

# The Impact of Census Timeline Changes on the Next Round of Redistricting

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All states redraw their legislative and congressional districts every 10 years to comply with the constitutional mandate that districts be equally populated. States draw these districts using block-level data from the census conducted every decade. Under normal circumstances, states would have received this data by March 31, 2021.

However, the Covid-19 emergency forced the U.S. Department of Commerce and the U.S. Census Bureau to alter census field operations and data-processing protocols, resulting in a delayed timeline for releasing data.<sup>1</sup> On February 12, 2021, the Census Bureau announced that it would release the state population totals used to apportion congressional seats around April 30, 2021; that it would make granular redistricting population data available to states in a disaggregated and untabulated legacy format by mid-to-late August 2021;<sup>2</sup> and that states could expect final data delivery by September 30, 2021.<sup>3</sup>

The Commerce Department and the Census Bureau have said that this timeline is necessary to ensure high-quality data suitable for redistricting and other uses. While necessary, these changes will affect the legal or customary redistricting timelines of most states. In

many, it will also require changes to deadlines and processes set by state law. As a result, states may need to adjust candidate filing periods and/or move primary election dates.

The new census schedule will not absolve states of their constitutional obligation to redistrict once new census data becomes available, even if they can no longer meet intended deadlines.<sup>4</sup> If states do not make the adjustments necessary to complete redistricting in a timely fashion, courts will then need to step in and draw temporary maps to ensure that legally compliant districts are in place for upcoming elections — a power they have used in the past.<sup>5</sup>

## **This memorandum examines**

- state-law deadlines for redrawing congressional and legislative district boundaries that will need to change to accommodate the later delivery of redistricting data, and
- the potential impact on upcoming state and federal elections.

## Changes to the Data Delivery Schedule

Under current law, the Commerce Department must provide two types of data used in redistricting after each census. The law also sets out timelines for the department to complete its data deliveries.

First, the Commerce Department must deliver apportionment counts to the president, setting forth the total population of each state and the number of congressional seats to which each state is entitled.<sup>6</sup> Under statute, the delivery date for this data was December 31, 2020.<sup>7</sup>

Second, the Commerce Department must provide 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). By statute, the Commerce Department was to provide each state with this information by April 1, 2021.<sup>8</sup> In past decades, the Census Bureau distributed the information to states on a rolling basis, starting in mid-February of years ending in one; states with earlier redistricting deadlines received data first.

The Census Bureau has indicated that it expects to provide the president with apportionment counts by **April 30, 2021**; to make untabulated redistricting data (that states with the necessary technical ability could aggregate into a proper format) by **mid-to-late August 2021**;<sup>9</sup> and to deliver P.L. files to the states by **September 30, 2021**, in a single national delivery rather than on a rolling basis.

One brief note: this analysis uses the September 30, 2021, date to assess state deadlines because it is unclear whether states will be able and willing to format the raw data made available in August 2021.

## The Impact of Changes to the Data Delivery Schedule

Changes to the schedule for delivering redistricting data to states will require states to adjust their redistricting timelines to avoid having to use court-drawn maps for upcoming elections. Some states have already made the necessary accommodations; others are still in the process of doing so. This analysis reflects only conclusive changes made by states as of April 16, 2021. Any subsequent adjustments are not reflected.

Necessary changes may extend beyond redistricting deadlines. Some states may also have to adjust their candidate filing or qualification periods and/or move primary dates to have extra time to complete map-drawing. General elections will also be affected in the two states with odd-year elections.

In addition to redistricting deadlines, 10 states have fixed statutory or constitutional deadlines for public input or participation in the redistricting process that will be affected by changes to the redistricting data delivery schedule.

Part I provides a summary of the changes needed. Part II provides state-specific information.

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## States by Type of Deadline

	LEGISLATIVE	CONGRESSIONAL*	IMPACT OF DELAY
States with general elections in 2021	2	n/a	States will 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	21	12	Deadlines will need to be adjusted through formal action to avoid maps being drawn by courts or, in some cases, other default processes.
States with deadlines for completing redistricting tied to publication of the census or the state's receipt of redistricting data	11	6	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	11	26	No legal changes required, but states may need to hold special sessions to complete redistricting in time for 2022 elections.
States required to redistrict by 2022	5	0	No or minimal impact.

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

# Summary of Changes Necessitated by the New Redistricting Data Production Schedule

### A. States with 2021 Legislative Elections

The most significant impact of the delays will be in *New Jersey* and *Virginia*, which hold legislative elections in odd-numbered years, with the next election scheduled for November 2, 2021.<sup>10</sup> In both states, primary elections are currently scheduled for June 8, 2021.<sup>11</sup>

With data delivery not expected until late summer, neither state will have completed the redistricting process in time to hold primary elections before their November 2, 2021, general elections.

New Jersey recently adopted a constitutional amendment to keep its current legislative plan in place for 2021 and draw a new map ahead of 2023 elections. In all likelihood, Virginia will need to use existing plans as well.

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

Twenty-two states have redistricting deadlines that are either fixed dates or dates tied to the census year. The later data delivery date means that most of these states will need to make changes to their schedules. States should consider the possibility of construing deadlines flexibly or adjusting them through executive, legislative, or judicial action in light of the impossibility of meeting the set dates.

In 12 states (*California, Connecticut, Delaware, Hawaii, Maine, Michigan, New York, New Mexico, Ohio, South Dakota, Utah, and Washington*), state law requires that both legislative and congressional redistricting be completed by fixed dates in years ending in one.<sup>12</sup> Census data released on September 30, 2021, will not arrive in time for Connecticut, Delaware, Hawaii, Maine, Michigan, and Ohio.<sup>13</sup> Other states could theoretically meet their deadlines, but the time available for redistricting would be substantially compressed. Some adjustments are merited in these states to allow for as robust a redistricting process as possible.

Another 10 states have deadlines for legislative and/or congressional redistricting tied to the census year. The language creating these deadlines is often ambiguous; clarification through legislative, executive, or judicial action would be beneficial. If this deadline language is construed as requiring redistricting in the year after the census is taken (2020), then most state-law deadlines would need

adjusting to give these states time to redistrict using 2020 Census data during their regular legislative or commission processes.<sup>14</sup> However, 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), states would not default on state-law redistricting deadlines, though they still might need to hold special sessions or make other procedural adjustments, including to candidate filing deadlines and primary election schedules, to complete redistricting in time for the 2022 general election.

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

*Indiana* is the only state with a census-related deadline just for congressional redistricting.

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

Thirteen states have redistricting deadlines tied either to the reporting 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. Nonetheless, later data delivery means that states may need to call special sessions to complete redistricting before primary dates or consider moving certain election deadlines to allow for sufficient time.

Seven states expressly tie redistricting deadlines to the receipt of block-level census data: *Alaska, Colorado, Iowa, Montana, New Jersey, Pennsylvania* (legislative only), and *Virginia*.

Another six states — *Louisiana, Minnesota, Missouri, North Carolina, Texas, and Wisconsin* — tie legislative and/or congressional redistricting deadlines to the publication of the census or the delivery of apportionment counts to the president.

### D. States with No Set Redistricting Deadlines

Eleven states do not have any statutory or constitutional deadlines for legislative redistricting, and 26 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 to complete redistricting or consider adjustments to election schedules.

*Arizona, Georgia, Idaho, Indiana, Kentucky, Nebraska, North Dakota, Rhode Island, South Carolina, Tennessee, and West Virginia* have no set deadlines for legislative redistricting.

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

#### **E. States with Redistricting Deadlines in 2022**

Five states have redistricting deadlines for state legislative plans sometime in early 2022: *Florida, Kansas, Maryland, Mississippi, and Wyoming*. The September 30 data production date should have little or no impact on redistricting in these states.

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

Ten 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 due to redistricting data delivery delays. These states are *California, Colorado, Hawaii, Iowa, Michigan, New Mexico, New York, Ohio, Utah, and Vermont*.

## Part II

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# State-by-State Assessments

**Notes:** For states with deadlines tied to the receipt of census data, we calculated dates assuming data delivery on September 30, 2021, the last day of the projected release schedule. We did not use the mid-to-late August date because states would need time to tabulate the raw data before using it to draw maps.

Also, absent state-specific citations for finalizing ballots, we calculated deadlines 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>15</sup>

Except where noted, we have not researched 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>16</sup>
- **Primary Election:** candidate filing by January 28, 2022;<sup>17</sup> ballots finalized by March 9, 2022;<sup>18</sup> election on May 24, 2022.<sup>19</sup>
- **General Election:** ballots finalized by August 24, 2022;<sup>20</sup> election on November 8, 2022.<sup>21</sup>

Alabama's legislature must pass state legislative plans during its first session after the taking of the census.<sup>22</sup> Given the census data production delay, this provision could be interpreted to mean the 2021 legislative session, the 2022 legislative session, or a special session convened between the two.

The delay will make redistricting using 2020 Census data during the 2021 regular session an impossibility because the legislature is set to adjourn no later than May 18, 2021.<sup>23</sup> 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 the 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. However, a special session will also be required unless the 2022 candidate filing deadline is moved or extended.

