

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: March 10, 2021

TO: Honorable Members, City Council

FROM: Sharon M. Tso *smtso* Assignment No: 21-03-0198
Chief Legislative Analyst

Census Delay Impact on 2020 Redistricting

SUMMARY

The Los Angeles City Council and Los Angeles Unified School District redistricting commissions have begun their work to redraw district boundaries in compliance with the City Charter and in anticipation of the receipt of 2020 Census data. On February 12, 2021, the Census Bureau announced that the PL-94 data files will not be released until as late as September 30, 2021. This is six months later than had been anticipated based on the Census Bureau's historical practice, significantly impacting the schedule to complete the City's redistricting process.

The City Charter requires that redistricting be completed by December 31, 2021. In addition, the County has many statutory deadlines that it must meet in order to operate the June 2022 State primary election. Further complicating matters is that State law requires all jurisdictions to redistrict using data that adjust population figures for inmates in State prisons. The State currently indicates that such data will not be available until late October.

As a result of the Census delay and existing statutory deadlines, the City must adjust its redistricting schedule, as will every city and county in the State, as well as the California Redistricting Commission which is currently in the process of redrawing federal and State legislative district boundaries. Staff will monitor legislation or court actions to identify outcomes that could provide relief to all jurisdictions, including the City.

This report provides a prospective calendar for information purposes only to indicate how redistricting could be completed within the available timeframe in light of the delay in Census data.

RECOMMENDATION

That the City Council note and file this report in as much as this is for informational purposes only.

BACKGROUND

The Los Angeles City Council and Los Angeles Unified School District (LAUSD) redistricting commissions have begun their work to redraw district boundaries in compliance with the City Charter and in anticipation of the receipt of 2020 Census data. Commissioners were appointed in September 2020 and both commissions have commenced their work program. Both commissions have initiated and will soon complete selection of executive directors to manage their work

program, and both have begun developing programs to conduct outreach to receive public testimony concerning district boundaries and to prepare data that will be used in their evaluation process.

The primary data file that is used to inform the redistricting process is called the PL-94 file and it is provided by the U.S. Census Bureau. This data includes block-level population data which is used to ensure the proper distribution of population among districts. The Census Bureau typically releases three key data files that are particularly important to the redistricting process, in this order:

1. State-wide population that is used to apportion members of the House of Representatives among the states (reapportionment data).
2. The PL-94 data file which provides basic population data.
3. The SF1 data, which includes a more robust collection of socio-demographic data.

In the past, the Census Bureau released the PL-94 data by the end of March following the release of the reapportionment data. But on February 12, 2021, the Census Bureau announced that the PL-94 data files could be released as late as September 30, 2021. This is six months later than past practice by the Census Bureau, significantly impacting the schedule to complete the City's redistricting process.

State Inmate Data

Further complicating matters is that State law requires all jurisdictions to redistrict using data that adjust population figures for inmates in State prisons. In order to do this, the State must receive the PL-94 data files from the Census Bureau, and then make adjustments to that data based on the home address of inmates in the State prison system. Since the PL-94 data is not expected until late September, the State currently indicates that such data will not be available until late October.

Redistricting Deadlines

The City Charter requires that redistricting be completed by December 31, 2021. This is a hard deadline written into the Charter. State law actually requires that local jurisdictions complete their redistricting processes by December 9, 2021, but that law provides an exemption for charter cities that provide a different deadline. As a result the City's December 31, 2021 deadline remains effective. In addition, the City Administrative Code Section 2.21 requires that the commissions submit their plans to Council by August 31, 2021. This will no longer be possible and a revisions to this section of the Administrative Code will be needed.

It should be noted, though, that the City's redistricting process requires that each Commission present its recommendations to the City Council, at which time the Council conducts its own review. State law requires that the Council hold a public hearing on the plan in an evening or

weekend meeting, introducing additional timing considerations for the City Council's redistricting review process.

Elections Deadlines

In addition, the County has many statutory deadlines that it must meet in order to conduct the June 7, 2022 State primary election. Candidates for office must establish residency in a district no later than 150 days before the election. For 2022, that would mean candidates must establish residency in their district by January 8, 2022. Deadlines follow related to filing for candidacy, gathering signatures, and other actions needed to qualify for the ballot. If the new districts are not known by January 8, 2022, candidates will not be able to establish residency. Similar deadline constraints are in place for County and State candidates. It is because of these election deadlines that the County informed the City that it must provide the new district boundaries for Council and the LAUSD Board by December 9, 2021.

