County Reapportionment: A State by State Report

January 2012

National Association of Counties
The Voice of America's Counties
About the National Association of Counties
The National Association of Counties (NACo) is the only national organization that represents county governments in the United States. Founded in 1935, NACo provides essential services to the nation’s 3,068 counties. NACo advances issues with a unified voice before the federal government, improves the public’s understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money. For more information about NACo, visit www.naco.org.

For more information about this publication or the programs included, please contact:

National Association of Counties
Research Division

📞 Phone: 202.393-6226
🌐 Web site: www.naco.org
Table of Contents

Important Federal Laws • 4

Key Terms and Concepts • 5

Statistical Tools Used in Reapportionment • 6

Section I: Reapportionment State by State • 9

Alabama • 10  Louisiana • 33  North Dakota • 51
Alaska • 11  Maine • 34  Ohio • 53
Arizona • 13  Maryland • 35  Oklahoma • 54
Arkansas • 14  Massachusetts • 36  Oregon • 55
California • 15  Michigan • 37  Pennsylvania • 56
Colorado • 17  Minnesota • 39  South Carolina • 58
Delaware • 18  Mississippi • 41  South Dakota • 59
Florida • 20  Missouri • 42  Tennessee • 60
Georgia • 21  Montana • 43  Texas • 61
Hawaii • 22  Nebraska • 44  Utah • 62
Idaho • 23  Nevada • 45  Vermont • 63
Illinois • 24  New Hampshire • 46  Virginia • 64
Indiana • 26  New Jersey • 47  Washington • 65
Iowa • 28  New Mexico • 48  West Virginia • 67
Kansas • 30  New York • 49  Wisconsin • 68
Kentucky • 31  North Carolina • 50  Wyoming • 70

Section II: Tables • 71

Table I: County Reapportionment & Responsibility for Reapportionment • 72

Table II: Preclearance Status & Notification and Filing • 74
Voting Rights Act of 1965

42 U.S.C. § 1973

The Voting Rights Act (VRA) prohibits discrimination in voting practices. Two sections of that VRA, Section 2 and Section 5, apply directly to redistricting.

Section 2

Section 2 of the VRA states that any voting practice which results in discrimination on the basis of race, color, or membership in a language minority group is illegal. Under this section, discriminatory intent need not be proved. It is only necessary to show that some class of people was denied fair and equal access to the election process. The 1982 amendment to the VRA requires a court to look at the “totality of circumstances” when considering possible violations of Section 2.

In relation to redistricting, a Section 2 violation occurs when district lines are drawn in such a way that some voters have less of a chance than others to participate in the electoral process and elect their chosen representative. This can occur when a district is overpopulated, as the citizens of that district will have their votes diluted and therefore be less influential than citizens of other districts. A Section 2 violation also arises when district lines are drawn in such a way that a certain group, often a minority, is denied the opportunity to elect its preferred representative. For example, if districts are drawn in such a way that a contiguous minority population is broken up into several districts and they are outnumbered by majority voters in all of these, the redistricting plan is likely to be considered in violation of Section 2.

Section 5

Section 5 of the VRA establishes preclearance requirements for certain jurisdictions. If a county is subject to preclearance, any election law changes, including redistricting plans, which affect voting qualifications or procedures must be cleared by either the U.S. Department of Justice or the U.S. District Court for the District of Colombia before they may be implemented. In order to have a plan cleared, the jurisdiction must show that it is not discriminatory in either intent or effect.

Not all counties are subject to preclearance requirements. There are nine preclearance states in which all jurisdictions, with some exceptions, must have their plans cleared. Additionally, there are five other states in which certain counties are subject to preclearance. A jurisdiction subject to preclearance may become exempt from that requirement through a process called “bailing out.” In order to be bailed out, a jurisdiction must show a record of nondiscrimination for the ten years prior to its request as well as positive steps it has taken regarding minority voting rights. Individual counties may be bailed out, even in preclearance states.

The preclearance states are as follows: Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia (except for bailed out counties)

Certain counties in the following states are subject to preclearance requirements: California, Florida, New York, North Carolina, and South Dakota

14th Amendment

U.S. Constitution

The equal protection clause of the 14th amendment has been interpreted by the U.S. Supreme Court as requiring that districts be drawn in accordance with the “one person, one vote” principle. They have also used it as the basis for striking down redistricting plans in which race was clearly a major consideration.
Key Terms and Concepts

Reapportionment
This term refers to the allocation of seats, as on a county legislative body, among the districts of the county.

Redistricting
Redistricting refers to the actual determination of district boundaries and drawing of district lines.

One Person, One Vote
This concept, derived from the Equal Protection Clause of the 14th Amendment to the U.S. Constitution, requires that each citizen’s vote carry the same weight as each other citizen’s vote.

Substantially Equal in Population
This term refers to the idea that comparative districts have roughly the same populations in order to fulfill the requirements of “One Person, One Vote.” This is important because an under populated district enhances the strength of its citizens’ votes while an overpopulated district dilutes the strength of its citizens’ votes. This does not mean that districts must have exactly the same populations; statistical tools used to assess this characteristic are discussed below.

Compact
In order for a district to be considered compact, it must have a considerably regular shape and cover a reasonable geographic area. There is no readily used method to determine a district’s exact compactness. Rather, most courts utilize an “eyeball test” in which they simply look at a district to determine if it is regular in shape and reasonable in size. A district with a particularly unusual shape is likely to violate the principle of compactness. Alternatively, some courts have viewed compactness in terms of citizens’ commonalities and ability to relate to one another. As Justice O’Connor stated in the Court’s opinion in the case Shaw v. Reno, “Reapportionment is one area in which appearances do matter.”

Contiguous
In order to be contiguous, the territory of a district must not be broken or separated in any place. The entire district must be one piece of territory uninterrupted by other districts and cannot be composed of two or more separate areas.
Statistical Tools Used in Reapportionment

In order to achieve substantially equal populations between districts in accordance with the “one person, one vote” requirement, officials use several statistical tools. First, it is important to determine the ideal population of a district. The **ideal population** is calculated by dividing the population of the county being redistricted by the number of districts to be drawn. The result represents what the population would be if the districts were divided completely evenly. If a county uses multimember districts, divide the population by the number of representatives to get an ideal population per representative rather than per district.

Once new districts are proposed, their actual populations are compared to the ideal population to determine the deviation for each district. **Deviation** is calculated by first subtracting the ideal population from the actual population. The result, often referred to as the absolute deviation, is then divided by the ideal population in order to express the deviation as a percentage. A positive deviation percentage indicates a district is over its ideal population, while a negative deviation indicates a district is below its ideal population. The difference between the highest and lowest deviation percentages in a county is the **deviation range** for that county.

The deviation range is an important indicator of how well a county has created districts which are substantially equal in population. Generally, the courts consider a deviation range of 10% or less to be an indication that districts are substantially equal in population. For this reason, many states have incorporated this 10% rule into their laws and counties should strive for a deviation range which meets this standard. However, the 10% rule is not absolute. Redistricting plans with a deviation range greater than 10% may be acceptable if the county can show that such a deviation is not intended to dilute the voting strength of any group and is necessary to create a plan which conforms to other traditional redistricting concepts. Conversely, a plan with a deviation range of less than 10% can be found to be unconstitutional if the court determines that the plan intentionally dilutes the voting strength of some voters while enhancing that of others. The 10% rule provides a good guideline, but other redistricting concepts must still be considered.
Example:
Consider a county which has a population of 50,000 and will be redistricted into 4 districts. To calculate the ideal population:

\[
\frac{50,000}{4} = 12,500
\]

Each district in this county has an ideal population of 12,500. The redistricting plan creates districts with the following populations:

- District 1: 12,000
- District 2: 12,900
- District 3: 13,000
- District 4: 12,100

The deviations for each district would be calculated as follows:

- District 1: \(12,000 - 12,500 = -500\)
  \[-500 / 12,500 = -0.04 \text{ or } -4\%
  \]
- District 2: \(12,900 - 12,500 = 400\)
  \[400 / 12,500 = 0.032 \text{ or } 3.2\%
  \]
- District 3: \(13,000 - 12,500 = 500\)
  \[500 / 12,500 = 0.04 \text{ or } 4\%
  \]
- District 4: \(12,100 - 12,500 = -400\)
  \[-400 / 12,500 = -0.032 \text{ or } -3.2\%
  \]

The deviation range, the difference between the highest and lowest deviation percentages, would be as follows:

\[4\% - (-4\%) = 8\%
\]

The deviation range of this plan, 8%, is less than 10%, so the plan would likely be acceptable under “One Person, One Vote.”
Section I: State by State
Alabama

State Laws: Ala. Code §§ 11-3-1 – 11-3-1.2

Relevant Court Cases: Dillard v. Baldwin County Comm’n, 833 So. 2d 11 (Ala. 2002); Dillard v. Chilton County Comm’n, 615 F. Supp. 2d 1292 (M.D. Ala. 2009)

When are counties required to redistrict?
Counties which elect their commissioners using single member districts may redistrict following any federal decennial census. Any redistricting plan must be approved by the county commission no later than 180 days before the first primary election in which it will be used.

When else may counties redistrict?
Alabama laws do not specify permissions or restrictions for redistricting counties at other times.

Who conducts redistricting at the county level?
The county commission redistricts by resolution.

Requirements for Composition of Districts:
A redistricting resolution must describe the revised district boundaries using references to standard census units, county voting precincts, or both.

Can a county change its number of districts when it redistricts?
No, Alabama law defines the membership on a county commission as the judge of the probate and four commissioners unless otherwise provided for, such as by local law or court order.1

Notification and Filing Requirements:
Before a county commission may pass a redistricting plan, it must advertise the time and place of the meeting at which the resolution will be considered in a newspaper of general circulation in the county for at least two (2) consecutive weeks. The advertisement must include one or both of the following: a map showing proposed district boundaries or notification that such a map is available for inspection at a specific public location. Any such map posted at a public location must be displayed for at least the two consecutive weeks preceding the meetings at which the resolution will be considered.

Once a county commission passes a redistricting resolution, it must file a certified copy of the resolution and a map showing the revised district boundaries with the judge ofprobate of the county.

Preclearance Requirements:
Alabama is a preclearance state, and all county redistricting plans must be cleared in accordance with the Voting Rights Act.