## Alaska

- **Redistricting:** October 30, 2021 (draft state legislative plans); December 29, 2021 (final state legislative plans).<sup>24</sup>
- **Primary Election:** candidate filing by June 1, 2022;<sup>25</sup> ballots finalized by June 25, 2022;<sup>26</sup> election on August 16, 2022.<sup>27</sup>
- **General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>28</sup>

Alaska's redistricting commission must draw draft state legislative plans within 30 days of receiving census data and pass final plans by 60 days thereafter.<sup>29</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 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>30</sup> ballots printed by June 18, 2022;<sup>31</sup> election on August 2, 2022.<sup>32</sup>
- **General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>33</sup>

Arizona's independent redistricting commission must convene by February 28, 2021,<sup>34</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>35</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>36</sup> Later, from October to November 2011, the commission held the necessary public hearings on draft maps.<sup>37</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>38</sup>
- **Primary Election:** candidate filing by March 1, 2022;<sup>39</sup> ballots finalized by March 10, 2022;<sup>40</sup> election on May 24, 2022.<sup>41</sup>
- **General Election:** ballots finalized by August 10, 2022;<sup>42</sup> election on November 8, 2022.<sup>43</sup>

In theory, Arkansas’s redistricting panel must pass state legislative plans by February 1 “immediately following each Federal census.”<sup>44</sup> However, the Arkansas Supreme Court traditionally does not enforce this provision,<sup>45</sup> and if Arkansas follows its normal practice, there will be ample time for redistricting ahead of primary election deadlines.

Arkansas’s legislature has no redistricting-specific deadlines for passing a congressional plan. Given the state’s late primary, the timing should work.

## California

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** December 15, 2021.<sup>46</sup>
- **Backup Redistricting:** February 14, 2022 (special master).<sup>47</sup>
- **Primary Election:** candidate filing by March 11, 2022;<sup>48</sup> ballots finalized by March 31, 2022;<sup>49</sup> election on June 7, 2022.<sup>50</sup>
- **General Election:** ballots finalized by September 1, 2022;<sup>51</sup> election on November 8, 2022.<sup>52</sup>

California’s independent redistricting commission would normally be required to draw draft congressional and state legislative plans by July 1, 2021,<sup>53</sup> hold them open for comment for at least 14 days,<sup>54</sup> and then pass final plans by August 15, 2021.<sup>55</sup> In July 2020, the California Supreme Court granted a four-month extension of the map-drawing process to account for the new census schedule, making the deadline for final maps December 15, 2021. If the commission cannot pass final plans, the California Supreme Court will appoint a special master to draw the plans.<sup>56</sup> Because California recently changed its primary schedule, the court would have until the new February 14, 2022, filing deadline to adopt maps.

It will be difficult but possible for the California commission to meet its revised deadlines under the

proposed census data production schedule. Either way, the later primary amounts to more time for the backup special master to successfully draw maps.

## Colorado

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** July 7, 2021 (public hearings on congressional plan);<sup>57</sup> July 21, 2021 (public hearings on legislative plans);<sup>58</sup> September 1, 2021 (final congressional plan);<sup>59</sup> September 15, 2021 (final state legislative plans).<sup>60</sup>
- **Backup Redistricting:** if commission misses final plan deadline, then third nonpartisan staff plan becomes final.<sup>61</sup>
- **Primary Election:** candidate filing by March 15, 2022;<sup>62</sup> ballots mailed by May 14, 2022; election on June 28, 2022.<sup>63</sup>
- **General Election:** ballots finalized by September 24, 2022; election on November 8, 2022.<sup>64</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>65</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>66</sup>

However, the Colorado constitution allows the commission to adjust these deadlines “if conditions outside of the commission’s control require” it.<sup>67</sup> This safety valve provision, along with a comparatively late candidate filing deadline, allows the commission to shift dates to make the timing workable.

## Connecticut

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** September 15, 2021.<sup>68</sup>
- **Backup Redistricting:** November 30, 2021 (backup commission);<sup>69</sup> February 15, 2022 (state supreme court).<sup>70</sup>
- **Primary Election:** candidate filing by June 7, 2022;<sup>71</sup> ballots mailed by June 25, 2022; election on August 9, 2022.<sup>72</sup>

- **General Election:** ballots finalized by September 22, 2022;<sup>73</sup> election on November 8, 2022.<sup>74</sup>

Connecticut’s legislature must pass congressional and state legislative plans by the September 15 “next following” year in which the census is taken.<sup>75</sup> Otherwise, a backup commission has until November 30 to pass plans; failing that, the Connecticut Supreme Court will step in before February 15 the following year.<sup>76</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 then have until September 15, 2021, to pass plans before the backup process is triggered.

## Delaware

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** June 30, 2021.<sup>77</sup>
- **Primary Election:** candidate filing by July 12, 2022;<sup>78</sup> ballots finalized by July 15, 2022;<sup>79</sup> election on September 13, 2022.<sup>80</sup>
- **General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>81</sup>

Delaware’s legislature must pass state legislative plans by June 30, 2021.<sup>82</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>83</sup>
- **Backup Redistricting:** 30-day special session (otherwise, state supreme court determines final state legislative plans).<sup>84</sup>
- **Primary Election:** federal candidate filing by April 29, 2022;<sup>85</sup> state candidate filing by June 17, 2022;<sup>86</sup> ballots printed by July 9, 2022; election on August 23, 2022.<sup>87</sup>
- **General Election:** ballots printed by September 24, 2022; election on November 8, 2022.<sup>88</sup>

Florida’s legislature must pass state legislative plans during years ending in two.<sup>89</sup> Even with the census data production delay, the legislature will have the usual amount of time to draft and pass new plans by March 12, 2022, when the session ends.<sup>90</sup>

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>91</sup> ballots finalized by March 14, 2022;<sup>92</sup> election on May 24, 2022.<sup>93</sup>
- **General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>94</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 either during 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>95</sup> The regular session will convene on January 10, 2022, and can last a maximum of 40 legislative days.<sup>96</sup>

## Hawaii

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** September 28, 2021.<sup>97</sup>
- **Primary Election:** candidate filing by June 7, 2022;<sup>98</sup> ballots finalized by June 24, 2022;<sup>99</sup> election on August 13, 2022.<sup>100</sup>
- **General Election:** ballots finalized by August 25, 2022;<sup>101</sup> election on November 8, 2022.<sup>102</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>103</sup>

Constitutionally, the commission must pass final plans by September 28, 2021 (150 days after convening).<sup>104</sup>

The commission will not be able to complete its task on time with the projected census data production delays.

## Idaho

- **Redistricting:** December 29, 2021 (draft plans).<sup>105</sup>
- **Primary Election:** candidate filing by March 11, 2022;<sup>106</sup> ballots finalized by March 25, 2022;<sup>107</sup> election on May 17, 2022.<sup>108</sup>
- **General Election:** ballots finalized by September 9, 2022;<sup>109</sup> election on November 8, 2022.<sup>110</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>111</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>112</sup> The commission has no deadline for passing final plans, but it will be limited by the candidate filing period that ends on 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>113</sup>
- **Backup Redistricting:** August 10, 2021, or August 10, 2022 (eight-member commission);<sup>114</sup> October 5, 2021, or October 5, 2022 (nine-member commission).<sup>115</sup>
- **Primary Election:** candidate filing by November 29, 2021;<sup>116</sup> ballots printed by January 29, 2022;<sup>117</sup> election on March 15, 2022.<sup>118</sup>
- **General Election:** ballots printed by September 23, 2022;<sup>119</sup> election on November 8, 2022.<sup>120</sup>

Illinois's legislature must pass state legislative plans by June 30 in the year following the census year.<sup>121</sup> If the census year is construed to be 2020 and no adjustments are made, then 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, then the legislature would have until June 30, 2022, to pass plans, but the primary election and related deadlines would have to be moved.

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

## Indiana

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** January 3, 2023.<sup>122</sup>
- **Backup Redistricting:** 30 days after regular session (final congressional plan).<sup>123</sup>
- **Primary Election:** candidate filing by February 4, 2022;<sup>124</sup> ballots finalized by March 14, 2022;<sup>125</sup> election on May 3, 2022.<sup>126</sup>
- **General Election:** ballots finalized September 19, 2022;<sup>127</sup> election on November 8, 2022.<sup>128</sup>

Indiana's legislature that was elected in November 2020 must pass state legislative plans,<sup>129</sup> which means that January 3, 2023, is the outer deadline for redistricting.<sup>130</sup> However, because new maps will be needed for the 2022 elections, the legislature will have to pass plans in a special session in 2021 (since the regular session is scheduled to adjourn by April 29, 2021).<sup>131</sup> Alternatively, it could pass plans in its 2022 regular session, but that would likely 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>132</sup> If it fails to do so, a backup commission will have 30 days after the legislature's adjournment to pass a plan.<sup>133</sup> This deadline would 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>134</sup> September 15, 2021 (final state legislative plans).<sup>135</sup>

- **Backup Redistricting:** December 31, 2021 (state supreme court passes final legislative plans).<sup>136</sup>
- **Primary Election:** candidate filing by March 18, 2022;<sup>137</sup> ballots finalized by March 30, 2022;<sup>138</sup> election on June 7, 2022.<sup>139</sup>
- **General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>140</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>141</sup> Because the expected September 30 data production date is 227 days beyond February 15, the commission will have until November 14, 2021, to submit plans to the legislature. However, even with this extension, the legislature will not meet its constitutional obligation to pass legislative plans by September 15, 2021, so legislative map-drawing responsibility could default to the Iowa Supreme Court. The court has indicated that in this scenario, it would extend the normal redistricting process beyond September 15 and require final plans to be completed by December 31, 2021.<sup>142</sup>

The September 15 deadline does not apply to the congressional plan.

