Impact of COVID-19 on: 2020 CENSUS DATA & REDISTRICTING

The Census Bureau has announced significant operational changes in the wake of COVID-19. Here are the implications of these potential changes on census, apportionment, redistricting, and elections.

**Proposed Census Timeline Changes:**

- **Enumeration:**
  - Planned Schedule: March 12 – July 31
  - Revised Schedule: March 12 – October 31

- **Apportionment Counts:**
  - Planned Schedule: By December 31
  - Proposed Schedule: *April 30, 2021

- **Redistricting Counts:**
  - Proposed Schedule: *July 31, 2021

*Must be approved by Congress

**If timeline changes are made:**

- Two states, Virginia and New Jersey, have primary elections in 2021 that would now take place before they receive census data, making redistricting impossible for state legislative elections.

- 17 states have initial redistricting deadlines that are earlier than the Census Bureau’s proposed new deadline for delivering data to the states.

- 13 states have 2022 primary elections in the spring (May 24 or earlier), which could potentially compress election schedules.

New timeline would make redistricting impossible for state legislative elections

New timeline may force states to change redistricting deadlines

New timeline could potentially compress election schedules.

New timeline would impact state redistricting deadlines AND election schedules
State Redistricting Deadlines

On April 13, 2020, Commerce Secretary Wilbur Ross and Census Bureau Director Steven Dillingham asked Congress for a 120-day delay in the deadline for delivering population data to the states following the 2020 census. States use these data for redistricting to ensure that districts of the same type have equal population based on the latest census data. If Congress approves this extension, the Census Bureau could send states population data as late as July 31, 2021.

Seventeen states have legally mandated deadlines for completing redistricting that are earlier than the proposed new data delivery deadline. Common Cause has compiled redistricting deadlines for every state to examine one impact of the Bureau’s proposal. Some states are listed twice in the chronological list below because they have different redistricting deadlines for congressional and state legislative districts. We have also estimated 2022 candidate filing deadlines and the end of legislative sessions to identify a de facto redistricting deadline in states without an explicit one.

Clear Constitutional or Statutory Deadlines and States with 2021 Elections

**FEBRUARY 2021**


**APRIL 2021**

*Iowa:* Legislative Services Agency must deliver initial maps by April 1, 2021. Iowa Code § 42.3.

**Oklahoma (state legislative):** 90 days after the start of the 2021 legislative session, so possibly early April. Okla. Const. Art. V, § 11A.

**New Jersey (state legislative):** Within one month of receiving federal data, or February 1, 2021, whichever is later. N.J. Const., Art. IV, Sec. III, Para. 1. Candidate filing deadline likely April 5, 2021 for partisan candidates and June 17, 2021 (date of the primary) for independent candidates. NJSA 19:23-14; NJSA 19:13-9.

**North Dakota (state legislative):** Adjournment of first session of 2021, so possibly late April 2021. N.D. Const. Art. IV, § 2.

**Indiana:** April 29, 2021. Ind. Const. Art. 4, § 5; Ind. Code Ann. § 3-3-2-1; Ind. Code Ann. § 3-3-2-2.

**MAY 2021**

*Virginia:* Realistic deadline for receiving data in time to draw districts for 2021 state legislative elections is estimated to be May 1, 2021. Official deadline is unclear: “The districts delineated in the
decennial reapportionment law shall be implemented for the November general election for the United States House of Representatives, Senate, or House of Delegates, respectively, that is held immediately prior to the expiration of the term being served in the year that the reapportionment law is required to be enacted.” Va. Const. Art. II, Section 6.

**Alabama:** Middle or end of May 2021. Alabama Const. Art. IX, Sec. 3.

**Minnesota:** First general session following the census, so possibly May 2021. Minn. Const., Art. IV, § 3.


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**JUNE 2021**


**New Jersey:** Primary election on June 8, 2021

**Virginia:** Primary election on June 8, 2021

**Nevada (state legislative):** End of the first session after the census, so estimate based on previous years is June 2021. Nev. Const. Art. 4, § 5.


**Delaware:** June 30, 2021. 29 Del. Code § 805.


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**JULY 2021**

**Oregon:** July 1, 2021. The Secretary of State will adopt state legislative districts by August 15, 2021, and a panel of judges will adopt congressional districts if that deadline is not met. Ore. Const. Art. IV, § 6; Or. Rev. Stat. Ann. § 188.125. August 15, 2021 is the deadline for all maps in the proposed People Not Politicians ballot initiative.

**Vermont:** Initial plan is due July 1, 2021 and final proposal is due August 15, 2021. 17 Vt. Stat. §§ 1905-1906.

**Massachusetts (state legislative):** End of first legislative session of 2021, which could be late July 2021 based on previous years. Massachusetts ALM Constitution Amend. Art. CI.

**Proposed Deadline for Delivery of Population Data to the States: July 31, 2021**

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**AUGUST 2021**

**California:** August 15, 2021. Cal Const. Art. XXI § 2(g).
SEPTEMBER 2021

**Colorado (congressional):** September 1, 2021 (but constitution allows delay for “conditions outside the commission's control”). Colo. Const. Art. V, Section 44.4


**Connecticut:** September 15, 2021. Conn. Const. Art. III., Sec. 6(b). If the legislature fails to draw districts by that date, a commission appointed by the state legislative majority and minority leaders. This commission’s deadline is November 30, 2021. Conn. Const. Art. III., Sec. 6(c).

**Colorado (state legislative):** September 15, 2021 (but constitution allows delay for “conditions outside the commission’s control”). Colo. Const. Art. V, Section 48.2


NOVEMBER 2021

**Washington:** Commission must submit plan by November 15, 2021. Legislature has until December 15, 2021 to amend. Wash. Rev. Code Ann. § 44.05.100.