Action if Redistricting Requirements are not met:
None specified

Challenges:
Any challenge to a county redistricting or reapportionment action shall be commenced in the circuit court of that county.

1 Ala. Code § 11-3-1 (c).
State Laws: Alaska Stat. 29.20.060 – 120; Alas. Const. art. VI, § 10


When are boroughs required to redistrict?

Redistricting of boroughs follows redistricting at the state level. According to art. VI, sec. 10 of the Constitution of the state of Alaska, the state redistricting board must adopt a final redistricting plan and issue a redistricting proclamation no later than 90 days after the board has been appointed and the official results of the U.S. decennial census have been reported to the state. No later than two (2) months after this occurs, the borough assembly must determine and declare by resolution whether or not the current apportionment of assembly seats meets the apportionment standards established in AS 29.20.060.

No later than the first regular election following the adoption of a state redistricting plan as discussed above, the borough assembly must submit to the voters of the borough one or more proposed forms of assembly representation. If any of these forms include electing assembly members by districts, the proposal must include an apportionment plan. The assembly must adopt an ordinance providing for the form of assembly representation selected by the voters, and any applicable apportionment plan, within 30 days after the certification of this election.

When else may boroughs redistrict?

The apportionment of a borough may be changed by ordinance anytime the assembly determines that the existing apportionment does not meet the standards of AS 29.20.060. A borough assembly may also alter its existing apportionment whenever the final state redistricting plan is changed. If an assembly receives a petition signed by at least 50 voters of the borough requesting the assembly determine if the current apportionment meets the standards of AS 29.20.060 and containing evidence that it does not, the assembly must make the requested determination within two (2) months of the receipt of the petition. If following any of these three events the assembly determines that the borough’s apportionment needs to be changed, it must adopt an ordinance for reapportionment and submit the ordinance to the voters for approval within six (6) months after making the determination.

Who conducts redistricting at the borough level?

The borough assembly prepares and adopts by ordinance any reapportionment plan. However, all such plans must be approved by the voters of the borough.

Requirements for Composition of Districts:
AS 29.20.060 states that all apportionments must be consistent with the equal protection standards of the U.S. Constitution.

Can a county change its number of districts when it redistricts?

The borough assembly provides for its composition. The number of members of the assembly should be included on the ballot proposition submitted to the voters for approval.

Notification and Filing Requirements:
Reapportionment plans must be approved by the voters of the borough. On the ballot proposition, the assembly may present the apportionment plan “in any manner that it believes accurately describes the apportionment that is proposed under the form of representation.”

Preclearance Requirements:
Alaska is a preclearance state, and all borough redistricting plans must be cleared in accordance with the Voting Rights Act.

Action if Redistricting Requirements are not met:
If a reapportionment plan is not approved by the voters within six (6) months after the assembly determines that the current apportionment does not meet the standards of AS 29.20.060 (as discussed above), the responsibility for redistricting falls to the commissioner. The commissioner must prepare an order of reapportionment which complies with AS 29.20.060 and submit it to the borough mayor.

National Association of Counties • County Reapportionment: A State by State Report • January 2012
Challenges:
Fifty voters may challenge a reapportionment plan approved by the voters, on the grounds that it does not meet the standards of AS 29.20.060, or a decision by the assembly that the current apportionment meets the requirements of 29.20.060 by submitting a petition to the commissioner. The petition must be submitted no later than 20 days after the certification of the election in question or the decision of the assembly. The commissioner must make his determination, and provide copies of it to the petitioning persons and borough officials, within 60 days of his receipt of the petition. If the commissioner determines a new apportionment is needed, he will order the assembly to prepare an ordinance for reapportionment and submit it to the voters of the borough. The ordinance must be adopted within two (2) months of the assembly’s receipt of the commissioner’s order, and it must be submitted to the voters for approval within 60 days of its adoption. Should this time pass and no reapportionment plan be approved by the voters, the commissioner will prepare a reapportionment order and submit it to the borough mayor.

The commissioner may request the superior court to enforce a reapportionment order. Additionally, reapportionment ordinances and orders, as well as decisions that current the current apportionment meets the requirements of AS 29.20.060, are subject to judicial review.

Other Provisions:
A borough assembly may submit the current apportionment plan to the voters for approval if it believes the plan meets the requirements of AS 29.20.060.

These statutory provisions do not to apply to home rule boroughs if the borough provides for reapportionment of the assembly in its home rule charter.


When are counties required to redistrict?
Counties must be redistricted into the appropriate number of supervisorial districts on or before December 1st following the release of U.S. decennial census data.

When else may counties redistrict?
A county “may redistrict as often as deemed necessary between each United States decennial census.”

Who conducts redistricting at the county level?
The county board of supervisors is responsible for redistricting. They must meet at the county seat to accomplish this task.

Requirements for Composition of Districts:
The division of the county into districts must either be equal or with no more than 10% difference in population between districts.

Can a county change its number of districts when it redistricts?
The number of county supervisors, and therefore, the number of supervisor districts, is regulated based on the size of the county. Some counties may choose between various options, such as three (3) or five (5) supervisors, but changing the number of supervisors must be done by an election.

Notification and Filing Requirements:
None specified

Preclearance Requirements:
Arizona is a preclearance state, and all county redistricting plans must be cleared in accordance with the Voting Rights Act.

Action if Redistricting Requirements are not met:
None specified

Challenges:
The Arizona revised Statutes do not specify procedures to challenge a county redistricting plan.

Other Provisions:
The Arizona Constitution gives counties with a population greater than 500,000 the option of adopting a charter form of government. The provisions discussed herein may or may not apply to a county governed under a charter, depending on the provisions of its charter.

Arkansas


Relevant Court Cases: Riley v. Baxter County Election Com., 311 Ark. 273, 843 S.W.2d 831 (Ark. 1992); Goldsby v. Brick, 281 Ark. 58, 661 S.W.2d 368 (Ark. 1983)

When are counties required to redistrict?
County quorum court districts must be apportioned on or before the first Monday after January 1st of each year ending in the numeral 2 (every ten years since 1982).

When else may counties redistrict?
Arkansas law does not specify permissions or restrictions for redistricting counties at other times.

Who conducts redistricting at the county level?
The county board of election commissioners is responsible for dividing the county into quorum court districts.

Requirements for Composition of Districts:
District apportionments must be based on the population of the county at the last federal decennial census.

Can a county change its number of districts when it redistricts?
No, the number of county quorum court districts is regulated based on the size of the county according to a scale found in the Arkansas Code Annotated.\(^4\) The code does not provide any means for altering the number of districts.

Notification and Filing Requirements:
The county board of election commissioners must file its report, which sets the boundaries and populations of the districts, with the clerk of the county court no later than the date set for apportionment of the county. The clerk of the county court will then cause the district boundaries and populations to be published in a newspaper of general circulation in the county within 15 days. Within seven (7) days after the expiration of the time allowed for the filing of challenges to the apportionment plan (discussed below), the clerk of the county court will transmit a certified copy of the record of the apportionment plan to the Secretary of State.

Preclearance Requirements:
Arkansas is not a preclearance state, and no counties within it are required to have their reapportionment plans precleared.

Action if Redistricting Requirements are not met:
None specified

Challenges:
The circuit court of the county holds original jurisdiction for any contest to the apportionment of county quorum court districts. A contest must be filed within 30 days after the publication of the new district information in a newspaper of general circulation in the county.

Other Provisions:
The State Board of Apportionment must provide each county board of election commissioners with "the appropriate and necessary federal decennial census information, not less than ninety (90) days prior to the date established for apportionment of county quorum court districts."\(^5\)

---

\(^4\) Ark. Code § 14-14-402.

Relevant Court Cases: Ortiz v. Board of Supervisors, 107 Cal. App. 3d 866, 166 Cal. Rptr. 100 (1980); Harnett v. County of Sacramento, 195 Cal. 676, 235 P. 445 (Cal. 1925); Griffin v. Board of Supervisors, 60 Cal. 2d 751, 36 Cal. Rptr. 616, 388 P.2d 888 (Cal. 1964); Miller v. Board of Supervisors, 63 Cal. 2d 343, 46 Cal. Rptr. 617, 405 P.2d 857 (Cal. 1965); Wilsie v. Board of Supervisors, 65 Cal. 2d 314, 54 Cal. Rptr. 320, 419 P.2d 440 (Cal. 1966); Kingston v. Board of Supervisors, 230 Cal. App. 2d 455, 41 Cal. Rptr. 23 (1964)

When are counties required to redistrict?
Each county must redistrict its supervisorial districts following each federal decennial census. The redistricting must be completed by the first day of November of the year following the year in which the census was taken.

When else may counties redistrict?
A county may redistrict at any time between the decennial adjustments. In order to do so, the county board of supervisors must base the new districts on a census (taken as provided in section 26203 of the Government Code) or population estimates prepared by the State Department of Finance, county planning department, or county planning commission.

Who conducts redistricting at the county level?
The county board of supervisors conducts redistricting. The board may appoint a committee of county residents to study redistricting matters and make recommendations, but the committee’s role is purely advisory. If such a committee is used, it must deliver its report to the board of supervisors no later than six (6) months after the final population data are released from the federal census or by August 1st of the year after the year in which the census was taken, regardless of when the data were released.

Requirements for Composition of Districts:
The districts must be as nearly equal in population as possible and comply with all applicable provisions of the Voting Rights Act. The board of supervisors may give consideration to topography, geography, contiguity, compactness, cohesiveness, and communities of interest.

Can a county change its number of districts when it redistricts?
The California Government Code defines a county board of supervisors as consisting of five (5) members. To have a board of a different size, a county must adopt a charter which provides for such a board.

Notification and Filing Requirements:
The board of supervisors must hold at least one (1) public hearing on any redistricting proposal prior to the hearing at which the proposal may be adopted.

Preclearance Requirements:
California is not a preclearance state, but several counties within the state are subject to preclearance requirements. They are Kings, Merced, Monterey, and Yuba Counties. These counties must have their redistricting plans precleared.