## Kansas

- **Redistricting:** April 10, 2022 (final state legislative plans).<sup>143</sup>
- **Primary Election:** candidate filing by June 1, 2022;<sup>144</sup> ballots mailed by June 18, 2022; election on August 2, 2022.<sup>145</sup>
- **General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>146</sup>

Kansas’s legislature must pass state legislative plans during the regular 2022 session, which ends on April 10, 2022.<sup>147</sup> Even with the projected census data production delay, the legislature will have the usual period to draft and pass plans by the end of that session.

Kansas’s 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>148</sup> ballots mailed by April 2, 2022; election on May 17, 2022.<sup>149</sup>
- **General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>150</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 to avoid disrupting the primary schedule.<sup>151</sup>

## Louisiana

- **Redistricting:** December 31, 2022 (final state legislative plans).<sup>152</sup>
- **Congressional Primary Election:** candidate filing by July 22, 2022;<sup>153</sup> ballots finalized by July 27, 2022;<sup>154</sup> election on November 8, 2022.<sup>155</sup>
- **Congressional General Election:** ballots finalized by November 21, 2022;<sup>156</sup> election on December 10, 2022.<sup>157</sup>
- **Legislative Primary Election:** candidate filing by August 10, 2023;<sup>158</sup> ballots finalized by August 15, 2023;<sup>159</sup> election on October 14, 2023.<sup>160</sup>
- **Legislative General Election:** ballots printed by November 5, 2023;<sup>161</sup> election on November 18, 2023.<sup>162</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.”<sup>163</sup> Because numbers will not be reported to the president until 2021 under the projected census data production delay, the legislature will have until the end of 2022 to pass plans,<sup>164</sup> allowing 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 legislature will have time to enact a congressional plan during the regular session that will convene on March 14, 2022.<sup>165</sup>

## Maine

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** June 1, 2021 (advisory commission submits plans);<sup>166</sup> June 11, 2021 (legislature passes final plans).<sup>167</sup>
- **Backup Redistricting:** August 10, 2021 (state supreme court).<sup>168</sup>
- **Primary Election:** candidate filing by March 15, 2022;<sup>169</sup> ballots mailed by April 30, 2022; election on June 14, 2022.<sup>170</sup>
- **General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>171</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>172</sup> Other constitutional provisions stipulate that 2021 is the next apportionment year.<sup>173</sup>

Strict adherence to this redistricting timeline would mean that the advisory commission and the legislature could not meet their respective deadlines. The Maine Supreme Court would also miss its August 10, 2021, deadline.

## Maryland

- **Redistricting:** February 26, 2022 (final state legislative plans).<sup>174</sup>
- **Primary Election:** candidate filing by February 22, 2022;<sup>175</sup> ballots finalized by April 25, 2022;<sup>176</sup> election on June 28, 2022.<sup>177</sup>
- **General Election:** ballots finalized by September 5, 2022;<sup>178</sup> election on November 8, 2022.<sup>179</sup>

Maryland’s governor must submit draft state legislative plans to the legislature by January 12, 2022.<sup>180</sup> If the legislature fails to pass final plans by February 26, 2022, the governor’s plans become final.<sup>181</sup> Even with the projected 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 it would need to redistrict in 2021 to avoid disrupting the primary schedule.

## Massachusetts

- **Redistricting:** regular session in 2021 (final state legislative plans).<sup>182</sup>
- **Primary Election:** state legislative candidate filing by May 31, 2022;<sup>183</sup> congressional candidate filing by June 7, 2022;<sup>184</sup> ballots mailed by August 6, 2022; election on September 20, 2022.<sup>185</sup>
- **General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>186</sup>

Massachusetts’s legislature must pass state legislative plans “at its first regular session after the year in which said census was taken.”<sup>187</sup> Because Massachusetts has a full-time legislature, the state should be able to complete redistricting before candidate filing deadlines.

Massachusetts’s legislature has no redistricting-specific deadlines for passing a congressional plan, but timing should not be a problem given the state’s late primary.

## Michigan

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** November 1, 2021.<sup>188</sup>
- **Primary Election:** candidate filing by April 19, 2022;<sup>189</sup> ballots finalized by June 3, 2022;<sup>190</sup> election on August 2, 2022.<sup>191</sup>
- **General Election:** ballots mailed by September 24, 2022;<sup>192</sup> election on November 8, 2022.<sup>193</sup>

Michigan’s independent redistricting commission must pass congressional and state legislative plans by November 1, 2021.<sup>194</sup> The commission must also do extensive public engagement, including 10 hearings before any plans are drawn, five hearings after proposed plans are drawn, and a 45-day public comment period before voting on final plans.<sup>195</sup>

It will be impossible for the commission to meet these constitutional obligations with the projected census data production delay. Accordingly, the commission voted unanimously in March to ask the Michigan Supreme Court extend the state’s constitutional redistricting deadlines.<sup>196</sup>

# Minnesota

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** May 17, 2021,<sup>197</sup> or February 15, 2022.<sup>198</sup>
- **Primary Election:** candidate filing by May 31, 2022;<sup>199</sup> ballots mailed by June 24, 2022;<sup>200</sup> election on August 9, 2022.<sup>201</sup>
- **General Election:** ballots mailed by September 23, 2022;<sup>202</sup> election on November 8, 2022.<sup>203</sup>

Minnesota's legislature must pass congressional and state legislative plans during its first session after the census enumeration.<sup>204</sup> If 2020, when the census began, is deemed the enumeration year, the legislature will be unable to complete the redistricting process before its regular legislative session ends on May 17, 2021 (before census data is available). If the enumeration is deemed to be 2021, the main constraint will then be to complete redistricting before a February 15, 2022, statutory deadline meant to give local election officials enough time to change precinct boundaries.<sup>205</sup> This would make a special session in late 2021 the most viable option for redistricting.

# Mississippi

- **Redistricting:** December 5, 2021 (committee submits congressional plan);<sup>206</sup> April 3, 2022 (final state legislative plans).<sup>207</sup>
- **Backup Redistricting:** June 2, 2022 (state legislative during special session);<sup>208</sup> November 29, 2022 (state legislative backup commission).<sup>209</sup>
- **Congressional Primary Election:** candidate filing by March 1, 2022;<sup>210</sup> ballots mailed by April 23, 2022; election on June 7, 2022.<sup>211</sup>
- **Congressional General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>212</sup>
- **Legislative Primary Election:** candidate filing by March 1, 2023;<sup>213</sup> ballots finalized by June 18, 2023;<sup>214</sup> election on August 7, 2023.<sup>215</sup>
- **Legislative General Election:** ballots printed by September 23, 2023;<sup>216</sup> election on November 7, 2023.<sup>217</sup>

Mississippi's legislative congressional redistricting committee must submit a congressional plan to the legis-

lature no later than 30 days before the start of the 2022 legislative session.<sup>218</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, but its legislature must pass state legislative plans during the 90-day regular session scheduled to end on April 3, 2022.<sup>219</sup> If the legislature fails to meet this deadline, it then has 30 days to convene in a 30-day special session. If it misses this deadline, too, then a backup commission would have 180 days pass plans, which would not be subject to gubernatorial veto.<sup>220</sup>

# Missouri

- **Redistricting:** January 29, 2022 (final state legislative plans).<sup>221</sup>
- **Primary Election:** candidate filing by March 29, 2022;<sup>222</sup> ballots finalized by May 24, 2022;<sup>223</sup> election on August 2, 2022.<sup>224</sup>
- **General Election:** ballots finalized by August 30, 2022;<sup>225</sup> election on November 8, 2022.<sup>226</sup>

Missouri must convene its legislative redistricting commissions within 90 days of receiving apportionment data, and the commissions must finish their work six months after that.<sup>227</sup> January 29, 2022, is therefore the outside date for commissions to adopt final plans. If the commissions fail to pass plans with the requisite supermajority before the deadline, then map-drawing authority is ceded to a six-member panel of judges selected by the Missouri Supreme Court, which will have 90 days to submit plans — meaning that the judicial commission must file maps by April 29, 2022, at the latest.<sup>228</sup> This deadline may be constrained somewhat by the candidate filing deadline.

