021 elections. While election dates can be moved, options are limited because a new legislature must be seated on January 2, 2022.<sup>263</sup>

New Jersey's congressional redistricting commission will not have the same timing issues passing a congressional plan since the next congressional election is not until November 2022. The redistricting commission responsible for redrawing New Jersey's congressional map has until January 18, 2022 to adopt a final plan,<sup>264</sup> which, in theory, should be sufficient time to draw a new map. The process, however, could be compressed.

## New Mexico

- **Redistricting:** no deadlines.
- **Primary Election:** candidate filing by February 1, 2022,<sup>265</sup> ballots finalized by April 5, 2022,<sup>266</sup> election on June 7, 2022.<sup>267</sup>
- **General Election:** ballots mailed on September 24, 2022, election on November 8, 2022.

New Mexico's legislature has no redistricting-specific deadlines to pass congressional or state legislative plans. In recent redistricting cycles, the governor has called a special session during the fall of the year ending in one to redistrict.<sup>268</sup> Even with the proposed census data

production delay, the legislature should be able to pass plans on time by convening in a special session.

## New York

- **Redistricting:** September 15, 2021 (commission must file draft plans); January 15, 2022 (commission must submit plans to legislature).<sup>269</sup>
- **Backup Redistricting:** February 28, 2022 (if legislature fails to pass plan, commission must file backup plans).<sup>270</sup>
- **Primary Election:** candidate filing by April 7, 2022,<sup>271</sup> ballots mailed by May 14, 2022, election on June 28, 2022.<sup>272</sup>
- **General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>273</sup>

New York's advisory commission must draw and make public draft congressional and state legislative plans by September 15, 2021, or as soon thereafter as practicable. It must submit final plans to the New York legislature no later than January 15, 2022, after extensive public hearings on the draft plans.

Even with the proposed census data production delay, the commission should be able to meet these deadlines as long as it can operate efficiently once it receives population figures. The legislature, likewise, should have sufficient time to approve the plans in advance of the state's 2022 primary.

## North Carolina

- **Redistricting:** regular session in 2021.<sup>274</sup>
- **Primary Election:** candidate filing by December 17, 2021,<sup>275</sup> ballots finalized by December 20, 2021,<sup>276</sup> election on March 8, 2022.<sup>277</sup>
- **General Election:** ballots mailed on September 24, 2022, election on November 8, 2022.<sup>278</sup>

North Carolina's legislature must draw state legislative plans "at the first regular session convening after the return of every decennial census of population taken by order of Congress."<sup>279</sup> The 2021 regular session is scheduled to begin in January, after which the legislature may organize the rest of the year.<sup>280</sup> If needed, a special session can be requested by a three-fifths supermajority vote in both legislative chambers.<sup>281</sup> Legislative redistricting is

functionally limited by the candidate filing deadline on December 17, 2021.

North Carolina's legislature has no redistricting-specific deadlines to draw a congressional plan, but the same timing considerations will apply.

## North Dakota

- **Redistricting:** no deadlines.
- **Primary Election:** candidate filing by April 11, 2022,<sup>282</sup> ballots mailed by April 30, 2022, election on June 14, 2022.<sup>283</sup>
- **General Election:** ballots mailed on September 24, 2022, election on November 8, 2022.<sup>284</sup>

North Dakota's legislature has no redistricting-specific deadlines to draw state legislative plans. In recent redistricting cycles, the governor has called a special session for redistricting during the fall of the year ending in one.<sup>285</sup> Even with the projected census data production delay, the legislature should be able to redistrict on time by convening in a special session given the state's late primary.

North Dakota is projected to continue to have only a single congressional district after apportionment.

## Ohio

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** September 1, 2021 (final state legislative plans),<sup>286</sup> September 30, 2021 (final congressional plan).<sup>287</sup>
- **Backup Redistricting:** September 15, 2021 (final state legislative plans, which must then be redrawn after 2024),<sup>288</sup> October 31, 2021 (backup commission passes final congressional plan), November 30, 2021 (legislature passes final congressional plan).<sup>289</sup>
- **Primary Election:** candidate filing by February 2, 2022,<sup>290</sup> ballots finalized by February 22, 2022,<sup>291</sup> election on May 3, 2022.<sup>292</sup>
- **General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>293</sup>

For state legislative districts, Ohio's redistricting commission must draw draft plans, hold at least three public hearings, and pass plans by September 1, 2021.<sup>294</sup> If the commission fails to pass plans with bipartisan support by that date, it can set districts on a party-line

simple majority vote by September 15, 2021.

For congressional districts, Ohio's legislature must pass a final plan by September 30, 2021 with a three-fifths bipartisan supermajority in each chamber.<sup>295</sup> Failure to do so would send the process to the commission that draws state legislative maps, which would have until October 31, 2021 to pass a plan with a bipartisan majority. Should the backup commission fail, the legislature has another opportunity to pass a plan by November 30, 2021.

The timeline for drawing legislative plans will be difficult to maintain under the proposed census data production delay. The timeline should be more manageable for drawing a congressional plan, though public participation may be compressed absent adjustments to deadlines.

## Oklahoma

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** May 2, 2021 (final state legislative plans).<sup>296</sup>
- **Backup Redistricting:** April 15, 2022 (backup commission passes final state legislative plans).<sup>297</sup>
- **Primary Election:** candidate filing by April 15, 2022,<sup>298</sup> ballots mailed by May 14, 2022, election on June 28, 2022.<sup>299</sup>
- **General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>300</sup>

Oklahoma's legislature has 90 legislative days to pass legislative plans at the first regular legislative session following the federal decennial census.<sup>301</sup> Under a normal census data production timeline, the legislature would have until May 2, 2021 to draw districts and, if it failed to do so, a seven-member backup commission would step in to complete the task.