Action if Redistricting Requirements are not met:
If the board of supervisors does not redistrict by November 1, a supervisorial redistricting commission takes over the responsibility to redistrict the county. This commission is composed of the district attorney, who serves as chairman, the county assessor, and the county elections official, if he or she is elected by the voters of the county. If the county elections official is not elected by the voters of the county, the county superintendent of schools serves on the commission. If the superintendent of schools in not elected by the voters of the county, the sheriff serves on the commission. The commission must redistrict the county by December 31st of the same year, and its redistricting plan has the same effect as one implemented by an ordinance passed by the board of supervisors.
California (continued)

**Challenges:**
Within 30 days the adoption of a redistricting ordinance based on population estimates (as discussed above), any person claiming the estimates do not reflect the actual population may commence an action in superior court in declaratory relief to determine this fact.

**Other Provisions:**
California law allows for the government of counties by adopted charters. If a county is governed under a charter, the charter may contain provisions relating to redistricting. The county must follow the provisions of its charter.

**Additional Resources:**
“Redistricting California 2011”
Published by the League of Women Voters of California
Available at: [http://cavotes.org/issues/redistricting-implementation](http://cavotes.org/issues/redistricting-implementation)
Colorado


When are counties required to redistrict?
Counties must redistrict after each federal census. The redistricting must be complete by September 30th of the odd numbered year following each federal census.

When else may counties redistrict?
A county may redistrict in any odd numbered year if the board of commissioners determines to do so. Such redistricting must be completed by July 1st of that year. County districts may not be altered more than once every two years unless they must be in order to conform to altered precinct boundaries.

Who conducts redistricting at the county level?
The board of county commissioners has the duty to redistrict the county. It does so by resolution.

Requirements for Composition of Districts:
Districts must be as nearly equal in population as possible (excluding persons incarcerated at a facility in the county). Districts must also be compact.

Can a county change its number of districts when it redistricts?
A county with a population of 70,000 or more may choose to increase its number of county commissioners from three (3) to five (5). If the county does so, it may choose to elect all five (5) commissioners from separate districts. Making this change requires a resolution passed by the board of county commissioners and approved by the voters of the county at a general election.

Notification and Filing Requirements:
The board of county commissioners must hold a public hearing on proposed district boundaries not less than 30 days before adopting a redistricting resolution.

Preclearance Requirements:
Colorado is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
According to the Colorado Supreme Court: “Either the failure within a reasonable time or the refusal to act upon the petition of citizens when redistricting is required in order to comply with the law, is a proper basis for judicial intercession.”

Challenges:
No procedures specified

Other Provisions:
The Colorado Supreme Court has created precedent for what satisfies the compactness requirement for districts. See Allen v. Bd. of County Comm’rs, 178 Colo. 354, 497 P.2d 1026 (1972).

State Laws: Del. Code tit. 9, §§ 1165, 4102–4106, 7002(o)

Relevant Court Cases: Hickman v. Workman, 450 A.2d 388 (Del. 1982); New Castle County v. State, 688 A.2d 888 (Del. 1996); Twilley v. Stabler, 290 A.2d 636 (Del. 1972)

When are counties required to redistrict?
New Castle County and Kent County must redistrict after each regular United States decennial census.

By statute, Sussex County must redistrict following a redistricting of senatorial or representative districts in the county which reduces the number of representative districts from six (6) to five (5).

When else may counties redistrict?
Not specified for New Castle and Kent Counties. In Sussex County, the county government has the authority to redistrict other than when statutorily required.

Who conducts redistricting at the county level?
In New Castle County, it is the duty of the County Council to redistrict the county. To do this, the council must appoint a 13 member Redistricting Commission. One (1) member of the commission must be appointed from each of the 12 districts, and one (1) member must be appointed at large. No more than seven (7) commission members may be from the same political party, and no members may be employed by the county in any other capacity. The commission must be appointed within 60 days of the official reporting of the census, and the commission must deliver its plan to the Clerk of the County Council within 90 days after being appointed.

In Kent County, the Levy Court is responsible for redistricting. To do this, the council must appoint a seven (7) member Redistricting Commission. One (1) member of the commission must be appointed from each district. No more than four (4) commission members may be from the same political party, and no members may be employed by the county in any other capacity. The commission must be appointed within 60 days of the official reporting of the census, and the commission must deliver its plan to the President of the Levy Court within 90 days after being appointed.

In Sussex County, the county government has the authority to redistrict the county. In the case of redistricting initiated by a redistricting of senatorial or representative districts, as discussed above, Del. Code tit. 9, § 7002(v) instructs the county government to appoint five (5) qualified voters, one from each district, to serve as redistricting commission. The commissioners must be appointed within three (3) months of the initiating reapportionment, and no more than three (3) of the commissioners may be of the same political party. The commissioners must submit a report, in the form of an ordinance, to the clerk of the county government. The report must include the proposed district boundaries and a map showing the proposed boundaries.

Requirements for Composition of Districts:
In New Castle and Kent Counties, statutes specify that districts must be contiguous and as nearly equal in population as possible. No district may deviate more than 15% from the average population for all districts, calculated by dividing the county population by the number of districts which do not encompass the entire county.

7 Hickman v. Workman, 450 A.2d 388 (Del. 1982).
Can a county change its number of districts when it redistricts?
No, each county is subject to statutory provisions defining the number of members of their respective governing bodies.

Notification and Filing Requirements:
In New Castle County, the Redistricting Commission must file its plan with the Clerk of the County Council within 90 days of being appointed. The plan must include a map and a description of recommended districts.

In Kent County, the Redistricting Commission must file its report with the President of the Levy Court within 90 days after being appointed. The report must contain a map and descriptions of the recommended district boundaries.

In Sussex County, the redistricting commission, if used, must file its report with the Clerk of the county government.

Preclearance Requirements:
Delaware is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
None specified

Challenges:
No procedures specified
When are counties required to redistrict?
The Florida Constitution requires counties to redistrict following each decennial census.

When else may counties redistrict?
Counties may redistrict “from time to time” in order to maintain districts of equal populations. Such redistricting may only occur in odd numbered years.

Who conducts redistricting at the county level?
The board of county commissioners conducts redistricting at the county level.

Requirements for Composition of Districts:
County districts must be composed of contiguous territory and “as nearly equal in proportion to population as possible.”

Can a county change its number of districts when it redistricts?
Florida law allows a county to increase its number of commissioners from five (5) to seven (7). However, if a county does so only five (5) of its commissioners may be elected by districts. The other two (2) are to be elected at large. Therefore, a county may not alter the number of districts it contains.

Notification and Filing Requirements:
Anytime district boundaries are to change, an accurate description of the new district boundaries must be entered into the minutes of the board of commissioners. A certified copy of these minutes must then be published in a newspaper published in the county at least once a week for two (2) consecutive weeks. If the county does not have a newspaper, three copies of the minutes must be posted in three conspicuous locations within the county for four (4) consecutive weeks. One of these locations must be the front door of the county courthouse. Proof of the required publication must be entered into the minutes of the board.

The clerk of the board of commissioners must provide a certified copy of the board minutes containing the new district boundaries to the Department of State.

Preclearance Requirements:
Florida is not a preclearance state, but several counties within the state are subject to preclearance requirements. They are Collier, Hardee, Hendry, Hillsborough, and Monroe Counties. These counties must have their redistricting plans precleared.

Action if Redistricting Requirements are not met:
None specified

Challenges:
No procedures specified

Other Provisions:
Florida law allows for the adoption of charter governments by counties. A county governed under a charter may have redistricting requirements which differ from the ones discussed here.

Many of the provisions discussed above do not apply to Miami-Dade County.

Additional Resources:
Redistricting page from the Florida Association of Counties, available at:
www.fl-counties.com/pages/Advocacy/Legal/Redistricting.aspx
Georgia

*State Laws:* O.C.G.A. § 36-5-22.1; Ga. Const. art. IX, § 2, para. 1


In Georgia, the power to redistrict county commissioner districts is reserved to the state General Assembly. In Bodker v. Taylor, the court clearly stated that county legislative bodies have no legislative authority for redistricting. However, the court also demonstrated that if a county needs redistricting to remain in compliance with applicable laws and standards and the General Assembly fails to redistrict it acceptably, the court can step in and perform the redistricting. In such a case, the court may consider any redistricting plan created by the county legislative body as an expression of county policy. Such plans are not, however, entitled to deference as a legislatively enacted plan, as county governments do not have legislative authority to enact such a plan.

**Preclearance Requirements:**
Georgia is a preclearance state, and all county redistricting plans must be cleared in accordance with the Voting Rights Act.

Requirements for redistricting at the county level are not provided in either the Hawaii Constitution or Statutes. In fact, the Hawaii Supreme Court has specifically rejected the argument that certain redistricting requirements for the state legislature in the constitution apply to counties. The Court instead looked to the requirements in the county charter. Counties should consult their charters and other governing documents for redistricting requirements.

---


When are counties required to redistrict?
Counties must redistrict at the general meeting of the board of commissioners in January preceding any general election.

When else may counties redistrict?
A board of commissioners may redistrict a county at any board meeting if a new county has been created or county boundaries have been adjusted.

Who conducts redistricting at the county level?
The board of county commissioners conducts redistricting at the county level.

Requirements for Composition of Districts:
Districts must be as nearly equal in population as possible.

Can a county change its number of districts when it redistricts?
No, Idaho law defines a board of commissioners as consisting of three (3) members and requires counties to be districted into three (3) districts.

Notification and Filing Requirements:
None specified beyond the normal records requirements for boards.

Preclearance Requirements:
Idaho is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
None specified

Challenges:
None specified

Other Provisions:
Idaho law allows for the adoption of charter governments by counties. A county governed under a charter may have different redistricting requirements from those discussed here.
Illinois

State Laws: 55 Ill. Comp. Stat. § 5/2; Ill. Const. art. VII, § 3


When are counties required to redistrict?
Counties under township organization must redistrict following each federal decennial census. This must be completed by July 1st or the day after the county board meeting in July, whichever is later, of 2011 and every ten (10) years thereafter.

Counties not under township organization which elect commissioners by districts must reapportion their districts on or before May 31st of the year following each federal decennial census

When else may counties redistrict?
Not specified

Who conducts redistricting at the county level?
In counties under township organization, the county board conducts redistricting at the county level. If the chairman of the county board is elected by the voters of the county, he or she may prepare an apportionment plan and present it to the county board by the third Wednesday in May of a year following a federal decennial census. If the county executive is elected by the county, he or she may do the same.

In counties not under township organization, reapportionment is the responsibility of the board of commissioners.