Missouri's legislature has no redistricting-specific deadlines for passing a congressional plan. Given the state's August 2022 primary, the legislature could enact a new plan in a special session or during the regular session that starts on January 5, 2022.<sup>229</sup>

# Montana

- **Redistricting:** December 29, 2021 (final congressional plan);<sup>230</sup> 90 legislative days from January 2, 2023 (final state legislative plans).<sup>231</sup>
- **Primary Election:** candidate filing by March 14, 2022;<sup>232</sup> ballots mailed by April 23, 2022; election on June 7, 2022.<sup>233</sup>

- **General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>234</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>235</sup> That relevant session will begin on January 2, 2023, and likely end sometime in April 2023.<sup>236</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>237</sup> likely in June 2023.<sup>238</sup>

If Montana gains a congressional district, then the state’s redistricting commission must pass a congressional plan 90 days “after the official final decennial census figures are available.”<sup>239</sup>

## Nebraska

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** no deadlines.
- **Primary Election:** candidate filing by February 15 or March 1, 2022;<sup>240</sup> ballots mailed by March 26, 2022; election on May 10, 2022.<sup>241</sup>
- **General Election:** ballots finalized by August 1, 2022;<sup>242</sup> election on November 8, 2022.<sup>243</sup>

Nebraska’s legislature has no redistricting-specific deadlines for passing either congressional or state legislative plans. However, it will need to draw districts before the comparatively early incumbent candidate filing deadline on February 15, 2022.<sup>244</sup> Because the 2021 legislative session is scheduled to end before the projected census data production date, the legislature may opt to extend the session (with a supermajority vote of four-fifths of its members),<sup>245</sup> or the governor could call a special session.<sup>246</sup> The 2022 legislative session will begin on January 5, 2022, making it impractical to pass plans ahead of the candidate filing deadline.<sup>247</sup>

## Nevada

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** June 1, 2021 (final state legislative plans).<sup>248</sup>
- **Primary Election:** candidate filing by March 18, 2022;<sup>249</sup> ballots mailed by April 30, 2022; election on June 14, 2022.<sup>250</sup>

- **General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>251</sup>

Nevada’s legislature must pass state legislative plans during its first session after the “taking of the decennial census.”<sup>252</sup> Because census data will not be released until after Nevada’s 2021 legislative session and there is 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 apply.

## New Hampshire

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** July 1, 2021 (final state legislative plans).<sup>253</sup>
- **Primary Election:** candidate filing by June 10, 2022;<sup>254</sup> ballots mailed by July 30, 2022; election on September 13, 2022.<sup>255</sup>
- **General Election:** ballots mailed on September 24, 2022; election on November 8, 2022.<sup>256</sup>

New Hampshire’s legislature must pass state legislative plans “at the regular session following every decennial federal census,”<sup>257</sup> referred to elsewhere in the constitution as the session beginning in the year ending in one.<sup>258</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>259</sup> Because data would be unavailable before then, 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 it should not have difficulty doing so given the state’s September 2022 primary.

## New Jersey

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** March 1, 2022 (final state legislative plans);<sup>260</sup> January 18, 2022 (final congressional plan).<sup>261</sup>
- **Legislative Primary Election:** candidate filing by April 5, 2021;<sup>262</sup> ballots finalized by April 15, 2021;<sup>263</sup> election on June 8, 2021.<sup>264</sup>

- **Legislative General Election:** ballots finalized by September 13, 2021;<sup>265</sup> election on November 2, 2021.<sup>266</sup>
- **Congressional Primary Election:** candidate filing by April 4, 2022;<sup>267</sup> ballots finalized by April 14, 2022;<sup>268</sup> election on June 7, 2022.<sup>269</sup>
- **Congressional General Election:** ballots finalized by September 19, 2022;<sup>270</sup> election on November 8, 2022.<sup>271</sup>

New Jersey voters passed a constitutional amendment that extends the deadline for passing a legislative plan by two years when the state does not receive census data by February 15 of years ending in one.<sup>272</sup> Because that deadline has passed, New Jersey’s current legislative districts will remain in place for the November 2021 election.

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 commission has until January 18, 2022, to pass final districts,<sup>273</sup> well after redistricting data will be released and well in advance of the 2022 election deadlines.

## New Mexico

- **Redistricting:** October 30, 2021 (commission draft maps);<sup>274</sup> December 31, 2021 (final maps).<sup>275</sup>
- **Primary Election:** candidate filing by February 1, 2022;<sup>276</sup> ballots finalized by April 5, 2022;<sup>277</sup> election on June 7, 2022.<sup>278</sup>
- **General Election:** ballots mailed on September 24, 2022; election on November 8, 2022.

New Mexico’s legislature established an advisory commission to draft congressional and state legislative plans in 2021 and in future cycles.<sup>279</sup> The committee must hold six public hearings before drafting plans and six public hearings before adopting district plans.<sup>280</sup> The new legislation requires commissioners to send a set of draft maps for both legislative and congressional districts to the legislature by October 30, 2021.<sup>281</sup> The legislature then has until the end of 2021 to choose from the set of drafts and finalize a plan.<sup>282</sup>

## New York

- **Redistricting:** September 15, 2021 (commission must file draft plans);<sup>283</sup> January 15, 2022 (commission must submit plans to legislature).<sup>284</sup>
- **Backup Redistricting:** February 28, 2022 (if legislature fails to pass plans, commission must then file backup plans).<sup>285</sup>
- **Primary Election:** candidate filing by April 7, 2022;<sup>286</sup> ballots mailed by May 14, 2022; election on June 28, 2022.<sup>287</sup>
- **General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>288</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 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

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** regular session in 2021.<sup>289</sup>
- **Primary Election:** candidate filing by December 17, 2021;<sup>290</sup> ballots finalized by December 20, 2021;<sup>291</sup> election on March 8, 2022.<sup>292</sup>
- **General Election:** ballots mailed on September 24, 2022; election on November 8, 2022.<sup>293</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>294</sup> The 2021 regular session is scheduled to adjourn on July 30, before the state receives census data.<sup>295</sup> A special session can be requested by a three-fifths supermajority vote in both legislative chambers.<sup>296</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>297</sup> ballots mailed by April 30, 2022; election on June 14, 2022.<sup>298</sup>
- **General Election:** ballots mailed on September 24, 2022; election on November 8, 2022.<sup>299</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>300</sup> Even with the census data production delay, given the state's June 2022 primary, the legislature should be able to redistrict on time by convening in a special session.

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>301</sup> September 30, 2021 (final congressional plan).<sup>302</sup>
- **Backup Redistricting:** September 15, 2021 (final state legislative plans, which must then be redrawn after 2024);<sup>303</sup> October 31, 2021 (backup commission passes final congressional plan); November 30, 2021 (legislature passes final congressional plan).<sup>304</sup>
- **Primary Election:** candidate filing by February 2, 2022;<sup>305</sup> ballots finalized by February 22, 2022;<sup>306</sup> election on May 3, 2022.<sup>307</sup>
- **General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>308</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>309</sup> If the commission fails to pass plans with bipartisan support by that date, it can then set districts on a party-line, simple majority vote by September 15, 2021. Because census data is not expected until September 30, it will not arrive in time for these deadlines.

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>310</sup> Since the

legislature is unlikely to pass a plan on the same day that census data is produced, the process may default 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.

Though the backup deadlines for congressional map-drawing are after the expected census data production date, the compressed timeline will make public participation difficult.

## Oklahoma

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** May 2, 2021 (final state legislative plans).<sup>311</sup>
- **Backup Redistricting:** April 15, 2022 (backup commission passes final state legislative plans).<sup>312</sup>
- **Primary Election:** candidate filing by April 15, 2022;<sup>313</sup> ballots mailed by May 14, 2022; election on June 28, 2022.<sup>314</sup>
- **General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>315</sup>

Oklahoma's legislature has 90 legislative days to pass legislative plans at the first regular legislative session following the federal decennial census.<sup>316</sup> Under a normal census data production timeline, the legislature would have until May 2, 2021, to draw districts; if it failed to do so, then 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. Absent other adjustments, the task would likely then be taken up by the backup commission. If 2021 is considered to be the census year this cycle, then the main constraint will be that the legislature must complete redistricting before the start of the 2022 election cycle.

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

## Oregon

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** September 27, 2021 (final state legislative plans).<sup>317</sup>

- **Backup Redistricting:** October 18, 2021 (secretary of state passes final state legislative plans).<sup>318</sup>
- **Primary Election:** candidate filing by March 8, 2022;<sup>319</sup> ballots finalized by March 17, 2022;<sup>320</sup> election on May 17, 2022.<sup>321</sup>
- **General Election:** ballots finalized by September 8, 2022;<sup>322</sup> election on November 8, 2022.<sup>323</sup>

Ordinarily, 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>324</sup> However, a recent Oregon Supreme Court ruling pushed the deadline for a legislative map to September 27, 2021.<sup>325</sup> If the legislature fails to meet this deadline, the secretary of state then has backup responsibility. The supreme court shifted this deadline backward as well, with those backup maps due by October 18.

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>326</sup> but this would be close to the candidate filing deadline; it could also pass a map during a special session called by a majority of the legislature<sup>327</sup> or the governor<sup>328</sup> between the 2021 and 2022 sessions.

