

Written Testimony

Joint Hearing regarding delays in the 2020 Census

Pennsylvania House State Government Committee and
Senate State Government Committee

February 24, 2021

Brent McClintock, Executive Director
Pennsylvania Legislative Data Processing Center
B-48 Main Capitol Building
Harrisburg, PA 17120

717-787-7358 | help@legis.state.pa.us | www.paldpc.us

**PENNSYLVANIA LEGISLATIVE
DATA PROCESSING CENTER**

B-48 MAIN CAPITOL BUILDING
HARRISBURG, PA 17120
717-787-7358
717-772-1652 (fax)



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Dear Chairmen and Members of the House and Senate State Government Committees:

Thank you for the opportunity to participate in this hearing. My name is Brent McClintock, and I am the Executive Director of the Legislative Data Processing Center (LDPC). We are a bipartisan service agency, providing technical and operational support to the General Assembly since 1968.

The Role of LDPC in Redistricting

One of LDPC's responsibilities is to provide support to the General Assembly through the Congressional reapportionment process and to the Legislative Reapportionment Commission through the Legislative redistricting process.

In 2014, LDPC was appointed as the legislative liaison to the United States Census Bureau for the 2020 Reapportionment process. LDPC also served in this capacity during the 1980, 1990, 2000, and 2010 cycles.

Since 2015, LDPC has coordinated with the Census Bureau on the current 2020 Census Redistricting Data Program¹. This program provides states the opportunity to delineate voting districts and to suggest census block boundaries for use in the 2020 Census redistricting data tabulations. After the Census Bureau completes the decennial Census, this updated geography is paired with the population counts. This data set, mandated by Public Law 94-171², is provided to each state as the basis for the redistricting process.

¹ Redistricting Data Program Management

<https://www.census.gov/programs-surveys/decennial-census/about/rdo/program-management.html>

² Public Law 94-171, Congress.gov, <https://www.congress.gov/bill/94th-congress/house-bill/1753/text/pl>

During each redistricting cycle, a partner is selected to provide specialized geographic information systems (GIS) expertise to the General Assembly. In 2017, the Pennsylvania State Data Center (Data Center) was chosen to partner with LDPC through the completion of the 2020 redistricting process. The Data Center has been in regular contact with elections officials in each county to prepare and compile an updated geography set for Pennsylvania. LDPC coordinates with the Data Center to verify and compile the data. Neither LDPC nor the Data Center assists with the creation of any redistricting plans.

Congressional Redistricting

As you are aware, the processes for creating Congressional and State Legislative districts are separate and distinct.

Article 1, Section 2, of the United States Constitution requires that a Census be taken every 10 years for the purpose of apportioning the United States House of Representatives. Census results are used to determine the number of congressional seats apportioned to each state. In addition to being used as a basis for apportioning seats in the U.S. House of Representatives, Census data is also used in Congressional and Legislative redistricting.

The boundaries of Congressional seats in Pennsylvania are redrawn after every Federal decennial census by legislative action – in other words, a bill which proceeds through both chambers of the General Assembly and is signed into law by the Governor.

State Legislative Redistricting

The Constitution of Pennsylvania requires that the state legislative districts for the House of Representatives and the State Senate be redrawn each decade following the federal census. Article 2, Section 16 of the Pennsylvania Constitution provides for the Commonwealth to be divided into 50 senatorial and 203 representative districts. Article 2, Section 17 of the Pennsylvania Constitution provides for a Legislative Reapportionment Commission to redistrict both chambers (the state Senate and the state House) in the year following the Federal decennial census. The Commission consists of five members: the four caucus floor leaders, or deputies appointed by each of them, and a chairman to be selected by those members or, if they cannot reach agreement, by the Pennsylvania Supreme Court. After the Commission certifies the data, the remaining timelines are set by the Constitution of Pennsylvania for the filing of preliminary and final plans for the state's legislative districts.

Delays in the 2020 Census

Public Law (P.L.) 94-171, enacted by Congress in December 1975, requires the Census Bureau to deliver redistricting data to state officials responsible for legislative redistricting within one year after the census (April 1, 2021). In April 2020, the Census Bureau announced that due to delays caused

by COVID-19³, the 2020 Census data collection program would be delayed by 120 calendar days, and the P.L. 94-171 data set would be delivered no later than July 31, 2021. This timeline was delayed further in February 2021 to indicate that the P.L. 94-171 data set would be delivered by September 30, 2021⁴.

The Census Bureau requested feedback from each state in June 2020 regarding the impacts of these delays on their redistricting timelines. LDPC indicated that such delays in Pennsylvania could interrupt candidate filing deadlines in 2022.

In the 1991 redistricting process, the P.L. data set was delivered to Pennsylvania on February 22, 1991. The data was adjusted and presented to the Commission in usable form on June 27, 1991. The Commission adopted the final state legislative redistricting plan on November 15, 1991.

In the 2000 redistricting process, the P.L. data set was delivered to Pennsylvania on March 9, 2001. LDPC worked with the vendor to adjust the data, which was certified by the Commission on July 10, 2001. The Commission adopted the final state legislative redistricting plan on November 19, 2001.

In the 2010 redistricting process, the P.L. data set was delivered to Pennsylvania on March 9, 2011. LDPC again worked with the vendor to adjust the data, which was certified by the Commission on August 17, 2011. The Commission adopted the final state legislative plan on December 12, 2011.

In previous redistricting cycles, the P.L. data set required adjustments before it could be certified by the Commission. If necessary in 2021, additional time would be necessary before the data could be certified.

If the release of the P.L. data set is delayed until September 30, 2021, a timeline following the 2010 redistricting cycle could delay the implementation of plan for state legislative districts into the second quarter of 2022.

³ Statement on 2020 Census Operational Adjustments Due to COVID-19
<https://2020census.gov/en/news-events/press-releases/statement-covid-19-2020.html>

⁴ Census Bureau Statement on Redistricting Data Timeline
<https://www.census.gov/newsroom/press-releases/2021/statement-redistricting-data-timeline.html>