Requirements for Composition of Districts:
All county districts shall be equal in population, composed of contiguous territory, as compact as possible, and created so that no precinct is divided between more than two (2) districts, as much as possible. Districts may divide townships and municipalities, but only when necessary to satisfy population requirements.

Can a county change its number of districts when it redistricts?
In counties under township organization, the number of districts is determined by the county board within the limits set by law. The county board must determine how many districts it will use before developing an apportionment plan.

In counties not under township organization, the number of commissioner districts must be determined by the voters of the county via an election.

Notification and Filing Requirements:
In a county under township organization, if a chairman of the county board or the county executive presents an apportionment plan to the county board by the third Wednesday in May of a year in which redistricting is required. The board must hold at least one public hearing to discuss and receive comments regarding the apportionment plan. The hearing must be held at least six (6) but not more than 21 days following the submission of the plan to the board. The public must be notified of the hearing at least six (6) days in advance.

The reapportionment plan must be filed in the office of the county clerk by the date established for the completion of reapportionment. The county clerk must send copies to the chairman of the county board and keep other copies available for distribution, free of charge, to any registered voter of the county requesting one.
Preclearance Requirements:
Illinois is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
In a county under township organization, if the county board fails to complete reapportionment by the required date (July 1st or the day after the board’s regular July meeting) the county clerk must convene the county apportionment commission. This commission consists of the county clerk, the state’s attorney, the attorney general or his designated representative, and the chairmen of the county central committees for the first and second leading political parties. The commission must submit its apportionment plan by October 1st of the year in which it is convened, although the circuit court can grant an extension of no more than 60 days for submission of this plan.

If no apportionment plan is filed with the county clerk by the required dates, members of the county board will be elected at large.

Challenges:
No procedures specified

Other Provisions:
Many of the requirements discussed herein do not apply to Cook County.
Indiana

State Laws: Ind. Code §§ 36-2-2-4, 36-2-2-4.7, 36-2-3-4, 36-2-3-4.7, 36-2-3-5.6, 36-3-4-3


When are counties required to redistrict?
Redistricting for the county executive (board of commissioners) and fiscal body (county council) must occur in the year after the year in which a federal decennial census is conducted.

When else may counties redistrict?
Redistricting for both the county executive and fiscal body may occur in any odd numbered year or whenever the boundaries of the county change.

Who conducts redistricting at the county level?
- County with a population greater than 400,000 but less than 700,000: The county redistricting commission is responsible for dividing the county into districts for both the county executive and county fiscal body. This commission is composed of the members of the Indiana Election Commission, two (2) members of the senate selected by the president pro tempore (one (1) from each political party), and two (2) members of the house of representatives selected by the speaker (one (1) from each political party). The legislative members act in an advisory capacity and do not have a vote.
- County with a population greater than 200,000 but less than 300,000: The county executive is responsible for dividing the county into districts for the purpose of electing the county executive. The county fiscal body is responsible for dividing the county into districts for the purpose of electing the fiscal body.

All other counties: The county executive is responsible for dividing the county into districts for the purposes of electing both the county executive and the county fiscal body.

Requirements for Composition of Districts:
- County executive districts in a county with a population greater than 200,000 but less than 300,000 or greater than 400,000 but less than 700,000: Districts must be compact, subject to natural boundary lines, as equal in population as possible, and may not cross precinct lines.
- All other county executive districts: Districts must be composed of contiguous territory and reasonably compact and may not cross precinct lines. Districts may divide townships only if necessary to fulfill the other requirements of redistricting.
- All county fiscal body districts: Districts be compact, subject only to natural boundary lines, and as equal in population as possible. Districts may divide townships only when it is necessary to fulfill other redistricting requirements. Otherwise, districts should contain whole townships.

Regarding “natural boundary lines,” the Indiana Code states that these should be indicators “such as railroads, major highways, rivers, creeks, parks, and major industrial complexes.”

Can a county change its number of districts when it redistricts?
No, the number of districts a county may be divided into is defined by Indiana law. For county executive districts, all counties are to be divided into three (3) districts. For county fiscal body districts, the number of districts varies by county size. Counties with a population greater than 400,000 but less than 700,000 are divided into seven (7) districts. Counties with a population greater than 200,000 but less than 300,000 are divided into nine (9) districts. All other counties are divided into four (4) county fiscal body districts.

Notification and Filing Requirements:
All redistricting at the county level is done through the adoption of an ordinance by the appropriate body. A copy of each redistricting ordinance must be filed with the circuit court clerk.

Preclearance Requirements:
Indiana is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
If a court finds there is sufficient evidence to withstand a motion for summary judgment that a county has not been redistricted in accordance with the provisions of the law, the court may order a stay in an election based on the districts in question. The court must make its final judgment within 30 days of ordering the stay. If the court finds that the redistricting plan does not comply with the law, it will order the proper officials to submit a new redistricting plan which does comply with the law within 30 days. If the officials fail to comply with the court’s order, the court will order the Indiana Election Commission to redistrict the county in accordance with the provisions of the law.

Challenges:
No procedures specified

Other Provisions:
Indianapolis and Marion Counties are governed under a separate form of government. These counties are divided into 25 districts during the second year after a year in which a federal decennial census is conducted. They may also redistrict at any other time, subject to certain provisions (see Ind. Code § 3-11-1.5-32).

Additional Resources:
“A Redistricting Guide for County Election Officials,” a slide show available from the Indiana Secretary of State’s website:
State Laws: Iowa Code §§ 42.4, 49.3 - 49.4, 49.7 - 49.8, 331.203 - 331.204, 331.206 - 331.210A

Relevant Court Cases: Mandicino v. Kelly, 158 N.W.2d 754 (Iowa 1968)

When are counties required to redistrict?
Counties which elect supervisors by districts must complete redistricting no later than 90 days after the redistricting of congressional and legislative district becomes law or October 15th of the year after the year in which a federal decennial census is conducted, whichever is later.

When else may counties redistrict?
If a county increases or decreases its number of supervisors, the county must redistrict.

Who conducts redistricting at the county level?
A temporary county redistricting commission conducts redistricting at the county level. This commission consists of either three (3), five (5), or seven (7) members, determined by the board of supervisors. The minimum number of members which constitutes a majority of the commission are appointed by the majority party supervisors. The remaining members of the board are appointed by the minority party supervisors or, if the supervisors are all members of one party or the minority supervisors are members of more than one party, by the chair of the county central committee of the party other than the majority party whose candidate received the most votes at the most recent general election for President or Governor.

Members of the commission must be eligible electors in the county at the time of their appointment, and county supervisors may be appointed to the commission. The commission must be formed no later than May 15th of each year ending in one (1) and will terminate 20 days after the state commissioner of elections approves the redistricting plan.

Requirements for Composition of Districts:
To the extent applicable, county supervisor districts must be drawn according to the standards established for congressional and legislative redistricting in Iowa Code § 42.4. This includes creating districts which are as equal in population as possible (the average deviation from the ideal population may not exceed one (1) percent), contiguous, reasonably compact, and not drawn for the purpose of favoring any political party or other group or individual or for the purpose of “augmenting or diluting the voting strength of a language or racial minority group.”

To this end, Iowa law provides a list of data which may not be used in redistricting, including addresses of incumbents, political affiliations of registered voters, past election results, and demographic information other than population head counts and that which is required by federal law. The commission must use the official population data from the most recent federal decennial census when redistricting.

Can a county change its number of districts when it redistricts?
The number of county supervisor districts corresponds to the number of county supervisors. In order to increase or decrease the number of county supervisors, the board of supervisors must submit a proposition to do so to the registered voters of the county at a general election.

Notification and Filing Requirements:
Once the temporary county redistricting commission has completed its preliminary proposed county supervisor redistricting plan, it “shall at the earliest feasible time make available to the public all of the following information:

1. Copies of the legal description of the plans.
2. Maps illustrating the plans.
3. A summary of the standards prescribed by law for development of the plans.
4. A statement of the population of each district included in the plan, and the relative deviation of each district population from the ideal district population.
5. A statement of the population of each precinct, if applicable.”

12 Iowa Code § 42.4.
13 Iowa Code § 351.210A(2)(b).
The commission must then hold at least one (1) public hearing on its proposed plan at which members of the public must be allowed to present alternative plans. The commission must promptly prepare and make publically available a report which summarizes the information and testimony the commission received at the hearing(s), including any comments and conclusions which members of the commission deem appropriate.

Following the hearing(s), the commission will adopt a redistricting plan. The adopted plan must then be submitted to the board of supervisors for approval. If the board approves the plan, it must then be submitted to the state commissioner of elections for approval.

**Preclearance Requirements:**
Iowa is not a preclearance state, and no counties within it are subject to preclearance requirements.

**Action if Redistricting Requirements are not met:**

If the board of supervisors rejects the first redistricting plan submitted by the temporary county redistricting commission, the board must return the plan to the commission with written reasons for the rejection and order the commission to prepare a second plan. The board may amend the second plan submitted by the commission, but any amendment must be accompanied by a written statement declaring that “the amendment is necessary to bring the submitted plan closer in conformity to the standards” established by law.\(^{14}\)

If the state commissioner of elections or the ethics and campaign disclosure board rejects the plan for not meeting the requirements of the law, the county board of supervisors will direct the commission to prepare and adopt a new plan which does meet those requirements. Once a plan has been submitted to the state commissioner of elections for approval, the adoption of subsequent plans does not require a public hearing.

If the temporary county redistricting board fails to adopt a plan by the required date, the state commissioner of elections will make or cause to be made any necessary changes in district boundaries. The commissioner will assess the county for any expenses incurred in this process.

**Challenges:**
Any eligible elector of a county who wishes to allege that a redistricting plan was created for improper political reasons may file a complaint with the state commissioner of elections within 14 days of the approval of the plan by the board of supervisors. The state commissioner of elections will forward such complaints to the ethics and campaign disclosure board for resolution.

Supervisor redistricting plans may also be challenged in court, but no specific jurisdictions are provided by law.

**Other Provisions:**
Some counties are governed under a charter which establishes a consolidated city-county government. These counties have different redistricting requirements, which can be found in Iowa Code § 331.210A(2)(f).

In counties using plan “three” for district representation, supervisor districts must follow the boundaries of election precincts. The temporary county redistricting commission is responsible for creating and adopting the precinct plan in counties utilizing plan “three.”