## Pennsylvania

- **Redistricting:** January 28 or April 30, 2022 (final state legislative plans).<sup>329</sup>
- **Backup Redistricting:** no deadline (state supreme court passes final state legislative plans).<sup>330</sup>
- **Primary Election:** candidate filing by March 8, 2022;<sup>331</sup> ballots finalized by March 23, 2022;<sup>332</sup> election on May 17, 2022.<sup>333</sup>
- **General Election:** ballots finalized by August 25, 2022;<sup>334</sup> election on November 8, 2022.<sup>335</sup>

Pennsylvania’s state legislative redistricting commission must convene by December 31, 2021.<sup>336</sup> The commission must draw draft plans 90 days from the production of census data or from its convening, whichever is later.<sup>337</sup> It must pass final plans 30 days after that.<sup>338</sup>

If the commission convenes before the census data is released, draft plans will be due on December 29, 2021, and final plans on January 28, 2022. If the commission convenes by the December 31, 2021, outer deadline, it will then have until April 30, 2022, to pass final plans. It will, however, be limited by the March 8, 2022, candidate filing deadline.

Under either scenario, if the commission misses these deadlines, the Pennsylvania Supreme Court will take over redistricting.<sup>339</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>340</sup> ballots mailed by July 30, 2022; election on September 13, 2022.<sup>341</sup>
- **General Election:** ballots mailed on September 24, 2022; election on November 8, 2022.<sup>342</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>343</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>344</sup>

## South Carolina

- **Redistricting:** no deadlines.
- **Primary Election:** candidate filing by March 30, 2022;<sup>345</sup> ballots finalized by April 5, 2022;<sup>346</sup> election on June 14, 2022.<sup>347</sup>
- **General Election:** ballots finalized by August 15, 2022;<sup>348</sup> election on November 8, 2022.<sup>349</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, then redistricting will take place during the 40-day regular legislative session set to convene on January 11, 2022,<sup>350</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>351</sup>

- **Backup Redistricting:** March 1, 2022 (state supreme court passes final state legislative plans).<sup>352</sup>
- **Primary Election:** candidate filing by March 29, 2022;<sup>353</sup> ballots finalized by March 31, 2022;<sup>354</sup> election on June 7, 2022.<sup>355</sup>
- **General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>356</sup>

South Dakota’s legislature must pass state legislative plans by December 1, 2021.<sup>357</sup> If it misses this deadline, the South Dakota Supreme Court must then draw maps within 90 days. Given that the 2021 legislative session will be over before census data arrives, the legislature will have to meet in a 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>358</sup> ballots mailed by June 20, 2022; election on August 4, 2022.<sup>359</sup>
- **General Election:** ballots mailed on September 24, 2022; election on November 8, 2022.<sup>360</sup>

Tennessee’s legislature has no redistricting-specific deadlines for passing either congressional or state legislative plans. If there is no special session, then redistricting will take place in the regular legislative session set to convene on January 11, 2022,<sup>361</sup> which will be constrained by the April 7, 2022, candidate filing deadline.

## Texas

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** May 31, 2021, or May 29, 2023 (final state legislative plans).<sup>362</sup>
- **Backup Redistricting:** October 28, 2021, or October 26, 2023 (final state legislative plans).<sup>363</sup>
- **Primary Election:** candidate filing by December 13, 2021;<sup>364</sup> ballots finalized December 22, 2021;<sup>365</sup> election on March 1, 2022.<sup>366</sup>
- **Primary Runoff** (if necessary): May 7, 2022.<sup>367</sup>

- **General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>368</sup>

Texas’s legislature must pass state legislative plans by the end of its first regular legislative session after the publication of each decennial census, or else a backup legislative apportionment board takes up redistricting.<sup>369</sup>

Under a normal census data production timeline, the legislature would have until May 31, 2021, to pass plans.<sup>370</sup> The 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 to avoid court-drawn maps.

Texas’s legislature has no redistricting-specific deadlines for passing a congressional plan. However, to have new districts before the 2022 elections, it will need to convene in a special session. It will either have to draw maps before the December 2021 primary filing deadline or postpone its 2022 primary.<sup>371</sup>

## Utah

- **Redistricting:** March 5, 2022.<sup>372</sup>
- **Primary Election:** candidate filing by March 17, 2022;<sup>373</sup> ballots mailed by May 14, 2022; election on June 28, 2022.<sup>374</sup>
- **General Election:** ballots finalized by August 31, 2022;<sup>375</sup> election on November 8, 2022.<sup>376</sup>

Utah has already appointed its advisory commission in accordance with its February 1, 2021, statutory deadline.<sup>377</sup> The commission must normally hold at least seven public hearings in different regions of the state by August 1, 2021.<sup>378</sup> However, the state has passed legislation extending this deadline to November 1, 2021.<sup>379</sup> The commission has 14 days following the last public hearing to submit congressional and state legislative plans to the legislature.<sup>380</sup> The legislature then has a constitutional deadline of March 5, 2022 (the end of the legislative session) to pass final plans.<sup>381</sup> Because of the adjusted timelines, Utah should be able to pass a final plan in time; the main constraint will be its comparatively early 2022 primary.

## Vermont

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** December 29, 2021.<sup>382</sup>
- **Primary Election:** candidate filing by May 26, 2022,<sup>383</sup>

ballots finalized by May 29, 2022;<sup>384</sup> election on August 9, 2022.<sup>385</sup>

- **General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>386</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>387</sup> It must then submit the state senate plan by July 1, 2021.<sup>388</sup> In April 2021, the Vermont legislature passed legislation shifting the final deadlines for legislative plans to 90 days after the release of census data, making December 29, 2021, the current deadline for legislative redistricting.<sup>389</sup>

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

## Virginia

(STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** November 29, 2021 (final state legislative plans); December 14, 2021 (final congressional plan).<sup>390</sup>
- **Legislative Primary Election:** candidate filing by March 25, 2021;<sup>391</sup> ballot printing by April 24, 2021;<sup>392</sup> election on June 8, 2021, subject to change by the state legislature.<sup>393</sup>
- **Legislative General Election:** ballot printing by September 18, 2021;<sup>394</sup> election on November 2, 2021.<sup>395</sup>
- **Congressional Primary Election:** candidate filing by March 31, 2022;<sup>396</sup> ballots mailed by April 30, 2022; election on June 21, 2022.<sup>397</sup>
- **Congressional General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>398</sup>

Under the projected schedule, 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>399</sup> Accordingly, Virginia’s advisory redistricting commission and legislature will not have enough time to pass state legislative plans, and the state will likely have to rely on the existing legislative district plans for its 2021 elections.

Virginia’s commission and legislature will not have the same issues passing a congressional plan. However, the commission must adhere to its constitutional deadline and submit plans to the legislature by November 29; the legislature must in turn finalize plans by December 14, 2021.

## Washington

- **Redistricting:** November 15, 2021 (commission submits plans to legislature).<sup>400</sup>
- **Backup Redistricting:** April 30, 2022 (state supreme court).<sup>401</sup>
- **Primary Election:** candidate filing by May 20, 2022;<sup>402</sup> ballots finalized by May 24, 2022;<sup>403</sup> election on August 2, 2022.<sup>404</sup>
- **General Election:** ballots mailed by September 24, 2022; election on November 8, 2022.<sup>405</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 unless adjusted. Adjustments would allow for a more robust redistricting process and still allow new maps to be in place for the state’s August 2022 primary.

## West Virginia

(CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING AFFECTED)

- **Redistricting:** no deadlines.
- **Primary Election:** candidate filing by January 29, 2022;<sup>406</sup> ballots finalized by February 15, 2022;<sup>407</sup> election on May 10, 2022.<sup>408</sup>
- **General Election:** ballots finalized by August 29, 2022;<sup>409</sup> election on November 8, 2022.<sup>410</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 (just before the candidate filing deadline),<sup>411</sup> 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>412</sup>

- **Primary Election:** candidate filing by June 1, 2022;<sup>413</sup> ballots mailed by June 25, 2022; election on August 9, 2022.<sup>414</sup>
- **General Election:** ballots mailed on September 24, 2022; election on November 8, 2022.<sup>415</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>416</sup> If census data is delayed until September 30, 2021, then this will be the legislative session convening on January 11, 2022.<sup>417</sup> Wisconsin’s comparatively late candidate filing deadline should allow adequate time for redistricting.

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

## Wyoming

- **Redistricting:** end of 2022 session (final state legislative plans).<sup>418</sup>
- **Primary Election:** candidate filing by May 27, 2022,<sup>419</sup> ballots finalized by June 9, 2022;<sup>420</sup> election on August 16, 2022.<sup>421</sup>
- **General Election:** ballots finalized by September 9, 2022,<sup>422</sup> election on November 8, 2022.<sup>423</sup>

Wyoming’s legislature must pass state legislative plans “at the first budget session of the legislature following the federal census,”<sup>424</sup> which will begin on February 14, 2022, and will run approximately 20 days.<sup>425</sup> The legislature has met this constitutional deadline for the past two redistricting cycles, and the projected census data production delay is unlikely to affect 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	
Colorado	Tied to census data	Tied to census data	Yes
Connecticut	Deadline in 2021	Deadline in 2021	Yes
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	None	

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## Overview of State Deadlines