If 2020 is considered to be the year of the decennial census, the legislature would necessarily miss its deadline and the task would likely be taken up by the backup commission, absent other adjustments. If 2021 is considered to be the census year this cycle, the main constraint will be that the legislature must complete redistricting before start of the 2022 election cycle.

Oklahoma's legislature has no redistricting-specific deadlines for drawing a congressional plan, but also is functionally limited by the 2022 primary schedule.

# Oregon

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** July 1, 2021 (final state legislative plans).<sup>302</sup>
- **Backup Redistricting:** August 15, 2021 (Secretary of State passes final state legislative plans).<sup>303</sup>
- **Primary Election:** candidate filing by March 8, 2022,<sup>304</sup> ballots finalized by March 17, 2022,<sup>305</sup> election on May 17, 2022.<sup>306</sup>
- **General Election:** ballots finalized by September 8, 2022,<sup>307</sup> election on November 8, 2022.<sup>308</sup>

Oregon's legislature must pass state legislative plans by July 1 of the regular session in an odd-numbered year "next following" the census.<sup>309</sup> The legislature would necessarily miss the deadline if 2021 continues to be the relevant legislative session. The Secretary of State, who has backup responsibility, would have difficulty passing plans by the August 15, 2021 deadline.

Oregon's legislature has no redistricting-specific deadlines for passing a congressional plan. It could pass a map early in the 2022 regular session, which starts on February 1, 2022,<sup>310</sup> but this would be close to the candidate filing deadline, or during a special session called by a majority of the legislature<sup>311</sup> or the governor<sup>312</sup> between the 2021 and 2022 sessions.

# Pennsylvania

- **Redistricting:** November 28, 2021 or March 13, 2022 (final state legislative plans).<sup>313</sup>
- **Backup Redistricting:** no deadline (state supreme court passes final state legislative plans).<sup>314</sup>
- **Primary Election:** candidate filing by March 8, 2022,<sup>315</sup> ballots finalized by March 23, 2022,<sup>316</sup> election on May 17, 2022.<sup>317</sup>
- **General Election:** ballots finalized by August 25, 2022,<sup>318</sup> election on November 8, 2022.<sup>319</sup>

Pennsylvania's state legislative redistricting commission must be convened by December 13, 2021.<sup>320</sup> The commission must draw draft plans 90 days from the production of census data or from its convening, whichever is later.<sup>321</sup> It must pass final plans 30 days later.<sup>322</sup>

If the commission is convened before the census data is released, then draft plans will be due on October 29,

2021 and final plans on November 28, 2021. If the commission is convened by the December 13, 2021 outer deadline, it will have until March 13, 2022 to pass final plans. However, the commission will be limited by the candidate filing deadline on March 8, 2022.

Under either scenario, if the deadlines are missed, the Pennsylvania Supreme Court would take over redistricting.<sup>323</sup>

Pennsylvania's legislature has no specific deadlines for passing a congressional plan. However, redistricting will be limited by the candidate filing deadline in early March 2022.

# Rhode Island

- **Redistricting:** no deadlines.
- **Primary Election:** candidate filing by July 21, 2022,<sup>324</sup> ballots mailed by July 30, 2022, election on September 13, 2022.<sup>325</sup>
- **General Election:** ballots mailed on September 24, 2022, election on November 8, 2022.<sup>326</sup>

Rhode Island's legislature has no redistricting-specific deadline for passing either congressional or state legislative plans. In the 2011 cycle, the legislature established a temporary advisory commission to help redistrict.<sup>327</sup> Even with the delay in receiving census data, Rhode Island should have sufficient time to establish a similar advisory commission or redistrict through the legislative process during the 2022 session.<sup>328</sup>

# South Carolina

- **Redistricting:** no deadlines.
- **Primary Election:** candidate filing by March 30, 2022,<sup>329</sup> ballots finalized by April 5, 2022,<sup>330</sup> election on June 14, 2022.<sup>331</sup>
- **General Election:** ballots finalized by August 15, 2022,<sup>332</sup> election on November 8, 2022.<sup>333</sup>

South Carolina's legislature has no redistricting-specific deadlines for passing either congressional or state legislative plans. If a special session is not convened in 2021, redistricting will take place during the 40-day regular legislative session set to convene January 11, 2022,<sup>334</sup> which will be constrained by the March 30, 2022 candidate filing deadline.

## South Dakota

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** December 1, 2021 (final state legislative plans).<sup>335</sup>
- **Backup Redistricting:** March 1, 2022 (state supreme court passes final state legislative plans).<sup>336</sup>
- **Primary Election:** candidate filing by March 29, 2022,<sup>337</sup> ballots finalized by March 31, 2022,<sup>338</sup> election on June 7, 2022.<sup>339</sup>
- **General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>340</sup>

South Dakota's legislature must pass state legislative plans by December 1, 2021.<sup>341</sup> If it misses this deadline, the South Dakota Supreme Court must draw maps within 90 days. Given that the 2021 legislative session will be over before delivery of census data, the legislature will have to meet in special session to pass plans before its deadline.

South Dakota is projected to continue to have a single congressional district after reapportionment.

## Tennessee

- **Redistricting:** no deadlines.
- **Primary Election:** candidate filing by April 7, 2022,<sup>342</sup> ballots mailed by June 20, 2022, election on August 4, 2022.<sup>343</sup>
- **General Election:** ballots mailed on September 24, 2022, election on November 8, 2022.<sup>344</sup>

Tennessee's legislature has no redistricting-specific deadlines for passing either congressional or state legislative plans. If there is not a special session, redistricting will take place in the regular legislative session set to convene January 11, 2022,<sup>345</sup> which will be constrained by the April 7, 2022 candidate filing deadline.

