

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	Revised Schedule
March 12 – July 31	March 12 – October 31

Apportionment Counts:

Planned Schedule	Proposed Schedule
By December 31	*April 30, 2021

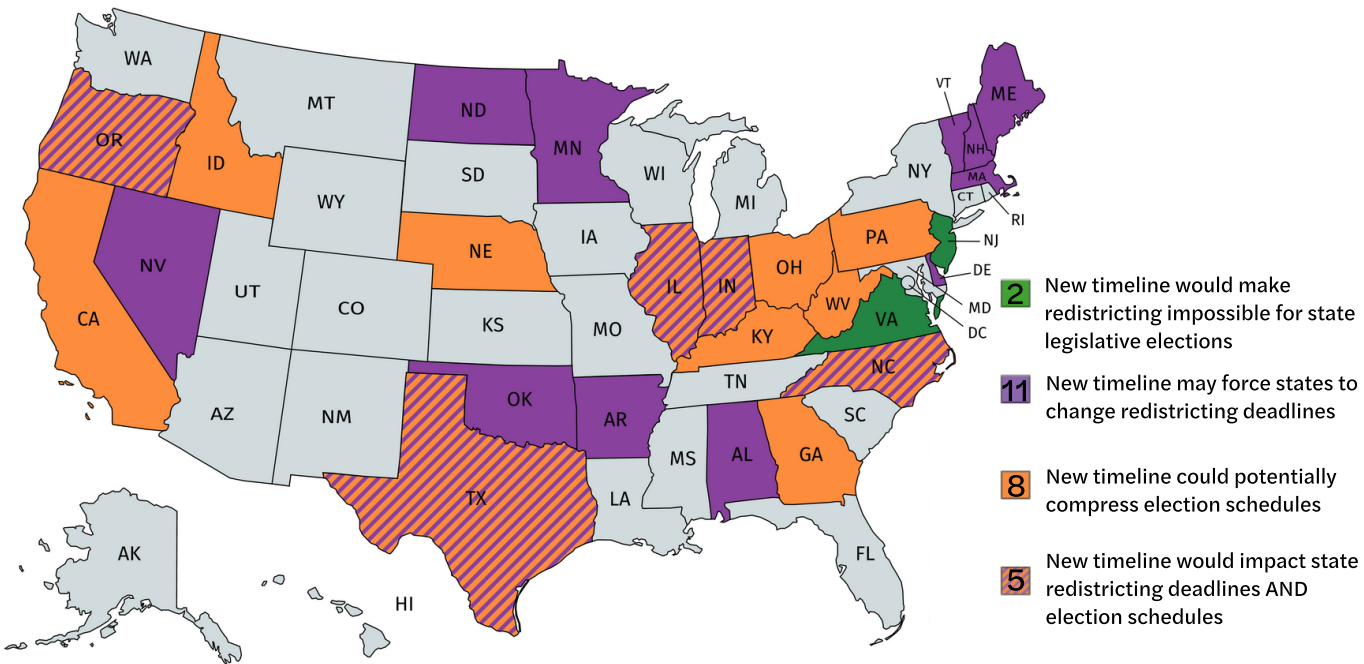
Redistricting Counts:

Planned Schedule	Proposed Schedule
By April 1, 2021	*July 31, 2021

*Must be approved by Congress

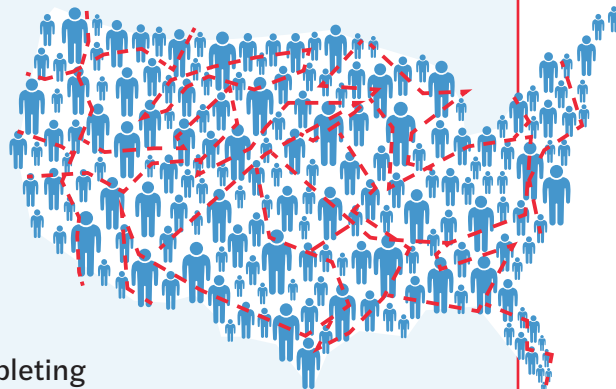
If timeline changes are made:

- 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 must complete redistricting before July 31, too soon after July 31 to complete redistricting, or by the end of the first post-census legislative session.
- 13 states have 2022 primary elections in the spring (May 24 or earlier), which could potentially compress 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

Arkansas: February 1, 2021. Ark. Const. art. 8, § 4.