A temporary county redistricting commission may adopt a plan with a population variance in excess of one (1) percent. If it does so, the commission must, within ten (10) days of taking such action, publish a justification for the variance in one (1) or more official newspapers.

**Additional Resources:**
Redistricting & Reprecincting page of the Iowa Secretary of State website, available at: [www.sos.state.ia.us/elections/redistrictreprecinct/index.html](http://www.sos.state.ia.us/elections/redistrictreprecinct/index.html)

---

\(^{14}\) Iowa Code § 331.210A(2)(d)(2).
Kansas


When are counties required to redistrict?
County commissioner districts “shall be subject to alteration at least once every three years.” 15

When else may counties redistrict?
Not specified

Who conducts redistricting at the county level?
The board of county commissioners divides the county into commissioner districts by resolution.

Requirements for Composition of Districts:
Districts must be “as compact and equal in population as possible.” 16

Can a county change its number of districts when it redistricts?
Any resolution which changes the number of commissioner districts in a county must be approved by a majority of the qualified electors of the county voting at a general election. The resolution must be passed by the board of commissioners at least 60 days before the general election at which it is to be presented to the electors. The electors may request that such an item be placed on the ballot of a general election via a petition. The petition must be signed by at least five (5) percent of the qualified electors of the county and presented to the board of commissioners at least 60 days before the general election at which it is to appear on the ballot. Once a change in the number of commissioner districts takes effect, the number of districts may not be changed again for four (4) years.

Notification and Filing Requirements:
Not specified

Preclearance Requirements:
Kansas is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
If the electors of a county approve a resolution which changes the number of commissioner districts, the board of commissioners must create the new districts by January 1st of the following year. If the board fails to do so by this date, the chief judge of the district court of the county will, no later than January 31st, order the county divided into the specified number of districts.

Challenges:
No procedures specified

Other Provisions:
Kansas allows counties the option of adopting a charter form of government. A county governed under a charter may have requirements different from those discussed herein.

Sherman County is subject to unique redistricting requirements found in Kan. Stat. Ann. 19-204b.


Relevant Court Cases: Fawbush v. Bond, 613 S.W.2d 414 (Ky. 1981);

When are counties required to redistrict?
Counties must redistrict following each United States decennial census. The county fiscal court will initiate reapportionment procedures in May of the first year following a United States decennial census. Once these procedures are initiated, the commissioners (discussed below) must redistrict the county and file a report with the authorities specified below within 60 days. Once it receives the report, the fiscal court must consider it and either adopt or amend the new districts within 60 days.

When else may counties redistrict?
A county fiscal court may at other times review the district boundaries in its county and initiate reapportionment proceedings if it finds the current districts do not meet the legal requirements for the composition of districts. However, redistricting may not take place between 30 days before the last day to file for candidacy for county office and the regular election for county offices.

Who conducts redistricting at the county level?
County redistricting is conducted by a group of commissioners appointed by the county fiscal court. The commissioners must be competent, over the age of 21, and residing in different districts. The fiscal court appoints three (3) such commissioners as well as the county clerk as a nonvoting member. The appointment of commissioners constitutes the initiation of reapportionment procedures. The commissioners submit a report detailing their proposed districts to the fiscal court, which can accept or amend the proposed districts.

Requirements for Composition of Districts:
Districts must be compact, contiguous, and as equal in population as possible.

Can a county change its number of districts when it redistricts?
A county which has a fiscal court composed of the county judge/executive and county commissioners may not change its number of districts. Kentucky law states that these counties will be divided into three (3) districts to elect three (3) county commissioners. A county which has a fiscal court composed of the county judge/executive and justices of the peace may change its number of districts. For these counties, Kentucky law instructs the appointed commissioners to reapportion the county into no less than three (3) or more than eight (8) justices’ districts.

Notification and Filing Requirements:
Before initiating reapportionment proceedings, the county fiscal court “shall publish notice of the planned reapportionment in accordance with KRS Chapter 424.” The appointed commissioners must create a report which shows the boundaries and estimated populations of each of the proposed districts. Copies of this report must be filed with the office of the county clerk and each member of the fiscal court.

Preclearance Requirements:
Kentucky is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
Not specified

Challenges:
Any registered voter of a county may bring an action in the circuit court to enforce the legal provisions regarding reapportionment. The court will hear the action and, if it finds that the reapportionment provisions have been violated, remand the matter to the county fiscal court.

Other Provisions:
Kentucky law allows for several alternative forms of county government which have unique redistricting procedures. The redistricting procedures for urban-county legislative districts are defined in Ky. Rev. Stat. 67A.023 and allow for redistricting to be deferred until certain other processes are complete. Redistricting procedures for the council districts of a consolidated local government council are defined in Ky. Rev. Stat. 67C.103 and require redistricting be accomplished by the council via an ordinance. Ky. Rev. Stat. 67.835 contains the requirements for redistricting the legislative districts of a charter county government, which also may be deferred until certain other processes are complete. The procedures for redistricting the legislative districts of a unified local government which elects council members by districts are contained in Ky. Rev. Stat. 67.920 and also allows for a similar deferment.

If a county contains a city of the first class and its fiscal court is composed of the county judge/executive and justices of the peace, the county must be divided into eight (8) justices' districts.
When are parishes required to redistrict?
A parish must assess its current apportionment of districts within six (6) months after the official release of every decennial census and determine if reapportionment is necessary. If reapportionment is required, the new apportionment plan takes effect at the end of the incumbent officials’ term.

When else may parishes redistrict?
Police juries may redistrict their parishes into police jury wards “as the convenience of the people may require.”

Who conducts redistricting at the parish level?
The parish governing authority, provided that all or some of its members are elected by districts or similar subdivisions, is responsible for redistricting at the parish level by ordinance.

Requirements for Composition of Districts:
Districts, or wards, must be compact and contiguous. New districts must contain whole election precincts established under La. Rev. Stat. 18:532 or 18:532.1. There should not be any substantial variation in the representation of election districts.

Can a parish change its number of districts when it redistricts?
Louisiana law does not directly address the issue of changing the number of districts when a parish redistricts. The only requirement regarding number of districts is that a parish may be redistricted into no more than 12 police jury wards.

Notification and Filing Requirements:
None specified

Preclearance Requirements:
Louisiana is a preclearance state, and all county redistricting plans must be cleared in accordance with the Voting Rights Act. According to Louisiana law, reapportionment plans must be submitted for preclearance no later than 120 days after adoption. A copy of this submission, as well as a copy of any response, must be sent by certified mail to the secretary of state. Notice that a reapportionment plan has been precleared must be received by the secretary of state no later than 5:00 pm on the fifth business day before the opening of the qualifying period for an election in which the new districts are to be used.

Action if Redistricting Requirements are not met:
If the secretary of state does not receive notice by the time specified above that a reapportionment plan has been precleared, the election in which that plan was to be used will be rescheduled for the next available election date.

Challenges:
No procedures specified

Other Provisions:
Louisiana law allows parishes to adopt home rule charters. If a county is governed under a home rule charter, it may be subject to unique redistricting requirements found in its charter.

Relevant Court Cases: In re 2003 Legislative Apportionment, 2003 ME 81, 827 A.2d 810 (Me. 2003)

When are counties required to redistrict?
County commissioner districts must be examined and, if necessary, reapportioned every ten (10) years after 1983.

When else may counties redistrict?
Not specified

Who conducts redistricting at the county level?
The apportionment commission established under the Constitution of Maine, Article IV, Part Third, Section 1-A, is responsible for redistricting counties. It is the responsibility of the speaker of the house to call the commission together to review county commissioner districts.

Requirements for Composition of Districts:
Commissioner districts must be contiguous, compact, and as nearly equal in population as is practicable. District lines “must cross political subdivision lines the least number of times necessary to establish as nearly as practicable equally populated districts.”

Can a county change its number of districts when it redistricts?
No, the number of commissioner districts must be the same as the number of commissioners, and Maine law states that a county board of commissioners will have three (3) members.

Notification and Filing Requirements:
The apportionment commission must submit its redistricting plan to the Clerk of the House no later than 120 days after the commission is called together by the Speaker of the House. The Clerk of the House must submit a legislative document to reapportion county commissioner districts based on the commission’s plan to the Legislature no later than January 15th of every 10th year after 1984. The Legislature must then enact either this plan or one of its own within 30 days after the submission of this plan.

Preclearance Requirements:
Maine is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
If the Legislature fails to reapportion districts within the 30 days outlined above, the Supreme Judicial Court will reapportion them within 60 days of the expiration of the Legislature’s time. Members of the public may file plans and briefs with the Court during the first 30 days of this 60 day period, and the Court is required to consider these.

Challenges:
No procedures specified

Other Provisions:
Members of the public may submit redistricting plans for the apportionment commission’s consideration no later than 30 days after the commission is called together by the Speaker of the House. The commission may also hold public hearings regarding redistricting plans.

Maine law allows for the adoption of county charters which specify how members of the county legislative body are to be elected. A county governed under such a charter may have different redistricting requirements from those discussed herein.

20 Me. Rev. Stat. tit. 30-A, § 65
Maryland

State Laws: Md. Const. art. VII, §§ 1 – 2; art. XI-A

Relevant Court Cases: Getty v. Carroll County Bd. of Elections, 399 Md. 710, 926 A.2d 216 (Md. 2007); In re Legislative Districting, 370 Md. 312, 805 A.2d 292 (Md. 2002)

In Maryland, the power to redistrict county commissioner districts in non-charter counties which utilize districts rests with the state General Assembly. The Court of Appeals of Maryland has been very clear in stating that this role belongs to state government.  

While the state constitution and code provide redistricting procedures for the state legislature and congressional districts, they contain little describing county redistricting. The Court of Appeals holds original jurisdiction to review any redistricting plan, and it will do so upon the petition of any registered voter.

Counties in Maryland may adopt charters, and such charters will provide for the form of government of the county, including method of election of the county governing body. As such, counties governed under charters hold the responsibility for redistricting themselves. Such counties should consult their charters for redistricting requirements.  