## Texas

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** May 31, 2021 or May 2023 (final state legislative plans).<sup>346</sup>
- **Backup Redistricting:** October 2022 or October 2023 (final state legislative plans).<sup>347</sup>

- **Primary Election:** candidate filing by December 13, 2021,<sup>348</sup> ballots finalized December 22, 2021,<sup>349</sup> election on March 1, 2022.<sup>350</sup>
- **General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>351</sup>

Texas' legislature must pass state legislative plans by the end of its first regular legislative session after the publication of each decennial census; otherwise a backup legislative apportionment board takes up redistricting.<sup>352</sup>

Under a normal census data production timeline, the legislature would have until May 31, 2021 to pass plans.<sup>353</sup> The proposed census data production delay makes the 2023 regular session the first after census publication. However, because Texas must hold legislative elections in 2022, it will need to interpret the relevant provisions permissively and redistrict in a special session in order to avoid court-drawn maps.

Texas' legislature has no redistricting-specific deadlines for passing a congressional plan. But to have new districts before the 2022 elections, it will need to convene in a special session.

## Utah

- **Redistricting:** March 10, 2022.<sup>354</sup>
- **Primary Election:** candidate filing by March 17, 2022,<sup>355</sup> ballots mailed by May 14, 2022, election on June 28, 2022.<sup>356</sup>
- **General Election:** ballots finalized by August 31, 2022,<sup>357</sup> election on November 8, 2022.<sup>358</sup>

By statute, Utah's advisory commission must be appointed by February 1, 2021.<sup>359</sup> The commission must hold at least seven public hearings in different regions of the state by August 1, 2021.<sup>360</sup> The commission then has 20 days following the last public hearing to submit congressional and state legislative plans to the legislature.<sup>361</sup> The legislature then has a constitutional deadline of March 10, 2022 (the end of legislative session)<sup>362</sup> to pass final plans. Because these deadlines are statutory, Utah's legislature can adjust them at its next session to maintain the timing for passing a final plan. The main constraint will be Utah's comparatively early 2022 primary.



## Vermont

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** July 1, 2021 (draft state house plan, final state senate plan),<sup>363</sup> August 15, 2021 (final state house plan).<sup>364</sup>
- **Primary Election:** candidate filing by May 26, 2022,<sup>365</sup> ballots finalized by May 29, 2022,<sup>366</sup> election on August 9, 2022.<sup>367</sup>
- **General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>368</sup>

By statute, Vermont’s advisory commission must draw a draft state house plan by July 1 and, after considering input, submit the final plan to the legislature by August 15 of “the year following each decennial census.”<sup>369</sup> It must submit the state senate plan by July 1, 2021.<sup>370</sup>

To avoid any confusion, these deadlines should be amended to account for the proposed census data production delay.

Vermont is projected to continue to have a single congressional district after reapportionment.

## Virginia

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** no deadlines (current) or September 14, 2021\* (pending; final state legislative plans) and September 29, 2021\* (pending; final congressional plans).<sup>371</sup>
- **Legislative Primary Election:** candidate filing by March 25, 2021,<sup>372</sup> ballot printing by April 24, 2021,<sup>373</sup> and election June 8, 2021, subject to change by state legislature.<sup>374</sup>
- **Legislative General Election:** ballot printing by September 18, 2021,<sup>375</sup> and election on November 2, 2021.<sup>376</sup>
- **Congressional Primary Election:** candidate filing by March 30, 2022,<sup>377</sup> ballots mailed by April 30, 2022, election on June 14, 2022.<sup>378</sup>
- **Congressional General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>379</sup>

The proposed census data production will fall *after* scheduled primary elections for state legislators in 2021.

While election dates can be moved, a new legislature must be seated by January 12, 2022.<sup>380</sup> Accordingly, Virginia’s legislature (or, similarly, the proposed redistricting commission) will not have enough time to pass state legislative plans in advance of ballot printing and primary and general election deadlines.

Virginia’s legislature (or, similarly, the proposed redistricting commission) will not have the same issues passing a congressional plan. The main constraint will be the state’s comparatively early 2022 candidate filing deadline.

## Washington

- **Redistricting:** November 15, 2021 (commission submits plans to legislature).<sup>381</sup>
- **Backup Redistricting:** April 30, 2022 (state supreme court).<sup>382</sup>
- **Primary Election:** candidate filing by May 20, 2022,<sup>383</sup> ballots finalized by May 24, 2022,<sup>384</sup> election on August 2, 2022.<sup>385</sup>
- **General Election:** ballots mailed by September 24, 2022, election on November 8, 2022.<sup>386</sup>

Washington’s redistricting commission must pass congressional and legislative plans by November 15, 2021. While this provides enough time to complete redistricting even with the census data production delay, the commission’s timeline will be compressed significantly without adjustment. Adjustments would allow for a more robust redistricting process and still allow new maps to be in place for the state’s comparatively late 2022 primary.

## West Virginia

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** no deadlines.
- **Primary Election:** candidate filing by January 29, 2022,<sup>387</sup> ballots finalized by February 15, 2022,<sup>388</sup> election on May 10, 2022.<sup>389</sup>
- **General Election:** ballots finalized by August 29, 2022,<sup>390</sup> election on November 8, 2022.<sup>391</sup>

West Virginia’s legislature has no redistricting-specific deadlines for passing either congressional or state legislative plans; however, the state has a very early candidate

filing deadline. Because the 2021 regular legislative session will be over and the next one will not begin until January 12, 2022<sup>392</sup> (just before the candidate filing deadline), West Virginia’s legislature will need to either convene in a special session for redistricting or adjust its 2022 primary schedule.