APRIL 2021

Iowa: Legislative Services Agency must deliver initial maps by April 1, 2021 and the legislature must approve maps by September 1, 2021. However, each day after February 15, 2021 that population data delivery is delayed will push back those deadlines by one day. 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.

Texas (state legislative): First regular session of 2021, which could mean late May 2021. Tex. Const. Art. III, § 28.

JUNE 2021

Maine (congressional): Advisory commission must deliver map by June 1, 2021 and legislature must approve by June 11, 2021. Me. Const. Art. IV, Pt. 1, § 3; Me. Const. Art. IV, Pt. 2, § 2; Me. Rev. Stat. tit. 21-A, § 1206.

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.

New Hampshire (state legislative): End of first session after the census, so possibly June 2021. N.H. Const. Pt. SECOND, Arts. 11, 26.

North Carolina (state legislative): End of the first legislative session of 2021, so possibly June 2021. However, the session could technically continue into 2022. N.C. Const. art. II, Section 3; N.C. Const. art. II, Section 5. Candidate filing deadline is December 17, 2021. N.C. Gen. Stat. Section 163-106.2(a).

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

Illinois (state legislative): June 30, 2021. Illinois Const., Art. IV, § 3.

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

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

Ohio (state legislative): September 1, 2021. Oh. Const. Art. XI, § 1(c).

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

Hawaii: September 28, 2021. Haw. Const. art. IV, § 2.

Ohio (congressional): September 30, 2021, before a shift to commission and other processes. Oh. Const. Art. XIX, § 1.

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.

Michigan: November 21, 2021. Michigan Const. Art. IV, § 6; Mich. Comp. Laws Serv. § 3.62; Mich. Comp. Laws Serv. § 4.261.

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.

Louisiana (state legislative): December 31, 2021. La. Const. Art. III, § 6.

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).

New Jersey (congressional): January 18, 2022. N.J. Const., Art. II, Sec. II, Para. 3.

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.

Kansas (state legislative): end of legislative session in 2022. Possibly end of May, based on 2020 schedule. Kan. Const. Art. 10, § 1.

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.

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

APRIL 2021

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 13, 2021. NJSA 19:23-12.

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.

Missouri (state legislative): Six months after the president receives population data. Missouri Constitution, Art. III, § 2. Candidate filing deadline is March 22, 2022. § 115.349 R.S.Mo.

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).

North Carolina (congressional): No redistricting deadline. Candidate filing deadline is December 17, 2021. N.C. Gen. Stat. Section 163-106.2(a).

JANUARY 2022

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

West Virginia: No redistricting deadline. January 29, 2022 is the likely filing deadline. W. Va. Code § 3-5-7.

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.

Maryland (congressional): No redistricting deadline. Candidate filing deadline is February 22, 2022. Md. Election Law Code Ann. § 5-303(a)(1).

MARCH 2022

Mississippi (congressional): No redistricting deadline. Candidate filing deadline is March 1, 2022. Mississippi Code Ann. § 23-15-299.

New Mexico: No redistricting deadline. Candidate filing deadline is March 8, 2022. N.M. Stat. Ann. § 1-8-26(b).

Pennsylvania (congressional): No redistricting deadline. Candidate filing deadline is March 8, 2022.

Georgia: No redistricting deadline. Candidate filing deadline is March 11, 2022. O.C.G.A. § 21-2-132(d)(2).

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

Nevada (congressional): No redistricting deadline. Candidate filing deadline is March 18, 2022. Nev. Rev. Stat. Ann. § 293.177(1)(b).

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.

South Carolina: No redistricting deadline. Candidate filing deadline is March 30, 2022. S.C. Code Ann. § 7-11-210.

APRIL 2022

Arizona: No redistricting deadline. April 4, 2022 filing deadline. A.R.S. §16-202.

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.

Florida (congressional): No redistricting deadline. Congressional candidate filing deadline is April 29, 2022. Fla. Stat. § 100.061.

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.

Massachusetts (congressional): No redistricting deadline. Candidate filing deadline is June 7, 2022. ALM GL ch. 53, § 48.

New Hampshire (congressional): No redistricting deadline. Candidate filing deadline is June 17, 2022. RSA 655:14.

Rhode Island: No redistricting deadline. Candidate filing deadline is in June 29, 2022. General Laws of RI 17-14-1.

JULY 2022

Louisiana (congressional): No redistricting deadline. Candidate filing deadline is likely in July 2022. State legislative elections in 2023.