---

22 Getty v. Carroll County Bd. of Elections, 399 Md. 710, 926 A.2d 216 (Md. 2007).

23 Md. Const. art. XI-A.
Massachusetts

State Laws: Mass. Gen. Laws ch. 34, § 4; ch. 54, § 158


Several counties within Massachusetts no longer have government structures, and therefore have no need to redistrict at the county level. Of the seven counties which do have county or consolidated county-city governments, most elect the members of their governing body at large. No redistricting requirements are provided in either the Massachusetts Constitution or General Laws. County charters, or city charters in the case of consolidated county-city governments, may provide requirements for counties who find it necessary to redistrict.


When are counties required to redistrict?
The commissioner districts of a county must be reapportioned within 60 days, but not less than 30 days, after the publication of the latest official United States decennial census figures. The apportionment commission may petition the court of appeals for additional time, and the petition may be granted on the basis of good cause shown.

When else may counties redistrict?
Once an apportionment plan has been approved and all appeals exhausted, or the time for appeals has expired, “that plan shall be the official apportionment plan for the county until the next United States official decennial census figures are available.”

Who conducts redistricting at the county level?
The county apportionment commission of a county apportions the county commissioner districts. The county apportionment commission is composed of the county clerk, the county treasurer, the prosecuting attorney, and the statutory county chairperson of each of the two political parties which received the greatest number of votes cast for the office of secretary of state in the most recent general election. If a county does not have a statutory chairperson of a political party, the last two members of the commission will be representatives of the two parties described above who are appointed by the chairperson of the state central committee for each of the political parties. The county apportionment commission is convened by the clerk of the county.

Requirements for Composition of Districts:
Districts must be as equal in population as possible, except that residents of state institutions who by law cannot register as electors in the county must be excluded from representation consideration. Districts must also be contiguous, compact, and as nearly square in shape as possible. Townships and cities, or any parts thereof, may not be combined to form a single district unless such a combination is necessary to meet population requirements. Townships, villages, cities, and precincts may only be divided if such division is necessary to meet population requirements. Districts may not be drawn to create a partisan political advantage.

Can a county change its number of districts when it redistricts?
The county apportionment commission apportions the county into not less than five (5) nor more than 35 county commissioner districts. However, the number of districts must be equal to the number of commissioners, as each district is allowed to elect only one commissioner and there is no alternative method for electing commissioners. The number of commissioners a county may have is based on the county’s population according to statutory standards found in Mich. Comp. Laws § 46.402.

Notification and Filing Requirements:
The county apportionment commission must conduct its business at a public meeting, of which the public is properly notified, which complies with the provisions of Mich. Comp. Laws §§ 15.261 – 15.275. Any writings prepared, used, or possessed by the commission must be made available to the public in accordance with Mich. Comp. Laws §§ 15.231 – 15.246.
An apportionment plan, once approved by the apportionment commission, must be filed with the office of the county clerk. Once it is filed, it becomes effective and the clerk must forward copies to the secretary of state. Copies must also be made available at cost to any registered voter of the county.

**Preclearance Requirements:**
Michigan is not a preclearance state, and no counties within it are subject to preclearance requirements.

**Action if Redistricting Requirements are not met:**
If the apportionment commission does not approve an apportionment plan within the required time, any registered voter of the county may submit an apportionment plan to the commission. The commission must then select one of the submitted plans which meets all legal requirements and file it with the office of the county clerk within 30 days of the original deadline for the filing of the commission's plan.

**Challenges:**
Within 30 days of the filing of the apportionment plan, any registered voter of the county may petition the court of appeals to review the plan and determine if it meets legal requirements. Any decision of the court of appeals may be appealed to the state supreme court.

**Other Provisions:**
Michigan law allows for the adoption of charter governments by counties. If a county is governed under a charter, many of the apportionment requirements discussed herein still apply, but the charter may also provide unique requirements regarding districts in that county.

As established in Mich. Comp. Laws § 46.416, any reference to county supervisors or boards of supervisors in other sections of the law has been deemed to mean county commissioners or boards of commissioners, which is used in the sections relating to redistricting.
Minnesota

State Laws: Minn. Stat. §§ 204B.135, 375.01, 375.025

Relevant Court Cases: Fay v. St. Louis County Bd. of Comm’rs, 674 N.W.2d 433 (Minn. App. 2004); Ziols v. Rice County Bd. of Comm’rs, 661 N.W.2d 283 (Minn. App. 2003); Hanlon v. Towey, 274 Minn. 187, 142 N.W.2d 741 (Minn. 1966); State ex rel. South St. Paul v. Hetherington, 240 Minn. 298, 61 N.W.2d 737 (Minn. 1953); Kahn v. Griffin, 701 N.W.2d 815 (Minn. 2005)

When are counties required to redistrict?
Counties must redistrict after each federal census if the current districts do not meet legal standards. If redistricting is required, it must be completed no later than 80 days after the legislature has been redistricted or 15 weeks before the state primary election in a year ending in two, whichever comes first.

When else may counties redistrict?
Not Specified

Who conducts redistricting at the county level?
Redistricting may either be conducted by the county board or by a redistricting commission. If a redistricting commission is used, it will be composed of not less than five (5) or more than nine (9) citizens of the county who are not officers or employees of the county or local government, except for notaries public. Commission members are not eligible for election to the county board until two (2) years after the redistricting in which they participated takes effect.

Requirements for Composition of Districts:
Districts must be contiguous and as compact as possible. Districts must also be as equal in population as possible, and no district may vary in population more than ten (10) percent from the average of all districts in the county unless necessary to avoid splitting a voting precinct. A majority of the least populous precincts may not contain less than a majority of the county population. Districts are to be bounded by town, municipal, ward, or precinct lines.

Can a county change its number of districts when it redistricts?
No, the number of districts into which a county is redistricted must be equal to the number of members of the county board, which is set forth by law. Anoka, Hennepin, Ramsey, and St. Louis Counties have seven (7) members on their boards. All other counties have boards consisting of five (5) members.

Notification and Filing Requirements:
Before redistricting, the county board or redistricting commission “shall publish three weeks’ notice of its purpose, stating the time and place of the meeting where the matter will be considered, in the newspaper having the contract to publish the commissioners’ proceedings for the county for the current year.”

A redistricting plan must be filed in the office of the county auditor and becomes effective the 31st day after it is filed, provided that it was filed not less than 30 days before the first date that candidates may file for the office of county commissioner.

Preclearance Requirements:
Minnesota is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
If a county is not redistricted within the required time, any qualified voter may apply to the district court of the county for a writ of mandamus requiring that the county be redistricted.

Challenges:
Any qualified voter may apply to the district court of the county for a writ of mandamus to revise the redistricting plan filed with the county auditor. If the application aims to affect the elections held in a year ending in two (2), it must be filed with the district court no later than one (1) week before the first day to file for office in that year. The court may appoint a redistricting commission if it finds that the county board has not

25 Minn. Stat. § 375.01.
26 Minn. Stat. § 375.025, Subd. 1.
been “sufficiently diligent in performing its redistricting duties.” If a commission is appointed in this manner, the county board loses its redistricting authority.27

Other Provisions:
In years ending with “0,” a county may levy a tax to pay costs reasonably associated with redistricting in years ending in “1” or “2.” This tax is not to exceed $1 per capita. 25 percent of the amount levied must be distributed by the county auditor to each municipality in the county on a per capita basis.

Additional Resources:
“Laws that Relate to Minnesota Legislative and Congressional Redistricting,” a webpage provided by the Minnesota House of Representatives, available at: www.house.leg.state.mn.us/brd/issinfo/redistlaw.htm#10

27 Minn. Stat. § 375.025, Subd. 2.
Mississippi


**When are counties required to redistrict?**
Mississippi law does not require counties to redistrict at any specific time.

**When else may counties redistrict?**
Counties may change or alter their districts at any time.

**Who conducts redistricting at the county level?**
The county board of supervisors conducts redistricting. A three-fifths (3/5) vote of the members of the board is required to change districts.

**Requirements for Composition of Districts:**
Districts must be drawn “with due regard to equality of population and convenience of situation for the election of members of the boards of supervisors.” Districts should also conform of visible natural or artificial boundaries, such as streets, highways, railroads, lakes, rivers, or bayous, as much as possible.

**Can a county change its number of districts when it redistricts?**
No, Miss. Code § 19-3-1 requires that all counties be divided into five (5) districts.

**Notification and Filing Requirements:**
If a county redistricts, the boundaries of the new districts must be entered at large into the minutes of the proceedings of the board, and the board of supervisors redistricting order must be published in a newspaper of general circulation within the county once a week for three (3) consecutive weeks. The board of supervisors must also notify the commissioners of election of the redistricting.

**Preclearance Requirements:**
Mississippi is a preclearance state, and all county redistricting plans must be cleared in accordance with the Voting Rights Act.

**Action if Redistricting Requirements are not met:**
None specified

**Challenges:**
No procedures specified in the state constitution or code. However, residents in the past have sued in an attempt to force a board of county supervisors to redistrict a county which the residents felt was not apportioned fairly. In at least one instance, the court enjoined a board to redistrict its county as a result of such a suit.

---

28 Miss. Code § 19-3-1.

29 Sheffield v. Itawamba County Bd. of Supvrs., 439 F.2d 35 (5th Cir. 1971).
Missouri

State Laws: Mo. Rev. Stat. § 49.010; Mo. Const. art. VI, § 7

Relevant Court Cases: Chapman v. Hoyt, 549 S.W. 2d. 869 (Mo. 1977)

**When are counties required to redistrict?**
Missouri Law does not require counties to redistrict at any specific time.

**When else may counties redistrict?**
Not specified

**Who conducts redistricting at the county level?**
The county commissioners redistrict the county.

**Requirements for Composition of Districts:**
Districts must be composed of contiguous territory and as nearly equal in population as possible.

**Can a county change its number of districts when it redistricts?**
No, general law counties in Missouri are required by statute to be divided into two (2) districts.

**Notification and Filing Requirements:**
None specified

**Preclearance Requirements:**
Missouri is not a preclearance state, and no counties within it are subject to preclearance requirements.

**Action if Redistricting Requirements are not met:**
None specified

**Challenges:**
No procedures specified

**Other Provisions:**
Missouri Law allows for adoption of charter and alternative forms of government at the county level. If a county is governed under such a form of government, it may be subject to unique redistricting requirements.