## Wisconsin

- **Redistricting:** regular session in 2022 (final state legislative plans).<sup>393</sup>
- **Primary Election:** candidate filing by June 1, 2022,<sup>394</sup> ballots mailed by June 25, 2022, election on August 9, 2022.<sup>395</sup>
- **General Election:** ballots mailed on September 24, 2022, election on November 8, 2022.<sup>396</sup>

Wisconsin’s legislature must pass state legislative plans “at its first session after each enumeration made by the authority of the United States.”<sup>397</sup> If census data is delayed until July 31, 2021, this will be the legislative session convening on January 11, 2022.<sup>398</sup> Because Wisconsin has a comparatively late the June 1, 2022 candidate filing deadline, this should allow adequate time for redistricting.

Wisconsin’s legislature has no redistricting-specific deadlines for passing a congressional plan, but these districts will also need to be drawn before candidate filing.

## Wyoming

- **Redistricting:** March 9, 2022 (final state legislative plans).<sup>399</sup>
- **Primary Election:** candidate filing by May 27, 2022,<sup>400</sup> ballots finalized by June 9, 2022,<sup>401</sup> election on August 16, 2022.<sup>402</sup>
- **General Election:** ballots finalized by September 10, 2022,<sup>403</sup> election on November 8, 2022.<sup>404</sup>

Wyoming’s legislature must pass state legislative plans “at the first budget session of the legislature following the federal census,”<sup>405</sup> which will be held February 14, 2022, and will run approximately 20 days.<sup>406</sup> The legislature has met this constitutional deadline for the past two redistricting cycles, and the proposed census data production delay is unlikely to impact the drawing of new maps.

Wyoming is projected to continue to have a single congressional district after reapportionment.

## Appendix: Overview of State Deadlines

STATE	LEGISLATIVE REDISTRICTING DEADLINE	CONGRESSIONAL REDISTRICTING DEADLINE	PUBLIC HEARING OR OTHER TRANSPARENCY DEADLINES
Alabama	Deadline in 2021	None	
Alaska	Tied to census data	--	
Arizona	None	None	
Arkansas	Deadline in 2021	None	
California	Deadline in 2021	Deadline in 2021	Yes
Colorado	Tied to census data	Tied to census data	Yes
Connecticut	Deadline in 2021	Deadline in 2021	
Delaware	Deadline in 2021	--	
Florida	Deadline in 2022	None	
Georgia	None	None	
Hawaii	Deadline in 2021	Deadline in 2021	Yes
Idaho	None	None	
Illinois	Deadline in 2021	None	
Indiana	None	Deadline in 2021	
Iowa	Tied to census data	Tied to census data	Yes
Kansas	Deadline in 2022	None	
Kentucky	None	None	
Louisiana	Tied to census data	None	
Maine	Deadline in 2021	Deadline in 2021	
Maryland	Deadline in 2022	None	
Massachusetts	Deadline in 2021	None	
Michigan	Deadline in 2021	Deadline in 2021	Yes
Minnesota	Tied to census data	Tied to census data	
Mississippi	Deadline in 2022	Deadline in 2022	
Missouri	Tied to census data	None	

Continued on next page ↓

STATE	LEGISLATIVE REDISTRICTING DEADLINE	CONGRESSIONAL REDISTRICTING DEADLINE	PUBLIC HEARING OR OTHER TRANSPARENCY DEADLINES
Montana	Tied to census data	Tied to census data	
Nebraska	None	None	
Nevada	Deadline in 2021	None	
New Hampshire	Deadline in 2021	None	
New Jersey	2021 elections	Deadline in 2022	
New Mexico	None	None	
New York	Deadline in 2021	Deadline in 2021	Yes
North Carolina	Tied to census data	None	
North Dakota	None	--	
Ohio	Deadline in 2021	Deadline in 2021	Yes
Oklahoma	Deadline in 2021	None	
Oregon	Deadline in 2021	None	
Pennsylvania	Tied to census data	None	
Rhode Island	None	None	
South Carolina	None	None	
South Dakota	Deadline in 2021	--	
Tennessee	None	None	
Texas	Tied to census data	None	
Utah	Deadline in 2021	Deadline in 2021	
Vermont	Deadline in 2021	--	Yes
Virginia	2021 elections	None	
Washington	Deadline in 2021	Deadline in 2021	
West Virginia	None	None	
Wisconsin	Tied to census data	None	
Wyoming	Deadline in 2022	--	