Adjusted City Redistricting Schedule

As a result of the delay in release of the Census data and existing statutory deadlines which remain in place, the City must adjust its redistricting schedule to comply with State law, as will every city and county in the State, as well as the California Redistricting Commission which is currently in the process of redrawing federal and State legislative district boundaries. As a result, there may be legislation or court actions that provide relief to jurisdictions required to meet deadlines at a later date. But efforts must be taken to accommodate the existing deadlines should there be a lack of any legislative or court relief.

Attachment 1 is a chart that indicates a possible timeframe for completion of the redistricting process by December 31, 2021, including adoption of a final ordinance by Council. This is not ideal, as staff will be obligated to complete the work necessary to present district plans to the public in very short order. It should be noted, however, that this schedule allows both Commissions and the Council time to hold public hearings and receive testimony concerning the plans that is commensurate with the time provided to the 2011 redistricting process. Public testimony at the current redistricting meetings has expressed concern that the public testimony period in 2011 was too short and that more time should be included for public comment this time. Considering the statutory constraints on both redistricting and elections, no additional time is currently available.

Options

At this point, the City must continue its redistricting process with the intention of completing and approving district boundaries by December 31, 2021. This is the City Charter mandated deadline and there is currently no relief from that deadline. This calendar would not meet the County's deadline of December 9, 2021, but would remain compliant with the City Charter.

Other options may be provided either by the State legislature or the courts. Staff will monitor State legislation to determine whether any bills could be helpful to the City's process and deadlines. Some of the options could include extending the deadlines to approve redistricting boundaries, shortening the statutory deadlines associated with elections, moving the State primary election to a later date, or even delaying the implementation of new boundaries until the

2024 election. Since the release of Census data has local, State, and national implications, it is not possible to know what solutions will be available until there have been further developments with the Census Bureau and the national and Statewide discussions over redistricting.

Further, the courts could be asked to provide relief, as the State Supreme Court previously provided relief to the State Redistricting Commission in meeting its constitutional deadline to provide complete district plans by August 2021. The State Supreme Court provided the State Commission with a new deadline of December 31, 2021, as well as additional relief equivalent to any further delay in Census data. This has resulted in the State Redistricting Commission now having a deadline of February 15, 2022. But it remains to be seen how this timeframe can be reconciled with the administrative and statutory deadlines related to elections and would require additional consideration by the legislature or the courts.

At some point later in the year, an amendment to the Administrative Code will be required to revise the date by which both commissions will be required to submit their proposed plans to the City Council. Since there is a possibility that the final date by which Council must act could change, it is premature to set a revised date in the Administrative Code now. Staff will monitor developments concerning possible changes to the final due dates for redistricting plans and report at a later date.

Finally, if the existing deadlines remain in place, Council will need to adjust its December 2021 recess schedule to accommodate the actions necessary to approve the final redistricting plans.


John Wickham
Analyst

Attachment 1 2021 Redistricting Schedule - Suggested Alternative Due to Census Data Delays

2021 Redistricting Schedule - Suggested Alternative Due to Census Data Delays

Week #	April – July	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21		
Week in 2021 (by Monday date)	July	Aug 2	Aug 9	Aug 16	Aug 23	Aug 30	Sep 6	Sep 13	Sep 20	Sep 27	Oct 4	Oct 11	Oct 18	Oct 25	Nov 1	Nov 8	Nov 15	Nov 22	Nov 29	Dec 6	Dec 13	Dec 20		
2021 Redistricting Timeline (19 Weeks)																								
Commission prepares draft map		3 weeks																						
Commission holds hearings on draft map					2 weeks																			
Commission staff prepare final map							2 weeks																	
Commission approval of final map									1 week															
Council Rules Committee considers map										1 week														
Council receives, reviews, amends, and approves map											2 weeks													
BOE and City Attorney draft ordinance													7 weeks											
Council approval and Mayor's signature																						1 week		
	Public Comment and Input Period (approx. 6.5 months)																							
Possible 2021 Redistricting Timeline (12 Weeks)																								
Commission prepares draft map											2 weeks													
Commission holds hearings on draft map													2 weeks											
Commission staff prepare final map															1 week									
Commission approval of final map																1 week								
Council Rules Committee considers map																	1 week							
Council receives, reviews, amends, and approves map																		2 weeks						
BOE and City Attorney draft ordinance																					1 week			
Council approval and Mayor's signature																							2 weeks	
	Public Comment and Input Period (approx. 8.5 months)																							

*This timeline does not take into account the additional 30 days that would be required for prison adjustment.