

Data Delay Throws Redistricting Timeline Off Course

New Schedule Hampers Initial Step of Redrawing Precincts

Michael P. Norton 2/14/21 1:24 PM

FEB. 14, 2021.....The U.S. Census Bureau now plans to deliver redistricting data to states by Sept. 30, instead of by March 31, throwing a major wrench into efforts by state legislatures to redraw Congressional and legislative districts this year as is required every 10 years.

The U.S. Census Bureau announced its decision Friday, citing delays related to COVID-19 and prioritization of the delivery of state population counts for apportionment to the president by April 30. Apportionment is the process of dividing the 435 seats in the U.S. House among the 50 states. Redrawing the boundaries of districts to reflect population shifts, is a job the Massachusetts Legislature faces pressure to complete in time for the 2022 elections.

News of the six-month delay hit hours after Sen. Will Brownsberger of Belmont and Rep. Michael Moran of Brighton were appointed to lead redistricting work on the part of each branch. Moran, named by new Speaker Ronald Mariano, succeeds former House Redistricting Chair Paul Mark (D-Peru). Mariano also named Rep. Dan Hunt of Dorchester to chair a new House Committee on Federal Stimulus and Census Oversight, which will assist the House's redistricting panel.

Ten years ago, Moran helped lead redistricting efforts and former Gov. Deval Patrick signed off on new districts in November 2011 following months of debate and deliberations. Public hearings ran from March until June that year. The delay in data delivery this year appears likely to force critical work into a compressed fall timeframe, although Brownsberger said Saturday that lawmakers can begin their work with data available from the American Community Survey.

Secretary of State William Galvin, the state's liaison to the Census, said through a spokeswoman that the data delay "will have a major impact on the timing of redistricting at the federal, state, and local levels." "If that is the price we have to pay for accuracy, however, then we believe it is worth it," she said.

The new schedule constrains efforts by municipalities and Galvin's office to adjust the boundaries of precincts, which are redistricting building blocks.

"I think that's going to be the biggest barrier to us moving forward," Brownsberger said. "We're going to have to have some conversations about how to make that work on an expedited way."

Brownsberger called having a participatory, transparent and fair process the "top priority" and one that can't be accomplished in a "rushed way."

"We have a pretty good idea of what the district changes are going to be so I think we can have a conversation about what things are most likely going to be and then when the real data comes out late in September we'll be in a position to move forward quickly," Brownsberger said.

Activists this week cited populations shifts that have moved at least five state House districts and one Senate district from mostly white to majority-minority, a change that Lawyers for Civil Rights said offers "a preview of the opportunities that lie ahead to make representative democracy a reality in Massachusetts, particularly for people in racially and demographically diverse communities."

The redistricting data includes counts of population by race, ethnicity, voting age, housing occupancy status, and those living in group quarters.

In a paper released Thursday, the Brennan Center for Justice, a non-partisan law and justice institute, said redrawing legislative and congressional districts is a "fraught and abuse-prone process" under the best of circumstances and predicted the upcoming rounds of redistricting "will be the most challenging in recent history."

Apportionment First

Under Title 2 of the U.S. Code, the president must report to the U.S. House clerk the apportionment population counts for each state and the number of U.S. representatives to which each state is entitled. Each state gets a minimum of one representative, under the constitution. The effective statutory deadline for delivering the counts to the president was Dec. 31, a deadline that Census officials say they missed due to delays in data collection and processing.

"It is important to know that while we had the goal of finishing by the statutory deadline, or as close to it as possible, the Census Bureau's most important objective â€” the objective that has driven our entire approach to the 2020 Census â€” is to deliver a complete and accurate census," Dr. Ron Jarmin, the bureau's acting director, wrote on Feb. 2. "That is, to count every person residing in the country once, only once, and in the right place. To achieve this objective, ALL processing issues we find are carefully researched, a fix is developed and tested, and then implemented. Because this can be a time-consuming process, the 'happy path' that would have met the statutory deadline was not achievable."

Jarmin elaborated on data issues the bureau is trying to untangle in a [lengthy blog post](#), mentioning processing anomalies, the nature of responses to the Census, enumerating counts in group quarters, and duplicate responses that he said have increased due to the addition of the internet response option.

Massachusetts has nine House seats, after losing one after the 2010 Census. It is expected to retain its nine seats, which are all held by Democrats currently. After the apportionment based on the 2010 Census, the average number of people per representative in the House was 710,767.

In December, the Census Bureau [released estimates](#) of state populations as of July 1, 2020, pegging Massachusetts at 6,893,574, up more than 5 percent from the 2010 Census count of 6,547,629. City and town population estimates covering the span from 2010 to 2019 are also available.

According to James Whitehorne, chief of the Redistricting and Voting Rights Data Office in the Census Bureau, the bureau's original plan was to deliver the first round of redistricting data to states in groupings starting on Feb. 18 and finishing by March 31. Instead, data for all states will arrive at once.

"This change has been made because of COVID-19-related shifts in data collection and in the data processing schedule and it enables the Census Bureau to deliver complete and accurate redistricting data in a more timely fashion overall for the states," the bureau announced on Friday.

Some states, Whitehorne said, will have to address statutory or constitutional deadlines and processes due to the delay. "We are acutely aware of the difficulties that this delayed delivery of the redistricting data will cause some states," he wrote on Friday.

The Census has been conducted every 10 years since 1790, when Thomas Jefferson was secretary of state.

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