STATE	LEGISLATIVE REDISTRICTING DEADLINE	CONGRESSIONAL REDISTRICTING DEADLINE	PUBLIC HEARING OR OTHER TRANSPARENCY DEADLINES
Missouri	Tied to census data	None	
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	Tied to census data	Tied to census data	
New Mexico	Deadline in 2021	Deadline in 2021	Yes
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	Yes
Vermont	Deadline in 2021	--	Yes
Virginia	Tied to census data	Tied to census data	
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 Ron Jarmin, “2020 Census Processing Updates,” *Director’s Blog* (U.S. Census Bureau), February 2, 2021, <https://www.census.gov/newsroom/blogs/director/2021/02/2020-census-processing-updates.html>.
- 2 “U.S. Census Bureau Statement on Release of Legacy Format Summary Redistricting Data File,” U.S. Census Bureau press release, March 15, 2021, <https://www.census.gov/newsroom/press-releases/2021/statement-legacy-format-redistricting.html>.
- 3 James Whitehorse, “Timeline for Releasing Redistricting Data,” *Random Samplings* (U.S. Census Bureau), U.S. Census Bureau, last modified February 12, 2021, <https://www.census.gov/newsroom/blogs/random-samplings/2021/02/timeline-redistricting-data.html>.
- 4 Once census data is released, even if it is in September 2021, a constitutional obligation will be triggered because states will then have numbers showing that districts are malapportioned (i.e., not equally populated).
- 5 If states do not redistrict in a timely fashion, then individuals who suffer representational harms can ask a federal or state court to redraw districts to ensure that districts are equally populated and comply with other state and federal law requirements, including the Voting Rights Act. It is not uncommon for courts to draw maps because states fail to redistrict. Last decade, for example, courts drew maps in Colorado, Minnesota, New York, and Texas, among other states.
- 6 13 U.S.C. § 141(b).
- 7 2 U.S.C. § 2a(a-b). The president then must transmit the apportionment counts to Congress, which is responsible for transmitting the apportionment counts to the governor of each state. The governing statute contemplated this process being complete by January 25, 2021. *Id.*
- 8 13 U.S.C. § 141(c).
- 9 The Census Bureau has not typically distributed raw data during past censuses.
- 10 Louisiana and Mississippi also hold legislative elections in odd-numbered years, but the next legislative elections in both states are not until 2023, meaning that they will have ample time to redistrict once they receive redistricting data.
- 11 Primary winners in both New Jersey and Virginia are determined by plurality vote, meaning that the candidates with the highest number of votes win even if they do not receive a majority.
- 12 South Dakota currently has only a single congressional district and is not expected to pick up a seat in reapportionment.
- 13 Utah has an advisory commission that must draw maps by August 21, 2021, and send them to the legislature, which has until the end of its 2022 legislative session to pass the commission-drawn maps.
- 14 If 2020 is deemed to be the census year and no adjustment is made, a default backup process would then be used to draw legislative maps in Illinois, Oklahoma, and South Dakota and both legislative and congressional maps in Colorado, Connecticut, Maine, and Washington. See Part II for more detail. In other states, a failure to enact a plan would result in a court-drawn map.
- 15 52 U.S.C. § 20302.
- 16 Ala. Const. art. IV, § 48; *id.* art. IX, § 199.
- 17 Ala. Code § 17-13-5.
- 18 *Id.* § 17-6-21.
- 19 *Id.* § 17-13-3.
- 20 *Id.* § 17-6-21.
- 21 *Id.* § 17-14-3.
- 22 Ala. Const. art. IX, § 199.
- 23 Ala. Code § 29-1-4.
- 24 Alaska Const. art. VI, § 10.
- 25 Alaska Stat. § 15.25.040.
- 26 *Id.* § 15.25.055.
- 27 *Id.* § 15.25.020.
- 28 *Id.* § 15.15.020.
- 29 Alaska Const. art. VI, § 10.
- 30 Ariz. Rev. Stat. § 16-311.
- 31 *Id.* § 16-461.
- 32 *Id.* § 16-201.
- 33 *Id.* § 16-211.
- 34 Ariz. Const. art. IV, pt. 2, § 1(3).
- 35 *Id.* § 1(16).
- 36 “1st Round of Public Hearings,” Arizona Independent Redistricting Commission, accessed April 22, 2020, <http://www.azredistricting.org/Meeting-Info/Public-Hearing-R1.asp>.
- 37 “2nd Round of Public Hearings,” Arizona Independent Redistricting Commission, accessed April 22, 2020, <http://www.azredistricting.org/Meeting-Info/Public-Hearing-R2.asp>.
- 38 Ark. Const. art. VIII, § 4.
- 39 Ark. Code § 7-7-203.
- 40 *Id.* §§ 7-7-203(d), 7-7-304(a).
- 41 *Id.* § 7-7-203.
- 42 *Id.* § 7-7-203(h).
- 43 *Id.* § 7-5-102.
- 44 Ark. Const. art. VIII, § 4.
- 45 See *Carpenter v. Bd. of Apportionment*, 218 Ark. 404 (1951).
- 46 *Legislature v. Padilla*, 469 P.3d 405, 408 (Cal. 2020).
- 47 “Key Dates and Deadlines: Statewide Direct Primary Election — June 7, 2022,” California Secretary of State, <https://elections.cdn.sos.ca.gov/statewide-elections/2022-primary/key-dates-deadlines.pdf>; Cal. Const. art. XXI, § 2.
- 48 Cal. Elec. Code § 8020.
- 49 *Id.* § 8120.
- 50 *Id.* § 1201.
- 51 *Id.* § 8810.
- 52 *Id.* § 1200.
- 53 Cal. Gov’t. Code § 8253.
- 54 *Id.*
- 55 Cal. Const. art. XXI, § 2.
- 56 *Id.*
- 57 Colo. Const. art. V, § 44.4(2).
- 58 *Id.* § 48.2(2).
- 59 *Id.* § 44.4(5)(b).
- 60 *Id.* § 48.2(5)(b).
- 61 *Id.* §§ 44.4(6), 48.2(6).
- 62 Colo. Rev. Stat. § 1-4-801.
- 63 *Id.* § 1-4-101.
- 64 *Id.* § 1-1-201.

- 65** Colo. Const. art. V, §§ 44.4(1), 48.2(1).
- 66** *Id.* §§ 44.4(5)(b), 48.2(5)(b).
- 67** *Id.*
- 68** Conn. Const. art. III, § 6(a)-(b).
- 69** *Id.* § 6(b)-(c).
- 70** *Id.* § 6(d).
- 71** Conn. Gen. Stat. § 9-400.
- 72** *Id.* § 9-423.
- 73** *Id.* § 9-462.
- 74** Conn. Const. art. IV, § 1.
- 75** *Id.* art. III, § 6(a).
- 76** *Id.* § 6(b)-(d).
- 77** Del. Code tit. 29, § 805.
- 78** *Id.* tit. 15, § 3101(1).
- 79** *Id.* § 3101(2).
- 80** *Id.* § 3101(3).
- 81** Del. Const. art. V, § 1.
- 82** Del. Code tit. 29, § 805.
- 83** Fla. Const. art. III, §§ 3, 16(a).
- 84** *Id.* § 16(a)-(b).
- 85** Fla. Stat. § 99.061.
- 86** *Id.*
- 87** *Id.* § 100.061.
- 88** *Id.* § 100.031.
- 89** Fla. Const. art. III, § 16(a).
- 90** Fla. Const. art. III, § 3.
- 91** Ga. Code § 21-2-153.
- 92** *Id.* § 21-2-154.
- 93** *Id.* § 21-2-150.
- 94** *Id.* § 21-2-2(15).
- 95** Ga. Const. art. V, § 2, ¶ VII.
- 96** *Id.* art. III, § 4, ¶ I.
- 97** Haw. Const. art. IV, § 2.
- 98** Haw. Rev. Stat. § 12-6.
- 99** *Id.* § 11-117-118.
- 100** *Id.* § 12-2.
- 101** *Id.* § 11-119.
- 102** Haw. Const. art. II, § 8.
- 103** Haw. Rev. Stat. § 25-2.
- 104** Haw. Const. art. IV, § 2.
- 105** Date calculated based on September 30, 2021, delivery date. *Id.* Const. art. III, § 2(4).
- 106** *Id.* Code § 34-704.
- 107** *Id.* § 34-717(1).
- 108** *Id.* § 34-601(1).
- 109** *Id.* § 34-909.
- 110** *Id.* § 34-601(2).
- 111** *Id.* Const. art. III, § 2(2).
- 112** *Id.* art. III, § 2(4).
- 113** Ill. Const. art. IV, § 3.
- 114** According to the first backup commission, if the legislature misses the deadline, an eight-member politician and political appointee commission has until August 10 of the year of its appointment to adopt final plans. *Id.*
- 115** 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 the backup commission's appointment. *Id.*
- 116** 10 Ill. Comp. Stat. 5/7-12.
- 117** *Id.* 5/16-5.01
- 118** *Id.* 5/2A-1.1.
- 119** *Id.* 5/16-5.01.
- 120** *Id.* 5/2A-1.1.
- 121** Ill. Const. art. IV, § 3.
- 122** Ind. Const. art. IV, § 5; Ind. Code § 3-3-2-1 (congressional apportionment).
- 123** Ind. Code § 3-3-2-2.
- 124** *Id.* § 3-8-2-4.
- 125** *Id.* § 3-11-4-15.
- 126** *Id.* § 3-10-1-3.
- 127** *Id.* § 3-11-4-15.
- 128** *Id.* § 3-10-2-1.
- 129** Ind. Const. art. IV, § 5; Ind. Code § 3-3-2-1.
- 130** *Id.* art. IV, § 3. Because Indiana has until 2023 to complete legislative redistricting, we treat the state as having no redistricting deadline.
- 131** Ind. Code § 2-2-1-1-2.
- 132** *Id.* § 3-3-2-1.
- 133** *Id.* § 3-3-2-2.
- 134** Iowa Code § 42.3(1)(a).
- 135** Iowa Const. art. III, § 35.
- 136** *Id.*
- 137** Iowa Code § 43.11.
- 138** *Id.* § 43.22.
- 139** *Id.* § 43.7.
- 140** *Id.* § 39.1.
- 141** *Id.* § 42.3(1)(b).
- 142** "Iowa Supreme Court Statement on Redistricting," Iowa Judicial Branch, April 8, 2021, <https://www.iowacourts.gov/newsroom/news-releases/iowa-supreme-court-statement-on-redistricting>.
- 143** Kansas must complete state legislative redistricting during the 2022 session. Kan. Const. art. X, § 1. The 2022 legislative session will begin on January 10 and "shall not exceed ninety calendar days," although the session can be extended by a two-thirds vote in both chambers. *Id.* art. II, § 8.
- 144** Kan. Stat. § 25-205.
- 145** *Id.* § 25-203.
- 146** *Id.* § 25-101.
- 147** Kan. Const. art. II, § 8.
- 148** Ky. Rev. Stat. § 118.165.
- 149** *Id.* § 118.025(3).
- 150** *Id.* §§ 118.025(4), 118.475.
- 151** Ky. Const. § 80.
- 152** La. Const. art. III, § 6.
- 153** La. Stat. §§ 18:467, 18:468.
- 154** *Id.* § 18:470.1.
- 155** *Id.* § 18:402(B)(1).
- 156** Louisiana law requires that general election ballots be finalized "no later than the day after the day on which the primary election returns are promulgated." *Id.* § 18:470.1. The primary results