# Endnotes

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- 1** U.S. Census Bureau, “U.S. Department of Commerce Secretary Wilbur Ross and U.S. Census Bureau Director Steven Dillingham Statement on 2020 Census Operational Adjustments Due to COVID-19,” news release no. CB20-RTQ.16, April 13, 2020, <https://www.census.gov/newsroom/press-releases/2020/state-statement-covid-19-2020.html>.
- 2** U.S. Census Bureau, “Statement on 2020 Census Operational Adjustments Due to COVID-19.”
- 3** Once census data is released, even if it is in July 2021, an obligation under the federal constitution will be triggered, because states will then have numbers showing that districts are malapportioned (i.e., not equally populated).
- 4** If states do not redistrict in a timely fashion, individuals who suffer representational harms can ask a federal or state court to redraw districts to ensure that districts are equally populated and to comply with other requirements under state and federal law, including the Voting Rights Act. It is not uncommon for courts to draw maps when states fail to redistrict. Last decade, for example, courts drew maps in states including Colorado, Minnesota, New York, and Texas.
- 5** 13 U.S.C. § 141(b).
- 6** 2 U.S.C. § 2a(a).
- 7** 13 U.S.C. § 141(c).
- 8** Louisiana and Mississippi also hold legislative elections in odd-numbered years, but the next legislative elections in both states are not until 2023 meaning they will have ample time to redistrict once they receive redistricting data.
- 9** Primary winners in both New Jersey and Virginia are determined by plurality vote, meaning that the candidate with the highest number of votes wins even if he or she does not receive a majority.
- 10** South Dakota currently has only one congressional district and is not expected to pick up a seat in reapportionment.
- 11** If 2020 is deemed the census year and no adjustment is made, a default backup process would be used to draw legislative maps in Illinois, Oklahoma, Oregon, and South Dakota and both legislative and congressional maps in California, Connecticut, Colorado, Maine, and Washington. See Part II for more detail. In other states, the failure by a state to enact a plan would result in a court drawing a map.
- 12** 52 U.S.C. § 20302.
- 13** Ala. Const. art. IV, § 48; *id.* art. IX, § 199.
- 14** Ala. Code § 17-13-5.
- 15** *Id.* § 17-6-21.
- 16** *Id.* § 17-13-3.
- 17** *Id.* § 17-6-21.
- 18** *Id.* § 17-14-3.
- 19** Ala. Const. art. IX, § 199.
- 20** Alaska Const. art. VI, § 10.
- 21** Alaska Stat. § 15.25.040.
- 22** *Id.* § 15.25.055.
- 23** *Id.* § 15.25.020.
- 24** *Id.* § 15.15.020.
- 25** Alaska Const. art. VI, § 10.
- 26** Ariz. Rev. Stat. § 16-311.
- 27** *Id.* § 16-461.
- 28** *Id.* § 16-201.
- 29** *Id.* § 16-201.
- 30** Ariz. Const. art. IV, pt. 2, § 1(3).
- 31** *Id.* § 1(16).
- 32** “1st Round of Public Hearings,” Arizona Independent Redistricting Commission, accessed April 22, 2020, <http://www.azredistricting.org/Meeting-Info/Public-Hearing-R1.asp>.
- 33** “2nd Round of Public Hearings,” Arizona Independent Redistricting Commission, accessed April 22, 2020, <http://www.azredistricting.org/Meeting-Info/Public-Hearing-R2.asp>.
- 34** Ark. Const. art. VIII, § 4.
- 35** Ark. Code § 7-7-203.
- 36** *Id.* § 7-7-203(d).
- 37** *Id.* § 7-7-203.
- 38** *Id.* § 7-7-203(h).
- 39** *Id.* § 7-5-102.
- 40** Ark. Const. art. VIII, § 4.
- 41** See *Carpenter v. Bd. of Apportionment*, 218 Ark. 404 (1951).
- 42** Cal. Const. art. XXI, § 2.
- 43** Cal. Elec. Code § 8020.
- 44** *Id.*
- 45** *Id.* § 8120.
- 46** *Id.* § 1201.
- 47** *Id.* § 8810.
- 48** *Id.* § 1200.
- 49** Cal. Gov’t Code § 8253.
- 50** *Id.*
- 51** Cal. Const. art. XXI, § 2.
- 52** *Id.*
- 53** Colo. Const. art. V, § 44.4(2).
- 54** *Id.* § 48.2(2).
- 55** *Id.* § 44.4(5)(b).
- 56** *Id.* § 48.2(5)(b).
- 57** *Id.* §§ 44.4(6), 48.2(6).
- 58** Colo. Rev. Stat. § 1-4-801.
- 59** *Id.* § 1-4-101.
- 60** *Id.* § 1-1-201.
- 61** Colo. Const. art. V, §§ 44.4(1), 48.2(1).
- 62** *Id.* §§ 44.4(5)(b), 48.2(5)(b).
- 63** *Id.*
- 64** Conn. Const. art. III, § 6(a).
- 65** *Id.* § 6(b)-(c).
- 66** *Id.* § 6(d).
- 67** Conn. Gen. Stat. § 9-400.
- 68** *Id.* § 9-423.
- 69** *Id.* § 9-462.
- 70** Conn. Const. art. IV, § 1.
- 71** *Id.* art. III, § 6(a).
- 72** *Id.* § 6(b)-(d).
- 73** Del. Code tit. 29, § 805.
- 74** *Id.* tit. 15, § 3101(1).
- 75** *Id.* § 3101(2).
- 76** *Id.* § 3101(3).