Mo. Rev. Stat. § 49.010 states districts must be drawn “without dividing municipal townships.” However, the Supreme Court of Missouri ruled this requirement unconstitutional, as it prevents the establishment of districts which are as nearly equal in population as possible. ³⁰

---

Montana

State Laws: Mont. Code Ann. tit. 7, ch. 3, §§ 7-4-2101 – 7-4-2104

Relevant Court Cases: U.S. v. Blaine County, 363 F.3d 897 (9th Cir. 2004); Barthelmess v. Bergerson, 218 Mont. 398, 708 P.2d 1010 (Mont. 1985); Barthelmess v. Bergerson, 220 Mont. 74, 713 P.2d 990 (Mont. 1986)

When counties must redistrict?
Counties must redistrict following each federal decennial census.

When else may counties redistrict?
Counties may redistrict at any time, provided that the changes in district boundaries are made within the six (6) months preceding a primary election.

Who conducts redistricting at the county level?
The board of county commissioners conducts redistricting at the county level.

Requirements for Composition of Districts:
Districts must be “as compact and equal in population and area as possible.”

Can a county change its number of districts when it redistricts?
A county must be divided into as many districts as it has commissioners. General rule counties are required by law to have three commissioners on their boards, so a general rule county may not change its number of districts. However, if a county has adopted an alternative form of government pursuant to Mont. Code Ann. tit. 7, ch. 3, then the size of the board of commissioners is determined by the county when it adopts the alternative form of government. A county governed under an alternative form of government may be able to change its number of commissioner districts, depending on the provisions under which its government was established.

Notification and Filing Requirements:
Following redistricting, there must be a certificate, signed by the district judge or judges of the county, filed in the office of the county clerk and recorder. This certificate must designate the metes and bounds of the boundaries of each district.

Preclearance Requirements:
Montana is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
Mont. Code Ann. § 7-4-2102 requires the district judge or judges of the county to review any redistricting plan to determine if it meets legal requirements, but the law does not specify what action should be taken if the plan is found to not meet requirements.

Challenges:
No procedures specified

Other Provisions:
As discussed above, Mont. Code Ann. tit. 7, ch. 3 provides for the adoption of alternative forms of county government, including charter governments. Counties governed under alternative forms may be subject to unique redistricting requirements.

31 Mont. Code Ann. § 7-4-2102.
Nebraska


When are counties required to redistrict?
Counties are required to redistrict within six (6) months after the passage and approval of a bill which redistricts the legislature.

When else may counties redistrict?
A county may not redistrict more than once every ten (10) years unless it reaches a population greater than 300,000 or votes to change its number of districts. If the county reaches a population of 300,000, redistricting must occur within one (1) year if necessary to maintain districts which are substantially equal in population.

Who conducts redistricting at the county level?
The county board conducts redistricting.

Requirements for Composition of Districts:
Districts must be compact, contiguous, and substantially equal in population. Districts must also be composed of two (2) or more voting precincts. District lines should follow the precinct lines drawn by the election commissioner or county clerk after each federal decennial census as nearly as possible.

Can a county change its number of districts when it redistricts?
Counties with a population less than 300,000 are required to use three (3) districts unless the voters of the county approve a change to five (5) districts at a general election. Such counties may also have seven (7) districts if so decided by the voters of the county when the county ceased to be governed under township organization. Counties with a population greater than 300,000 must use seven (7) districts.

Notification and Filing Requirements:
None specified

Preclearance Requirements:
Nebraska is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
In a county with a population less than 300,000, if the county board fails to redistrict the county by the required deadline the county attorney must file an action in the district court ordering the board to redistrict. If the county board fails to comply with this order within six (6) months after receiving it, the members of the board will be subject to removal from office and court will order to Secretary of State to redistrict the county. If the county attorney fails to file the required action, the county attorney will be subject to removal from office and any citizen of the county may file the action ordering the board to redistrict. The district court will require the county board to pay any costs and attorney’s fees associated with such a filing.

If the county board of a county with a population greater than 300,000 fails to redistrict the county by the required deadline, the election commissioner must redistrict the county within six (6) months after the deadline. If the election commissioner fails to redistrict the county by this new deadline, the commissioner is subject to a suit by the county attorney ordering the drawing of district lines, removal from office for failing to comply with an order to draw district lines within six (6) months of receiving the order, and a suit by any citizen ordering the drawing of district lines, with an obligation to pay any costs and attorney’s fees associated with this action.

Challenges:
No procedures specified

Other Provisions:
All of the commissioners of a county must be present at any board session at which district boundaries are changed.
Nevada

State Laws: Nev. Rev. Stat. §§ 244.010 – 244.027, 244.050, 293.209

Relevant Court Cases: State ex rel. Fall v. Kelso, 46 Nev. 128, 208 P. 424 (Nev. 1922); State ex rel. Kearns v. Streshley, 46 Nev. 199, 209 P. 712 (Nev. 1922); Acree v. Valley, 78 Nev. 444, 375 P.2d 545 (Nev. 1962); Hanson v. Board of County Comm’rs, 75 Nev. 27, 333 P.2d 994 (Nev. 1959)

When are counties required to redistrict?
Redistricting must occur when changes in a county’s population or in applicable laws makes it necessary.

Additionally, the board of county commissioners of a county with a population less than 100,000 must divide the county into districts “on or before the first Monday in July preceding each general election.”

When else may counties redistrict?
The only restriction placed on the timing of redistricting is that a county may not redistrict after the first date of filing for candidates in a year in which a general election will be held which utilizes the districts.

Who conducts redistricting at the county level?
The county board of commissioners redistricts the county by ordinance.

Requirements for Composition of Districts:
Districts in a county with a population less than 100,000 must conform to the established boundaries of election precincts or wards and must be as nearly equal in population as possible. In such counties, each election precinct or ward must be completely within one (1) commissioner district.

In all other counties, districts must be composed entirely of contiguous territory and as contiguous and equal in population as possible.

Can a county change its number of districts when it redistricts?
A county with a population less than 100,000 which elects commissioners by districts may change its number of districts from three (3) to five (5), or vice versa, by making the same change in the number of county commissioners. However, an ordinance passed by the board of commissioners which makes such a change must be submitted to the registered voters of the county for approval at the next primary or general election. The ordinance may only take effect if it is approved by a majority of the votes cast and the vote is certified by the county clerk.

Counties with populations greater than or equal to 100,000 but less than 400,000 must have five (5) commissioner districts and elect five (5) commissioners. Counties with populations greater than or equal to 400,000 must have seven (7) commissioner districts and elect seven (7) commissioners.

Notification and Filing Requirements:
The board of commissioners of a county with a population less than 100,000 must cause a notice to be published in some newspaper of the county which specifies the elections districts or wards included in each of the commissioner districts. If the county has no newspaper, the same notice must be posted “at the door of the courthouse and one [1] or more conspicuous places in each of the commissioner districts.”

Preclearance Requirements:
Nevada is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
None specified

Challenges:
No procedures specified
New Hampshire


Preclearance Requirements:
New Hampshire is not a preclearance state, and no counties within it are subject to preclearance requirements.

Other Provisions:
New Hampshire law allows for the adoption of charter governments at the county level. If a county is governed under a charter, it may be subject to unique redistricting provisions.
New Jersey


When are counties required to redistrict?
Counties which utilize a district representation system must redistrict within three (3) months after the Governor receives the official decennial census of the United States for New Jersey.

When else may counties redistrict?
Not specified

Who conducts redistricting at the county level?
Redistricting is conducted by the district commissioners. Each county has four (4) district commissioners, two (2) appointed by each of the chairmen of the county committees of the two (2) political parties whose candidates for Governor received the largest number of votes at the most recent election. In appointing commissioners, the county chairmen must consider the representation of the various geographical areas of the county. District commissioners must be appointed on or before the tenth day following the Governor’s receipt of the official decennial census for New Jersey, and they serve until they have discharged their duties.

Requirements for Composition of Districts:
Districts must be compact, contiguous, and as equal in population as possible.

Can a county change its number of districts when it redistricts?
In order for a county to elect members of its board of freeholders by districts, it must be governed under a charter. The county charter will provide for the size of the board being either five (5), seven (7) or nine (9) members. Changing the number of members, and therefore the number of districts, requires changing the charter.

Notification and Filing Requirements:
Within 30 days after the meeting at which the district commissioners redistrict the county, the district commissioners must create a report and certificate and file them with the clerk of the county and the Secretary of State. These documents must be signed by at least three (3) of the district commissioners and describe the district boundaries they have created. A map of the county clearly showing the new district boundaries must be included with these documents.

The clerk of the county must publish a notice of the new district boundaries at least once within two (2) weeks after the documents above are filed. The notice must be published in at least one (1) of the two (2) newspapers designated by the board of freeholders to publish the county’s legal notices.

Preclearance Requirements:
New Jersey is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
The district commissioners must certify to the Chief Justice of the Supreme Court of New Jersey if they fail to redistrict the county by the required deadline or determine they will be unable to do so. The Chief Justice will then “appoint as a fifth commissioner a fair-minded and impartial person who shall not have held elected public or party office in [New Jersey] at any time during the three-year period immediately prior to appointment as a commissioner.” The commissioners must redistrict the county by a majority vote of all five commissioners within one (1) month after the appointment of the fifth commissioner.

Challenges:
No procedures specified

Other Provisions:
As previously mentioned, only counties governed under a charter have the option to elect the members of their boards of freeholders by districts. General rule counties elect board members at large.

New Mexico


Relevant Court Cases: State ex rel. Robinson v. King, 86 N.M. 231, 522 P.2d 83 (N.M. 1974)

When are counties required to redistrict?
Redistricting must take place once immediately following each federal decennial census.

When else may counties redistrict?
Not specified

Who conducts redistricting at the county level?
The board of county commissioners redistricts the county.

Requirements for Composition of Districts:
Districts must be compact, contiguous, and as equal in population as possible.

Can a county change its number of districts when it redistricts?
The number of districts in a county must be the same as the number of members of the board of county commissioners in that county. Counties with a population greater than 100,000 and a full assessed valuation greater than $75,000,000 are required to have five (5) members on their boards and therefore may not change the number of districts in their counties. All other counties may have boards with either three (3) or five (5) members. The board of county commissioners may, by ordinance, increase the number of members of the board from three (3) to five (5), thereby also increasing the number of county commission districts. The passage of such an ordinance requires a unanimous vote by the board, and the incumbent board is responsible for redistricting the county into five (5) districts.

