



# SENATE BILL 722: Revise Municipal Redistricting/Census.

2021-2022 General Assembly

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<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	May 20, 2021
<b>Introduced by:</b>	Sens. Daniel, Newton, Hise	<b>Prepared by:</b>	Jessica Sammons
<b>Analysis of:</b>	First Edition		Staff Attorney

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**OVERVIEW:** *Senate Bill 722 would require a city council to evaluate existing electoral district boundaries the year federal decennial census data is released to determine if revision of the district boundaries is necessary to comply with State and federal law. If the city council has adopted revisions to the electoral district boundaries before the third business day before the opening of the filing period for the municipal election, the municipal election will continue as scheduled. If not, the city council would have the option of adopting a resolution delaying that municipal election and to set a new filing period for candidates for the rescheduled municipal election.*

**CURRENT LAW:** After receiving federal decennial census information, the governing body of a city ("council") whose members are elected by district or who must reside in a district to run, must evaluate whether the existing electoral district boundaries need to be revised due to a population imbalance. If the council determines that the districts need to be revised, the council must then consider if changes could be adopted by the third business day before the filing period opens for the next municipal election and if there would be sufficient time for public input.

If the council determines the districts need to be revised, and adopts changes to the electoral districts by the third business day before the filing period opens for the next municipal election, the election must be held on the regular schedule using the revised districts.

If the council determines that the districts need to be revised, but the changes cannot be adopted by the third business day before the filing period opens for the next municipal election, the council may adopt a resolution to delay that next election, provided a public hearing is held prior to adopting the resolution.

If the council does not adopt a resolution delaying the next municipal election by the third business day before the opening of the filing period for that election, and no changes to the electoral districts have been adopted, then that election must be held on the regular schedule using the current electoral districts.

If the council adopts a resolution to delay the next municipal election, but does not adopt changes to the electoral districts, the municipal election must be rescheduled to a certain date, depending upon the method of election, as follows:

- *Partisan and primary election method:* The primary, general election, and any second primary is held on the same schedule as for county officers in the second year following the census.
- *Nonpartisan primary and election method:* The primary is held at the time of the primary for county officers in the second year following the census. The election is held at the time of the second primary for county officers in that year.
- *Nonpartisan plurality election method:* The election is held at the time of the primary for county officers in the second year following the census.

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- *Election and runoff election method:* The election is held at the time of the primary for county officers in the second year following the census. If runoffs are necessary, the runoff is held at the time of the second primary for county officers in that year.

Any resolution adopted and any changes in electoral district boundaries adopted must be submitted to the State Board of Elections and to the county board conducting elections for the city.

**BILL ANALYSIS:** Senate Bill 722 would require the city council to evaluate the existing electoral district boundaries in the year federal decennial census information is released. If the city council determines that it is necessary to revise the districts, and the council adopts a resolution to delay the next municipal election, the council may set a new filing period for candidates for that rescheduled election.

**EFFECTIVE DATE:** Effective when it becomes law.

**BACKGROUND:** For the 2021 municipal elections for cities where members of the council are elected on a district basis or where members must reside in the district in order to run, below is a timeline based on the method of election:

- *Partisan primary and election method:*
  - Date of filing period for candidates: Noon on Monday, July 26, 2021 until noon on Friday, August 13, 2021
  - Date absentee ballots must be available: August 15, 2021
  - Date of election: September 14, 2021 (primary); October 5, 2021 (second primary, if needed); and November 2, 2021 (general election)
- *Nonpartisan primary and election method:*
  - Date of filing period for candidates: Noon on Monday, July 26, 2021 until noon on Friday, August 13, 2021
  - Date absentee ballots must be available: September 5, 2021
  - Date of election: October 5, 2021 (primary) and November 2, 2021 (general election)
- *Nonpartisan election and runoff method:*
  - Filing period for candidates: Noon on Monday, July 26, 2021 until noon on Friday, August 13, 2021
  - Date absentee ballot must be available: September 5, 2021
  - Date of election: October 5, 2021 (election) and November 2, 2021 (runoff, if needed)
- *Nonpartisan plurality method:*
  - Filing period for candidates: Noon on Monday, July 26, 2021 until noon on Friday, August 13, 2021
  - Date absentee ballot must be available: October 3, 2021
  - Date of election: November 2, 2021

As of today, the U.S. Census Bureau has announced that legacy data of the population results for the 2020 Census will be released by August 16, 2021; this data will need additional handling and software to extract familiar tables according to the U.S. Census Bureau. The redistricting data toolkit will be released by September 30, 2021.