promulgation deadline is November 20, 2022, so the ballot finalization deadline is November 21, 2022. *Id.* § 18:574(e).

**157** *Id.* § 18:402(B)(2).

**158** *Id.* §§ 18:467, 18:468.

**159** *Id.* § 18:470.1.

**160** *Id.* § 18:402(A)(1).

**161** *Id.* § 18:1306(C)(1).

**162** *Id.* § 18:402(A)(2).

**163** *Id.*

**164** La. Const. art. III, § 6.

**165** *Id.* art. III, § 2.

**166** Me. Const. art. IV, pt. 1, § 3 (state house districts); *id.* art. IV, pt. 2, § 2 (state senate districts); *id.* art. IX, § 24 (congressional districts).

**167** *Id.*

**168** *Id.*

**169** Me. Rev. Stat. tit. 21-A, § 335.

**170** *Id.* § 339.

**171** Me. Const. art. II, § 4.

**172** *Id.* art. IV, pt. 1, § 3 (state house districts); *id.* art. IV, pt. 2, § 2 (state senate districts); *id.* art. IX, § 24 (congressional districts).

**173** *Id.* art. IX, § 24.

**174** Md. Const. art. III, §§ 5, 14.

**175** Md. Code Elec. Law, § 5-303.

**176** *Id.* § 9-207(a)(1), (e).

**177** *Id.* § 8-201.

**178** *Id.* § 9-207(a)(2), (e).

**179** *Id.* § 8-301.

**180** Md. Const. art. III, § 5.

**181** *Id.*

**182** Mass. Const. amend. art. 101 (state legislative districts).

**183** Mass. Gen. Laws, ch. 53, § 48.

**184** *Id.*

**185** *Id.* § 28.

**186** Mass. Const. amend. art. 64, § 3.

**187** *Id.* art. 101.

**188** Mich. Const. art. IV, § 6(7).

**189** Mich. Comp. Laws § 168.551.

**190** *Id.* § 168.552(14).

**191** *Id.* § 168.534.

**192** *Id.* § 168.714(1).

**193** Mich. Const. art. II, § 5.

**194** *Id.* art. IV, § 6(7).

**195** *Id.* § 6(14).

**196** See Michigan Independent Citizens Redistricting Commission, minutes of March 25, 2021, 3, [https://www.michigan.gov/documents/micrc/MICR\\_Proposed\\_03\\_25\\_2021\\_Mins\\_720677\\_7.pdf](https://www.michigan.gov/documents/micrc/MICR_Proposed_03_25_2021_Mins_720677_7.pdf). The commission requested a 72-day extension for draft and final plans, which would leave those deadlines on December 11, 2021, and January 25, 2022, respectively (see Julianne Pastula, general counsel to Michigan Independent Citizens Redistricting Commission, memorandum, March 23, 2021, 2, [https://www.michigan.gov/documents/micrc/MICRC\\_Memo\\_Proposed\\_Extension\\_Dates\\_final\\_Submitted\\_Mar\\_23\\_720277\\_7.pdf](https://www.michigan.gov/documents/micrc/MICRC_Memo_Proposed_Extension_Dates_final_Submitted_Mar_23_720277_7.pdf)).

**197** Minn. Const. art. IV, §§ 3, 12.

**198** Minn. Stat. § 204B.14, subdiv. 1a.

**199** *Id.* § 204B.09.

**200** *Id.* § 204B.35, subdiv. 4.

**201** *Id.* § 204D.03.

**202** *Id.* § 204B.35.

**203** *Id.* § 204D.03.

**204** Minn. Const. art. IV, § 3.

**205** Minn. Stat. § 204B.14, subdiv. 1a.

**206** Miss. Const. art. IV, § 36; Miss. Code. § 5-3-123.

**207** Miss. Const. art. XIII, § 254; *id.* art. IV, § 36.

**208** *Id.* art. XIII, § 254.

**209** *Id.*

**210** Miss. Code § 23-15-299(3)(a).

**211** *Id.* § 23-15-1031.

**212** *Id.* § 23-15-1033.

**213** *Id.* § 23-15-299(1)(a).

**214** *Id.* § 23-15-331.

**215** *Id.* § 23-15-191.

**216** *Id.* § 23-15-649.

**217** Miss. Const. art. V, § 140.

**218** Miss. Code § 5-3-123.

**219** Miss. Const. art. IV, § 36.

**220** *Id.* art. XIII, § 254.

**221** Mo. Const. art. III, § 3(f).

**222** Mo. Rev. Stat. § 115.349.

**223** *Id.* § 115.387.

**224** *Id.* § 115.121(2).

**225** *Id.* § 115.401.

**226** *Id.* § 115.121(1).

**227** Mo. Const. art. III, § 3(c),(f).

**228** *Id.* art. III, § 3(g).

**229** Mo. Const. art. III, § 20.

**230** Mont. Const. art. V, § 14.

**231** *Id.* art. V, §§ 6, 14; Mont. Code § 5-2-103.

**232** Mont. Code § 13-10-201.

**233** *Id.* § 13-1-107.

**234** *Id.* § 13-1-104.

**235** Mont. Const. art. V, § 14(4).

**236** Mont. Code § 5-2-103.

**237** *Id.*

**238** Montana is an outlier among the states in that it has traditionally passed new maps in years ending in three. It is unclear whether this practice would survive a constitutional challenge.