- 77** Del. Const. art. V, § 1.
- 78** Del. Code tit. 29, § 805.
- 79** Fla. Const. art. III, § 16(a).
- 80** *Id.* § 16(a)-(b).
- 81** Fla. Stat. § 99.061.
- 82** *Id.*
- 83** *Id.* § 100.061.
- 84** *Id.* § 100.031.
- 85** Fla. Const. art. III, § 16(a).
- 86** Ga. Code § 21-2-153.
- 87** *Id.* § 21-2-154.
- 88** *Id.* § 21-2-150.
- 89** *Id.* § 21-2-2(15).
- 90** Ga. Const. art. V, § 2, ¶ VII.
- 91** *Id.* art. III, § 4, ¶ I.
- 92** Haw. Const. art. IV § 2.
- 93** Haw. Rev. Stat. § 12-6.
- 94** *Id.* § 11-117-118.
- 95** *Id.* § 12-2.
- 96** *Id.* § 11-119.
- 97** Haw. Const. art. II, § 8.
- 98** Haw. Rev. Stat. § 25-2.
- 99** Haw. Const. art. IV, § 2.
- 100** Idaho Const. art. III, § 2(4).
- 101** Idaho Code § 34-704.
- 102** *Id.* § 34-717(1).
- 103** *Id.* § 34-601(1).
- 104** *Id.* § 34-909.
- 105** *Id.* § 34-601(2).
- 106** Idaho Const. art. III, § 2(2).
- 107** *Id.* § 2(4).
- 108** Ill. Const. art. IV, § 3.
- 109** First backup commission: If the legislature misses the deadline, an eight-member politician and political appointee commission has until August 10 of year of its appointment to adopt final plans. *Id.*
- 110** Tiebreaker added to commission: If the backup commission fails, the state supreme court nominates two potential commissioners, one of whom is selected randomly to serve as the tiebreaker. Final plans must be adopted by October 5 of the year of its appointment. *Id.*
- 111** 10 Ill. Comp. Stat. 5/7-12.
- 112** *Id.* 5/16-5.01
- 113** *Id.* 5/2A-1.1.
- 114** *Id.* 5/16-5.01.
- 115** *Id.* 5/2A-1.1.
- 116** Ill. Const. art. IV, § 3.
- 117** Ind. Const. art. IV, § 5; Ind. Code § 3-3-2-1 (congressional apportionment).
- 118** Ind. Code § 3-3-2-2.
- 119** *Id.* § 3-8-2-4.
- 120** *Id.* § 3-11-4-15.
- 121** *Id.* § 3-10-1-3.
- 122** *Id.* § 3-11-4-15.
- 123** *Id.* § 3-10-2-1.
- 124** Ind. Const. art. IV, § 5; Ind. Code § 3-3-2-1.
- 125** Ind. Const. art. IV, § 3. Because Indiana has until 2023 to complete legislative redistricting, we treat the state as having no redistricting deadline.
- 126** Ind. Code § 2-2.1-1-2.
- 127** *Id.* § 3-3-2-1.
- 128** *Id.* § 3-3-2-2.
- 129** Iowa Code § 42.3(1)(a).
- 130** Iowa Const. art. III, § 35.
- 131** *Id.*
- 132** Iowa Code § 43.11.
- 133** *Id.* § 43.22.
- 134** *Id.* § 43.7.
- 135** *Id.* § 39.1.
- 136** *Id.* § 42.3(1)(b).
- 137** Kansas must complete state legislative redistricting during the 2022 session. Kan. Const. art. X, § 1. The 2022 legislative will begin on January 10 and “shall not exceed ninety calendar days,” although the session can be extended by a 2/3 vote in both chambers. *Id.* art. II, § 8.
- 138** Kan. Stat. § 25-205.
- 139** *Id.* § 25-203.
- 140** *Id.* § 25-101.
- 141** Kan. Const. art. II, § 8.
- 142** Ky. Rev. Stat. § 118.165.
- 143** *Id.* § 118.025(3).
- 144** *Id.* §§ 118.025(4), 118.475.
- 145** Ky. Const. § 80.
- 146** La. Const. art. III, § 6.
- 147** La. Stat. §§ 18:467, 18:468.
- 148** *Id.* § 18:470.1.
- 149** *Id.* § 18:402(B)(1).
- 150** *Id.* § 18:402(B)(2).
- 151** *Id.* §§ 18:467, 18:468.
- 152** *Id.* § 18:470.1.
- 153** *Id.* § 18:402(A)(1).
- 154** *Id.* § 18:1306(C)(1).
- 155** *Id.* § 18:402(A)(2).
- 156** La. Const. art. III, § 6.
- 157** *Id.* art. III, § 2.
- 158** Me. Const. art. IV, pt. 1, § 3 (state house districts); *id.* pt. 2, § 2 (state senate districts); *id.* art. IX, § 24 (congressional districts).
- 159** *Id.*
- 160** *Id.*
- 161** Me. Rev. Stat. tit. 21-A, § 335.
- 162** *Id.* § 339.
- 163** Me. Const. art. II, § 4.
- 164** *Id.* art. 4, pt. 1, § 3 (state house districts); *id.* pt. 2, § 2 (state senate districts); *id.* art. IX, § 24 (congressional districts).
- 165** *Id.* art. IX, § 24.
- 166** Md. Const. art. III, § 5.
- 167** Md. Code Elec. Law, § 5-303.
- 168** *Id.* § 9-207(a)(1), (e).
- 169** *Id.* § 8-201.
- 170** *Id.* § 9-207(a)(2), (e).

