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MEMORANDUM

TO: Honorable Aaron Bowman, Chair of Redistricting Committee

CC: Jason Teal, Acting General Counsel
Margaret M. Sidman, Deputy General Counsel & Managing Deputy,
Legislative Affairs

FROM: Paige H. Johnston, Chief, Legislative Affairs *PHJ*

RE: Redistricting Timeline

DATE: August 17, 2021

I. Redistricting Plan Timeline.

Question. Based on Chapter 18, *Ordinance Code* and §5.02 and §13.02, *City Charter*, what is the latest timeline of when events may occur (i.e., required public meetings, plan completion dates, introduction at Council, referral to the Rules Committee, etc.)?

Answer. The Council is comprised of fourteen district council members and five at-large council members with residency requirements. Article 5, §5.02, *City Charter*, entitled *Redistricting of council districts and residence areas*, requires that the council shall redistrict the fourteen council districts and five at-large residence areas within eight months of the publication of the official federal census data. While the census data publication is statutorily required to occur by April 1, 2021¹, the data release had been delayed and was scheduled to occur by September 30, 2021.

The Census Bureau announced released data on its website on August 12, 2021. A second release of the same data in an alternate format will be made on its website by September 30, 2021. The Census Bureau has stated in its updates that the information in each release is identical, so the earlier August 12, 2021 date is treated as the “official release” date for redistricting purposes.

¹ Under federal law, the statutory deadline for the Census Bureau to submit 2020 census results to the President was December 31, 2020 and to the states by April 1, 2021, but due to the COVID-19 pandemic and anomalies found in the census data, the Census Bureau has been unable to meet statutory timeframes. We have continued to review information from the Census Bureau on timing of the release and have updated this memo accordingly.

As such, the information provided herein is based upon the triggering event of release of data to be August 12, 2021. Based upon this revised date, the Council would be obligated to redistrict council districts and residence areas on or before April 12, 2022.² However, if it is determined that information contained in the second release (or any other official release by the Census Bureau) is different than the initial release or additional required data is provided, this may trigger a change in the timeline provided below.

Based off the latest available information, an outline of those tentative key dates is included in the following table:

Code Sec.	Date	Day	Note
	8/12/2021	Thursday	Receipt of Certified Census Bureau Data (Census Bureau published initial release on its website on this date)
§18.104	1/09/2022	Sunday	(Latest) 150 days Redistricting Committee shall submit to Council Secretary the plan (who immediately <i>refers</i> to Rules Committee)
§18.107(a)	1/11/2022	Tuesday	Redistricting ordinance must be introduced at the next Council meeting
§18.107(b)	2/25/2022	Friday	Rules Committee holds at least 3 public hearings at 3 separate places (after 5 pm, not on Sunday) not more than 45 days after Plan "referred" to Rules
§18.107(c)	3/12/2022	Saturday	(No sooner than) 15 days after the last Rules public hearing, Rules Committee shall report the Redistricting Ordinance to Council
	3/15/2022	Tuesday	Council Meeting in which Redistricting Ordinance may be approved unless additional public hearings required under §18.107(c)
§18.107(c)	3/27/2022	Sunday	All additional public hearings shall be completed not later than 75 days after the Redistricting Ordinance is "referred" to Rules Committee
	4/12/2022	Tuesday	Latest Council Meeting prior to Charter deadline to approve Redistricting Ordinance after additional public hearings, if necessary
§5.02 Charter	4/12/2022	Tuesday	Within 8 months after publication of census, Council enacts the Redistricting Plan

*Dates triggered when Redistricting Committee refers the plan to Council

II. Effective Date and Application Date of Ordinance.

Question. When is the *effective* date of the ordinance approving the redistricting plan?

Answer. The *effective* date of the ordinance approving the redistricting plan is the date upon which the Mayor signs the ordinance, or the ordinance becomes law without the Mayor's

² It is worth noting that §18.104, *Ordinance Code*, titled *Preparation of plan*, requires that the Redistricting Committee submit a redistricting plan to the Council within one hundred and fifty (150) days after the final census certification. The general timeline for events set forth in the *Ordinance Code* fits within, but does not necessarily align directly with, the timeline for approval of the redistricting plan under the *City Charter*. Accordingly, the ultimate deadline which must be met for purposes of approval of the redistricting plan is as set forth in the Charter, though the dates within which certain events are to take place are set forth in the *Ordinance Code*.

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Question. When is the *application* date of the enacted ordinance approving the redistricting plan with respect to future elections for both the School Board and the City Council, and with respect to special elections?

Answer. Pursuant to §18.108, *Ordinance Code*, the reapportioned districts shall not become effective for the purpose of electing members of the Council until the next general Consolidated Government election which occurs at least nine months after the enactment of the redistricting ordinance. Using the calculations in the table above, nine months from the enactment of the redistricting ordinance (latest possible date is April 12, 2022 pursuant to the *City Charter*) would be January 12, 2023. According to Supervisor of Election data, the next scheduled general Consolidated Government election for City Council positions is set for May 16, 2023, with the primary being held on March 21, 2023. Since the upcoming election dates are well after January 12, 2023, the new district boundaries would apply to the next City Council election.

Pursuant to §18.110, *Ordinance Code*, the reconfigured School Board districts shall not affect any term of office in existence at the time the redistricting becomes effective but shall be applicable at the next School Board election which occurs at least nine months after the enactment of the redistricting ordinance. Accordingly, if for example, the ordinance approving the redistricting plan is enacted as of April 12, 2022 (the latest possible date to approve the plan under the *City Charter*), then it would apply to any election which occurs after January 12, 2023. According to Supervisor of Election data, the next scheduled School Board election is set for August 23, 2022, with a run-off scheduled for November 8, 2022. Therefore, the redistricting plan will not apply to the 2022 election but would apply to the subsequent School Board election cycle in 2024.

We trust that this memo addresses your inquiries for the initial Redistricting Committee meeting. Please let us know of any other questions or concerns.

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3 Article 6, §6.05, *City Charter*, states that an ordinance becomes effective on the date provided on such ordinance, unless it is vetoed by the Mayor and returned to the Council at or prior to the next regular meeting of the Council occurring 10 days or more after the date when the ordinance was delivered to the Mayor's office for consideration.