**239** Mont. Const. art. V, § 14.

**240** Neb. Rev. Stat. § 32-606.

**241** *Id.* § 32-401.

**242** *Id.* § 32-622.

**243** *Id.* § 32-403.

**244** *Id.* § 32-606.

**245** Neb. Const. art. III, § 10.

**246** *Id.* art. IV, § 8.

**247** *Id.* art III, § 10.

**248** Nev. Const. art. IV, §§ 2, 5.

**249** Nev. Rev. Stat. § 293.177.

**250** *Id.* § 293.175.

- 251** *Id.* § 293.12755.
- 252** Nev. Const. art. IV, § 5.
- 253** N.H. Const. pt. 2, art. IX; *id.* pt. 2, art. XI; *id.* pt. 2, art. XV.
- 254** N.H. Rev. Stat. § 655:14.
- 255** *Id.* § 653:8.
- 256** *Id.* § 653:7.
- 257** N.H. Const. pt. 2, art. XI.
- 258** *Id.* pt. 2, art. IX.
- 259** *Id.* pt. 2, art. XV.
- 260** N.J. Const. art. IV, § 3, ¶¶ 1, 2, 4.
- 261** *Id.* art. II, § 2, ¶ 3.
- 262** N.J. Stat. § 19:23-14.
- 263** *Id.* § 19:23-21.
- 264** *Id.* § 19:23-40.
- 265** *Id.* § 19:14-1.
- 266** N.J. Const. art. II, § 1; N.J. Stat. § 19:2-3.
- 267** N.J. Stat. § 19:23-14.
- 268** *Id.* § 19:23-21.
- 269** *Id.* § 19:23-40.
- 270** *Id.* § 19:14-1.
- 271** N.J. Const. art. II, § 1; N.J. Stat. § 19:2-3.
- 272** N.J. Const. art. IV, § 1, ¶ 3.
- 273** *Id.* art. II, § 2, ¶ 3.
- 274** Redistricting Act, ch. 79, 2021 N.M. Laws § 10-A.
- 275** Redistricting Act, ch. 79, 2021 N.M. Laws § 12-D.
- 276** N.M. Stat. § 1-8-26.
- 277** *Id.* § 1-8-44.
- 278** *Id.* § 1-8-11.
- 279** Redistricting Act, ch. 79, 2021 N.M. Laws § 10-A.
- 280** *Id.* § 7-A.
- 281** *Id.* § 10-A.
- 282** *Id.* § 12-D.
- 283** N.Y. Const. art. III, § 4(c).
- 284** N.Y. Const. art. III, § 4(b).
- 285** *Id.*
- 286** N.Y. Elec. Law § 6-158(1).
- 287** *Id.* § 8-100(1)(a).
- 288** *Id.* § 8-100(1)(c).
- 289** N.C. Const. art. II, §§ 3, 5.
- 290** N.C. Gen. Stat. § 163-106.2.
- 291** *Id.* § 163-108(a).
- 292** *Id.* § 163-1.
- 293** *Id.*
- 294** N.C. Const. art. II, §§ 3, 5.
- 295** “2021 State Legislative Calendar,” National Conference of State Legislatures, accessed April 12, 2021, <https://www.ncsl.org/research/about-state-legislatures/2021-state-legislative-session-calendar.aspx>.
- 296** N.C. Const. art. II, § 11(2).
- 297** N.D. Cent. Code § 16.1-11-06.
- 298** *Id.* § 16.1-11-01.
- 299** *Id.* § 16.1-13-01.
- 300** “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>.
- 301** Ohio Const. art. XI, § 1(C).
- 302** *Id.* art. XIX, § 1(A)-(B).
- 303** *Id.* art. XI, § 8.
- 304** *Id.* art. XIX, § 1(B)-(F).
- 305** Ohio Rev. Code § 3513.05.
- 306** *Id.* § 3505.01.
- 307** *Id.* § 3501.01(E)(1).
- 308** *Id.* § 3501.01(A).
- 309** Ohio Const. art. XI, § 1(C).
- 310** *Id.* art. XIX, § 1(A)-(B).
- 311** Okla. Const. art. V, § 11A.
- 312** *Id.*; Okla. Stat. tit. 26, § 5-110.
- 313** Okla. Stat. tit. 26, § 5-110.
- 314** *Id.* § 1-102.
- 315** *Id.* § 1-101.
- 316** Okla. Const. art. V, § 11A.
- 317** Or. Const. art. IV, § 6(3); State ex rel. Kotek v. Fagan, 13 P.3d 803, 367 Or. 803, 821 (2021).
- 318** *Id.*
- 319** Or. Rev. Stat. § 249.037.
- 320** *Id.* § 254.085.
- 321** *Id.* § 254.056(2).
- 322** *Id.* § 254.085.
- 323** *Id.* § 254.056(1).
- 324** Or. Const. art. IV, § 6.
- 325** State ex rel. Kotek v. Fagan.
- 326** Or. Rev. Stat. § 171.010.
- 327** Or. Const. art. IV, § 10a.
- 328** *Id.* art. V, § 12.
- 329** Pa. Const. art. II, § 17(c).
- 330** *Id.* § 17(h).
- 331** 25 Pa. Cons. Stat. §§ 2868, 2873.
- 332** *Id.* §§ 2874, 2876.
- 333** *Id.* § 2753.
- 334** *Id.* §§ 2941, 2944.
- 335** *Id.* § 2751.
- 336** Pa. Const. art. II, § 17(b).
- 337** *Id.* § 17(c).
- 338** *Id.*
- 339** *Id.* § 17(h).
- 340** R.I. Gen. Laws § 17-14-12.
- 341** *Id.* § 17-15-1.
- 342** *Id.* § 17-1-2(2).
- 343** 2011 R.I. Pub. Laws, ch. 11-100; *id.* ch. 11-106.
- 344** R.I. Const. art. VI, § 3.
- 345** S.C. Code § 7-11-15.
- 346** *Id.* § 7-13-40.
- 347** *Id.* § 7-13-15.
- 348** *Id.* § 7-13-350.
- 349** *Id.* § 7-13-10.
- 350** S.C. Const. art. III, § 9.

- 351** S.D. Const. art. III, § 5.
- 352** *Id.*
- 353** S.D. Codified Laws § 12-6-4.
- 354** *Id.* § 12-6-8.1.
- 355** *Id.* § 12-2-1.
- 356** *Id.* § 12-2-2.
- 357** S.D. Const. art. III, § 5.
- 358** Tenn. Code § 2-5-101(a)(1).
- 359** *Id.* § 2-1-104(25).
- 360** *Id.* § 2-1-104(26).
- 361** Tenn. Const. art. II, § 8.
- 362** Tex. Const. art. III, § 28; “Texas Legislative Sessions and Years,” Legislative Reference Library of Texas, accessed April 8, 2021, <https://lrl.texas.gov/sessions/sessionYears.cfm>.
- 363** *Id.*
- 364** Tex. Elec. Code § 172.023.
- 365** *Id.* § 172.028.
- 366** *Id.* § 41.007.
- 367** *Id.* §§ 2.025, 172.120.
- 368** *Id.* § 41.001.
- 369** Tex. Const. art. III, § 28.
- 370** *Id.* § 5; Tex. Gov’t. Code § 301.001; “Texas Legislative Sessions and Years.”
- 371** The Texas legislature is currently considering a bill that would postpone the date of the 2022 general primary if a redistricting plan is not in place by September 1, 2021. Because this bill has not passed at the time of publication, that proposed change is not reflected here.
- 372** Utah Const. art. IX, § 1; *id.* art. VI, §§ 2, 16; Utah Code § 36-3-201.
- 373** Utah Code § 20A-9-408.
- 374** *Id.* § 20A-1-201.5.
- 375** *Id.* § 20A-9-701.
- 376** *Id.* § 20A-1-201.
- 377** *Id.* § 20A-20-201(3)(a)(i).
- 378** *Id.* § 20A-20-301.
- 379** Act of March 17, 2021, Utah. Legis. Serv. 311 (West).
- 380** *Id.* § 20A-20-302(2).
- 381** Utah Const. art. IX, § 1; *id.* art. VI, §§ 2, 16.
- 382** This bill has yet to be signed by the governor. However, we include it here as we see no reason why the legislation would not become law. H.B. 338, 2021 Gen. Assemb., Reg. Sess. (Vt. 2021).
- 383** Vt. Stat. tit. 17, § 2356.
- 384** *Id.* § 2359.
- 385** *Id.* § 2351.
- 386** *Id.* § 2103(15).
- 387** *Id.* §§ 1905-1906.
- 388** *Id.* § 1907.
- 389** H.B. 338, 2021 Gen. Assemb., Reg. Sess. (Vt. 2021).
- 390** Va. Const. art. II, § 6-a.
- 391** Va. Code § 24.2-522.
- 392** *Id.* § 24.2-612.
- 393** *Id.* § 24.2-515.1.
- 394** *Id.* § 24.2-612.
- 395** *Id.* § 24.2-101.
- 396** *Id.* § 24.2-522.
- 397** *Id.* § 24.2-515. Virginia passed legislation this year pushing its primary election date from the second to the third Tuesday of June. Act of Feb. 25, ch.239, 2021 Va. Acts.
- 398** *Id.* § 24.2-101.
- 399** Va. Const. art. IV, § 6.
- 400** Wash. Const. art. II, § 43(6).
- 401** *Id.*
- 402** Wash. Rev. Code § 29A.24.050.
- 403** *Id.* § 29A.36.010.
- 404** *Id.* § 29A.04.311.
- 405** *Id.* § 29A.04.321.
- 406** W. Va. Code § 3-5-7.
- 407** *Id.* § 3-5-9.
- 408** *Id.* § 3-5-1.
- 409** *Id.* § 3-5-18(b).
- 410** *Id.* § 3-1-31.
- 411** W. Va. Const. art. VI, § 18.
- 412** Wis. Const. art. IV, § 3.
- 413** Wis. Stat. § 8.15.
- 414** *Id.* § 5.02(12s).
- 415** Wis. Const. art. XIII, § 1.
- 416** *Id.* art. IV, § 3.
- 417** Wis. Stat. § 13.02.
- 418** Wyo. Const. art. III, § 48.
- 419** Wyo. Stat. § 22-5-209.
- 420** *Id.*
- 421** *Id.* § 22-2-104(b).
- 422** *Id.* § 22-6-101.
- 423** *Id.* § 22-2-104(a).
- 424** Wyo. Const. art. III, § 48.
- 425** *Id.* §§ 6-7. The 2022 budget session is scheduled for February 14, 2022, and can be expected to last 20 legislative days. See “Attending Legislative Sessions,” State of Wyoming 66th Legislature, accessed April 8, 2021, <https://www.wyoleg.gov/citizenEngagement/AttendLegSession>.

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## **ABOUT THE BRENNAN CENTER’S DEMOCRACY PROGRAM**

The Brennan Center’s Democracy Program encourages broad citizen participation by promoting voting and campaign finance reform. We work to secure fair courts and to advance a First Amendment jurisprudence that puts the rights of citizens — not special interests — at the center of our democracy. We collaborate with grassroots groups, advocacy organizations, and government officials to eliminate the obstacles to an effective democracy.

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