DECEMBER 2021

**South Dakota (state legislative):** December 1, 2021. S.D. Const. Article III, § 5.

**Wisconsin (state legislative):** First session following the census, so probably December 2021. Wis. Const. Art. IV, § 3.


**Virginia:** December 31, 2021. Va. Const. Art. II, § 6. Realistic deadline for receiving data in time to draw districts for 2021 state legislative elections is May 1, 2021. Official deadline is unclear: “The districts delineated in the decennial reapportionment law shall be implemented for the November general election for the United States House of Representatives, Senate, or House of Delegates, respectively, that is held immediately prior to the expiration of the term being served in the year that the reapportionment law is required to be enacted.” Va. Const. Art. II, Section 6.

JANUARY 2022

**New York:** January 15, 2022 is the advisory commission’s deadline, but there is no stated deadline if the legislature rejects the first two plans. NY CLS Const Art III, § 4(b).


FEBRUARY 2022

**Maryland (state legislative):** 45th day of the 2022 General Assembly session or governor’s proposed maps will become law. Possibly late February 2022. Md. Const. art. III, § 5.
**MARCH 2022**

**Wyoming (state legislative):** End of the 2022 budget session, which is likely to be March 6, 2022. Wyo. Const. Art. 3, § 48.

**Florida (state legislative):** March 11, 2022. Fla. Const. Art. III, § 16 (regular session in the second year following each decennial census).

**Utah (state legislative):** 2022 legislative general session, so possibly March 2022. Could significantly shorten the time the advisory commission has to obtain public input. Utah Code Ann. § 20A-20-301; 2020 Bill Text UT S.B. 200.

**APRIL 2022**

**Kentucky (state legislative):** end of the first general session in 2022, which is mid-April 2022 based on previous sessions. Ky. Const. § 33.

**MAY 2022**

**Mississippi (state legislative):** End of the regular session in 2022, which is possibly May 9, 2022. Miss. Const. Ann. Art. 4, § 36.


**JUNE 2022**

**Maine (state legislative):** Advisory commission must submit map by June 1 and the legislature must approve by June 11 of the year in which apportionment is required. Based on past cycles, that will happen in 2023. Me. Const. Art. IV, Pt. 1, § 3; Me. Const. Art. IV, Pt. 2, § 2; Me. Rev. Stat. tit. 21-A, § 1206.

**Montana (state legislative):** First regular session after appointment of commission, which is 2023. Mont. Const., Art. V § 14.

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**Deadlines Tied to Receipt of Census Data**  
(Candidate Filing Deadline Becomes De Facto Redistricting Deadline)

**APRIL 2021**


**Proposed Deadline for Delivery of Population Data to the States:** July 31, 2021

**MARCH 2022**

**Pennsylvania (state legislative):** 90 days after commission has been certified or population data are available, whichever is later. Pa. Const. Art. II, § 17. Candidate filing deadline is March 8, 2022. 25 P.S. Elections & Electoral Districts § 2873(d).
Idaho: 90 days after commission is formed, or when the necessary census data are available, whichever is later. Idaho Const. Art. III, § 2. Candidate filing deadline is March 11, 2022. Idaho Code § 34-704.

Montana (congressional, if they get a second district): 90 days after census figures are available. Mont. Const., Art. V, § 14. Candidate filing deadline is March 14, 2022. 13-10-201(7), MCA.


JUNE 2022

Alaska: Within 90 days of receiving census data. Alaska Constitution Art. 6 § 10(a). June 1, 2022 filing deadline. AK Statutes § 15.25.040.

No Explicit Redistricting Deadlines (Candidate Filing Deadline Becomes De Facto Redistricting Deadline)

DECEMBER 2021

Illinois (congressional): No redistricting deadline. Candidate filing deadline is December 5, 2021. 0 ILCS 5/7-12(1).

Texas (congressional): No redistricting deadline. Candidate filing deadline is likely mid-December of 2021 (estimate is December 14).


JANUARY 2022

Kentucky (congressional): No redistricting deadline. January 7, 2022 is the candidate filing deadline. KRS § 118.165(2).


FEBRUARY 2022

Nebraska: No constitutional or statutory redistricting deadline. February 15, 2022 is the candidate filing deadline. R.R.S. Neb. § 32-606(1). Legislative rules state that the Redistricting Committee of the Legislature must be established in January of each year ending in one. Nebraska Legislative Rule 3 Sec. 6.


MARCH 2022


Utah (congressional): No redistricting deadline. Likely filing deadline is March 17, 2022. Advisory commission could have significantly reduced time to obtain public input.


Missouri (congressional): No redistricting deadline. Filing deadline is March 22, 2022. R.S.Mo. § 115.349(1).

South Dakota (congressional): No redistricting deadline; as a state with an at-large seat, no districting is needed. Candidate filing deadline is March 29, 2022. S.D. Codified Laws § 12-6-4.


**APRIL 2022**


Tennessee: No redistricting deadline. Candidate filing deadline is April 7, 2022.

North Dakota (congressional): No redistricting deadline and currently an at-large seat. Filing deadline is April 11, 2022. NDCC § 16.1-11-06.

Oklahoma (congressional): April 13, 2022 is the filing deadline. 26 Okla. St. § 5-110.


**JUNE 2022**

Kansas (congressional): No redistricting deadline. June 1, 2022 is candidate filing deadline. K.S.A. § 25-205 (a)(1).

Wisconsin (congressional): No redistricting deadline. June 1, 2022 is likely candidate filing deadline.

Wyoming (congressional): No redistricting deadline and at-large seat, so districting is not likely to be needed. Candidate filing deadline is June 1, 2022.


**JULY 2022**