- 171** *Id.* § 8-301.
- 172** Md. Const. art. III, § 5.
- 173** *Id.*
- 174** Mass. Const. amend. art. 101 (state legislative districts).
- 175** Mass. Gen. Laws ch. 53, § 48.
- 176** *Id.*
- 177** *Id.* § 28.
- 178** Mass. Const. amend. art. 64, § 3.
- 179** *Id.* art. 101.
- 180** Mich. Const. art. IV, § 6(7).
- 181** Mich. Comp. Laws § 168.551.
- 182** *Id.* § 168.552(14).
- 183** *Id.* § 168.534.
- 184** *Id.* § 168.714(1).
- 185** Mich. Const. art. II, § 5.
- 186** *Id.* art. IV, § 6(7).
- 187** *Id.* § 6.
- 188** Minn. Const. art. IV, §§ 3, 12.
- 189** Minn. Stat. § 204B.14 subdiv. 1a.
- 190** *Id.* § 204B.09.
- 191** *Id.* § 204B.35 subdiv. 4.
- 192** *Id.* § 204D.03.
- 193** *Id.* § 204B.35.
- 194** *Id.* § 204D.03.
- 195** Minn. Const. art. IV, § 3.
- 196** Minn. Stat. § 204B.14 subdiv. 1a.
- 197** Miss. Const. art. IV, § 36; Miss. Code. § 5-3-123.
- 198** Miss. Const. art. XIII, § 254; *id.* art. IV, § 36.
- 199** *Id.* art. XIII, § 254.
- 200** *Id.*
- 201** Miss. Code § 23-15-299(3)(a).
- 202** *Id.* § 23-15-1031.
- 203** *Id.* § 23-15-1033.
- 204** *Id.* § 23-15-299(1)(a).
- 205** *Id.* § 23-15-331.
- 206** *Id.* § 23-15-191.
- 207** *Id.* § 23-15-649.
- 208** Miss. Const. art. V, § 140.
- 209** Miss. Code § 5-3-123.
- 210** Miss. Const. art. IV, § 36.
- 211** *Id.* art. XIII, § 254.
- 212** Mo. Const. art. III, § 3(3).
- 213** Mo. Rev. Stat. § 115.349.
- 214** *Id.* § 115.387.
- 215** *Id.* § 115.121(2).
- 216** *Id.* § 115.401.
- 217** *Id.* § 115.121(1).
- 218** Mo. Const. art. III, § 3(3).
- 219** *Id.*
- 220** *Id.*
- 221** Mo. Const. art. III, § 20.
- 222** Mont. Const. art. V, § 14.
- 223** *Id.* §§ 6, 14; Mont. Code § 5-2-103.
- 224** Mont. Code § 13-10-201.
- 225** *Id.* § 13-1-107.
- 226** *Id.* § 13-1-104.
- 227** *Id.*
- 228** Mont. Code § 5-2-103.
- 229** *Id.*
- 230** Montana is an outlier among the states in that it has traditionally passed new maps in years ending in three. Although this has been Montana's practice, it is not clear whether the practice would survive a constitutional challenge.
- 231** Mont. Const. art. V, § 14.
- 232** Neb. Rev. Stat. § 32-606.
- 233** *Id.* § 32-401.
- 234** *Id.* § 32-622.
- 235** *Id.* § 32-403.
- 236** *Id.* § 32-606.
- 237** Neb. Const. art. III, § 10.
- 238** *Id.* art. IV, § 8.
- 239** Nev. Const. art. IV, §§ 2, 5.
- 240** Nev. Rev. Stat. § 293.177.
- 241** *Id.* § 293.175.
- 242** *Id.* § 293.12755.
- 243** Nev. Const. art. IV, § 5.
- 244** N.H. Const. pt. 2, art. IX; *id.* art. XI; *id.* pt. 2, art. XV.
- 245** N.H. Rev. Stat. § 655:14.
- 246** *Id.* § 653:8.
- 247** *Id.* § 653:7.
- 248** N.H. Const. pt. 2, art. XI.
- 249** *Id.* pt. 2, art. IX.
- 250** *Id.* pt. 2, art. XV.
- 251** N.J. Const. art. IV, § 3, ¶¶ 1, 2.
- 252** N.J. Const. art. II, § 2, ¶ 3.
- 253** N.J. Stat. § 19:23-14.
- 254** *Id.* § 19:23-21.
- 255** *Id.* § 19:23-40.
- 256** *Id.* § 19:14-1.
- 257** N.J. Const. art. II, § 1; N.J. Stat. § 19:2-3.
- 258** N.J. Stat. § 19:23-14.
- 259** *Id.* § 19:23-21.
- 260** *Id.* § 19:23-40.
- 261** *Id.* § 19:14-1.
- 262** N.J. Const. art. II, § 1; N.J. Stat. § 19:2-3.
- 263** N.J. Const. art. IV, § 1, ¶ 3.
- 264** N.J. Const. art. II, § 2, ¶ 3.
- 265** N.M. Stat. § 1-8-26.
- 266** *Id.* § 1-8-44.
- 267** *Id.* § 1-8-11.
- 268** See New Mexico Legislative Council Service, *A Guide to State and Congressional Redistricting in New Mexico 2011*, April 2011, <https://www.nmlegis.gov/Redistricting/Documents/187014.pdf>; Gwyneth Doland, *Redistricting NM 2021*, New Mexico in Depth, November 2019, <http://nminddepth.com/wp-content/uploads/2019/11/Redistricting-NM-2021.pdf>.
- 269** N.Y. Const. art. III, § 4.
- 270** *Id.*

- 271** N.Y. Elec. Law § 6-158(1).
- 272** *Id.* § 8-100(1)(a).
- 273** *Id.* § 8-100(1)(c).
- 274** N.C. Const. art. II, §§ 3, 5.
- 275** N.C. Gen. Stat. § 163-106.2.
- 276** *Id.* § 163-108(a).
- 277** *Id.* § 163-1.
- 278** *Id.*
- 279** N.C. Const. art. II, §§ 3, 5.
- 280** *Id.* § 11(1); N.C. Gen. Stat. § 120-11.1.
- 281** N.C. Const. art. II, § 11(2).
- 282** N.D. Cent. Code § 16.1-11-06.
- 283** *Id.* § 16.1-11-01.
- 284** *Id.* § 16.1-13-01.
- 285** "Special Sessions of the North Dakota Legislative Assembly," North Dakota Legislative Branch, accessed April 22, 2020, <https://www.legis.nd.gov/research-center/library/special-sessions-north-dakota-legislative-assembly>.
- 286** Ohio Const. art. XI, § 1(C).
- 287** *Id.* art. XIX, § 1(A)-(B).
- 288** *Id.* art. XI, § 8.
- 289** *Id.* art. XIX, § 1(B)-(F).
- 290** Ohio Rev. Code § 3513.05.
- 291** *Id.* § 3505.01.
- 292** *Id.* § 3501.01(E)(1).
- 293** *Id.* § 3501.01(A).
- 294** Ohio Const. art. XI, § 1(C).
- 295** *Id.* art. XIX, § 1(A)-(B).
- 296** Okla. Const. art. V, § 11A.
- 297** *Id.*; Okla. Stat. tit. 26, § 5-110.
- 298** Okla. Stat. tit. 26, § 5-110.
- 299** *Id.* § 1-102.
- 300** *Id.* § 1-101.
- 301** Okla. Const. art. V, § 11A.
- 302** Or. Const. art. IV, § 6(3).
- 303** *Id.* § 6(3)(a).
- 304** Or. Rev. Stat. § 249.037.
- 305** *Id.* § 254.085.
- 306** *Id.* § 254.056(2).
- 307** *Id.* § 254.085.
- 308** *Id.* § 254.056(1).
- 309** Or. Const. art. IV, § 6.
- 310** Or. Rev. Stat. § 171.010.
- 311** Or. Const. art. IV, § 10a.
- 312** *Id.* art. V, § 12.
- 313** Pa. Const. art. II, § 17(c).
- 314** *Id.* § 17(h).
- 315** 25 Pa. Cons. Stat. §§ 2868, 2873.
- 316** *Id.* §§ 2874, 2876.
- 317** *Id.* § 2753.
- 318** *Id.* §§ 2941, 2944.
- 319** *Id.* § 2751.
- 320** Pa. Const. art. II, § 17(b).
- 321** *Id.* § 17(c).
- 322** *Id.*
- 323** *Id.* § 17(h).
- 324** R.I. Gen. Laws § 17-14-12.
- 325** *Id.* § 17-15-1.
- 326** *Id.* § 17-1-2(2).
- 327** 2011 R.I. Pub. Laws, ch. 11-100; *id.* ch. 11-106.
- 328** R.I. Const. art. VI, § 3.
- 329** S.C. Code § 7-11-15.
- 330** *Id.* § 7-13-40.
- 331** *Id.* § 7-13-15.
- 332** *Id.* § 7-13-350.
- 333** *Id.* § 7-13-10.
- 334** S.C. Const. art. III, § 9.
- 335** S.D. Const. art. III, § 5.
- 336** *Id.*
- 337** S.D. Codified Laws § 12-6-4.
- 338** *Id.* § 12-6-8.1.
- 339** *Id.* § 12-2-1.
- 340** *Id.* § 12-2-2.
- 341** S.D. Const. art. III, § 5.
- 342** Tenn. Code § 2-5-101(a)(1).
- 343** *Id.* § 2-1-104(25).
- 344** *Id.* § 2-1-104(26).
- 345** Tenn. Const. art. II, § 8.
- 346** Tex. Const. art. III, § 28.
- 347** *Id.*
- 348** Tex. Elec. Code § 172.023.
- 349** *Id.* § 172.028.
- 350** *Id.* § 41.007.
- 351** *Id.* § 41.001.
- 352** Tex. Const. art. III, § 28.
- 353** *Id.* § 5; Tex. Gov't Code § 301.001; "Texas legislative sessions and years," Legislative Reference Library of Texas, accessed April 23, 2020, <https://lrl.texas.gov/sessions/sessionYears.cfm>.
- 354** Utah Const. art. IX, § 1.
- 355** Utah Code § 20A-9-408.
- 356** *Id.* § 20A-1-201.5.
- 357** *Id.* § 20A-9-701.
- 358** *Id.* § 20A-1-201.
- 359** *Id.* § 20A-20-201(3)(a)(i).
- 360** *Id.* § 20A-20-301.
- 361** *Id.* § 20A-20-302(2).
- 362** Utah Const. art. IX, § 1; *id.* art. VI, §§ 2, 16.
- 363** Vt. Stat. tit. 17, §§ 1905, 1907.
- 364** *Id.* § 1906.
- 365** *Id.* § 2356.
- 366** *Id.* § 2359.
- 367** *Id.* § 2351.
- 368** *Id.* § 2103(15).
- 369** *Id.* §§ 1905-1906.
- 370** *Id.* § 1907.
- 371** \*Virginia voters will consider a proposed constitutional amendment in November 2020 that would establish a redistricting commission and set a timeline for redistricting that is denoted with



an asterisk. If passed, the commission will need to submit legislative plans to the legislature within 45 days after receiving census data and congressional plans within 60 days. S.J.R. 18, 401st Gen. Assemb., Reg. Sess. (Va. 2020).

- 372** Va. Code § 24.2-522.  
**373** *Id.* § 24.2-612.  
**374** *Id.* § 24.2-515.1; "Schedule of General Elections," Commonwealth of Virginia Department of Elections, accessed April 23, 2020, [https://www.elections.virginia.gov/media/boardpapers/calendar/mja-5-year-election-day-calendar-2020\\_2024\\_rev3\\_18\\_20.pdf](https://www.elections.virginia.gov/media/boardpapers/calendar/mja-5-year-election-day-calendar-2020_2024_rev3_18_20.pdf).  
**375** Va. Code § 24.2-612.  
**376** *Id.* § 24.2-101.  
**377** *Id.* § 24.2-522.  
**378** *Id.* § 24.2-515.  
**379** *Id.* § 24.2-101.  
**380** Va. Const. art. 4, § 6.  
**381** Wash. Const. art. II, § 43(6).  
**382** *Id.*  
**383** Wash. Rev. Code § 29A.24.050.  
**384** *Id.* § 29A.36.010.  
**385** *Id.* § 29A.04.311.  
**386** *Id.* § 29A.04.321.  
**387** W. Va. Code § 3-5-7.  
**388** *Id.* § 3-5-9.  
**389** *Id.* § 3-5-1.  
**390** *Id.* § 3-5-18(b).  
**391** *Id.* § 3-1-31.  
**392** W.V. Const. art. VI, § 18.  
**393** Wis. Const. art. IV, § 3.  
**394** Wis. Stat. § 8.15.  
**395** *Id.* § 5.02(12s).  
**396** Wis. Const. art. XIII, § 1.  
**397** *Id.* art. IV, § 3.  
**398** Wis. Stat. § 13.02.  
**399** Wyo. Const. art. III, § 48.  
**400** Wyo. Stat. § 22-5-209.  
**401** *Id.*  
**402** *Id.* § 22-2-104(b).  
**403** *Id.* § 22-6-101.  
**404** *Id.* § 22-2-104(a).  
**405** Wyo. Const. art. III, § 48.  
**406** *Id.* §§ 6-7.

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