Notification and Filing Requirements:
None specified

PreClearance Requirements:
New Mexico is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
None specified

Challenges:
No procedures specified

Other Provisions:
A county with a population greater than 13,000 is required to elect the members of its board of county commissioners by districts, and only one member may be elected from each district by the voters of that district. Counties with populations less than 13,000 and H class counties may, but are not required to, elect members of their boards by districts. If such a county uses districts and has three (3) board members, the board of county commissioners may decide whether commissioners from each district will be elected by the voters of the whole county or only by the voters of that district.

New Mexico law allows for the incorporation of counties and the subsequent governing of incorporated counties under county charters. An incorporated county may have unique redistricting requirements in its charter.
New York

State Laws: N. Y. County Law §§ 150, 150-a; N. Y. Const. art. IX


By statute, a New York county’s board of supervisors consists of the supervisors of the several cities and towns within the county, when lawfully convened. If a county is governed by such a board, districts are not used and redistricting becomes unnecessary.

However, if the apportionment of a county legislative body violates the requirements of “One Person, One Vote” the county may be required to redistrict, even if the legislative body meets the statutory requirements discussed above. The courts have ordered a number of counties to redistrict upon finding such a violation. In fact, some have even declared the statute unconstitutional insofar as it leads to a violation of these requirements in a particular instance.

New York law does allow for the adoption of alternative forms of government at the county level. If an alternative form has been adopted which includes a legislative body elected using districts, the apportionment of these districts must meet the requirements of one person, one vote. If it does not meet these requirements, redistricting should be undertaken in accordance with any applicable procedures in the county charter or other local law.

Preclearance Requirements:

New York is not a preclearance state, but several counties within the state are subject to preclearance requirements. They are Bronx County, Kings County, and New York County. These counties must have their redistricting plans precleared.

Challenges:

While state law does not provide any specific avenues for challenges to districting at the county level, a number of court challenges, in both state and federal courts, have proved successful. The courts have found some county legislative apportionments unconstitutional and ordered the counties to redistrict.
North Carolina


**Relevant Court Cases:** Pender County v. Bartlett, 361 N.C. 491, 649 S.E.2d 364 (N.C. 2007); Daly v. Hunt, 93 F.3d 1212 (4th Cir. 1996); McGhee v. Granville County, 860 F.2d 110 (4th Cir. 1988); Lewis v. Alamance County, 99 F.3d 600 (4th Cir. 1995)

**When are counties required to redistrict?**
North Carolina law does not specify a time at which counties must redistrict.

**When else may counties redistrict?**
A county may redistrict when its Board of Commissioners finds as fact that there is a substantial inequality in population among its districts. The statute does not specify when a Board of Commissioners should consider whether or not such inequality exists.

**Who conducts redistricting at the county level?**
A county’s Board of Commissioners redistricts the county by resolution.

**Requirements for Composition of Districts:**
Districts must be composed of contiguous territory. Further, districts must be drawn so that “the quotients obtained by dividing the population of each district by the number of commissioners apportioned to the district are as nearly equal as practicable.”

**Can a county change its number of districts when it redistricts?**
A county Board of Commissioners may consist of any odd number of commissioners not less than three (3). A change in the number of commissioners, which may change the number of districts in a county which elects its commissioners by district, must be initiated by a resolution of the Board of Commissioners and approved by the voters of the county.

**Notification and Filing Requirements:**
The clerk must file a certified copy of the redistricting resolution with the Secretary of State’s office, the office of the registrar of deeds of the county, and chairman of the county board of elections no later than ten (10) days after the day on which the resolution becomes effective. District boundaries must be drawn on a map, set out by a written description, or shown by a combination of these techniques at all times, and this delineation must be available for public inspection in the office of the clerk.

**Preclearance Requirements:**
North Carolina is not a preclearance state, but several counties within the state are subject to preclearance requirements. They are Anson, Beaufort, Bertie, Bladen, Camden, Caswell, Chowan, Cleveland, Craven, Cumberland, Edgecombe, Franklin, Gaston, Gates, Granville, Greene, Guilford, Halifax, Harnett, Hertford, Hoke, Jackson, Lee, Lenoir, Martin, Nash, Northampton, Onslow, Pasquotank, Perquimans, Person, Pitt, Robeson, Rockingham, Scotland, Union, Vance, Washington, Wayne, and Wilson Counties. These counties must have their redistricting plans precleared.

**Action if Redistricting Requirements are not met:**
None specified

**Challenges:**
No procedures specified

**Other Provisions:**
If commissioners are elected by district, no more than half of the commissioners may be apportioned to the county at large.

35 N.C. Gen Stat. § 153A-22(c).
North Dakota

State Laws: N.D. Cent. Code §§ 11-07-01 – 11-07-06, 11-09.1-01, 11-12-01 – 11-12-07


When are counties required to redistrict?
If a county elects commissioners using districts, the redistricting board of the county must meet within three (3) months after the official publication of each federal decennial census to consider redistricting.

When the county redistricting board meets, whether following a decennial census or a call to do so as discussed below, it must redistrict the county if any one district varies more than ten (10) percent from the average district population, determined by dividing the county population at the last decennial census by the number of districts in the county. The redistricting board is also required to redistrict the county if at the time that the board meets, commissioners are elected at large (the redistricting board is not required to meet following a federal decennial census if commissioners are elected at large unless called to do so by resolution or petition as specified below). Redistricting must be completed by January 1 of an even numbered year in order to take effect for the election that year.

When else may counties redistrict?
The county redistricting board may also meet when a resolution calling for it to do so is passed by the board of county commissioners or a petition calling for it to do so is signed by at least ten (10) percent of the qualified electors of the county, as determined by the number of votes cast for governor in the county at the most recent gubernatorial election, and presented to the board of county commissioners.

Who conducts redistricting at the county level?
The county redistricting board conducts redistricting. This board consists of the following members:

1. The chairman of the board of county commissioners, who also serves as chairman of the redistricting board.
2. The state's attorney.
3. A citizen or member of the governing body of the city with the largest population, based on the most recent federal decennial census, in the county, who is selected by the governing body of that city.
4. A township supervisor, if more than one half of the townships in a county are organized. This township supervisor will be selected to serve on the board by all of the township supervisors at a meeting called by the county auditor. This person must continue to serve as a township supervisor in order to continue to serve on the redistricting board. If less than one half of the townships in a county are organized, this position is filled by a citizen appointed at large by the county commission.
5. A citizen at large. If a county has a total of at least three (3) incorporated cities, this citizen is selected by representatives who are members of and selected by the governing body of each city in the county, excluding the largest city. Each city governing body may select one representative, and the representatives will select the citizen to serve on the board at a meeting called by the county auditor for this purpose. If a county does not have a total of at least three (3) incorporated cities, or if no citizen is selected at the meeting called by the county auditor, this position will be filled by a citizen at large selected by the redistricting board at its first meeting. The citizen in this position on the board serves until the redistricting following the next federal decennial census.
6. The county auditor who serves as a non-voting, ex officio member to advise the board on existing boundaries.

The boundaries of new districts must be agreed upon by a majority of the redistricting board.

Requirements for Composition of Districts:
Districts must be contiguous, as compact and regular in shape as possible, and as equal in population as possible. Districts should follow townships lines where possible, and no district may vary in population more than ten (10) percent from the average population per commissioner, determined by dividing the county
population at the most recent federal decennial census by the number of county commissioners. Any variance in population must be justified in the final document filed as discussed below.

If a county redistricting board determines that creating districts which meet all of the above requirements would be impossible or create illogical or impractical districts, the board must attempt to create districts which are as nearly equal in population as possible. If such a district is created completely within the boundaries of a city, its boundaries may coincide with the geographical boundaries of election wards.

**Can a county change its number of districts when it redistricts?**

Counties may have three (3) or five (5) county commissioners and an equal number of commissioner districts. In order to change the number of county commissioners, and thereby change the number of districts, at least 20 percent of the qualified electors of the county, based on the number of votes cast for the office of governor at the most recent general election, must petition the board of county commissioners to make such a change. The board must then “submit the question presented by the petition to the qualified electors of the county at a special election to be held in connection with the next statewide primary or general election, whichever is specified in the petition.” The question must be approved by a majority of the votes cast in order for the number of commissioners, and therefore number of districts, to be changed.

**Notification and Filing Requirements:**

Not less than 30 days before the filing of the redistricting plan as discussed below, the chairman of the county redistricting board must call a meeting at which there will be a public hearing to review alternative redistricting plans. The chairman must publish, or cause to be published, notice of this meeting in the official county newspaper at least ten (10) days before the date of the meeting.

The chairman of the redistricting board must file with the county auditor “an accurate description of the redistricting method employed and the approved geographical boundaries and a statement of the population of the new districts, including an explanation of any variances.” The filing of these items represents the completion of redistricting and must be done by January 1st of an even numbered year in order for the new districts to take effect for the election held that year.

**Preclearance Requirements:**

North Dakota is not a preclearance state, and no counties within it are subject to preclearance requirements.

**Action if Redistricting Requirements are not met:**

If a redistricting plan is required but none is completed in accordance with legal requirements, all county commissioner districts will be abolished and county commissioners will be elected at large until such a plan is properly created and filed.

**Challenges:**

No procedures specified

**Other Provisions:**

A petition signed by at least twenty percent of the qualified electors of the county, based on the number of votes cast for the office of governor at the most recent general election, calling for the election of commissioners at large may be submitted to the board of county commissioners. The board must submit the question of whether commissioners will be elected at large to the qualified electors of the county at the next primary or general election following its receipt of such a petition. If the question is approved by 60 percent of the qualified electors who vote at the election, all commissioner districts in the county must be immediately dissolved and commissioners must begin to be elected at large.

North Dakota law allows for the governing of counties under home rule charters. A county governed under a charter may be subject to unique redistricting requirements found within its charter.

---

36 N.D. Cent. Code § 11-12-01.

37 N.D. Cent. Code § 11-07-03(3).
Ohio

State Laws: Ohio Rev. Code §§ 302.06, 302.082, 305.01; Ohio Const. §§ 11.02 – 11.10, 10.03

Counties in Ohio governed under general law provisions elect three (3) commissioners at large and therefore have no commissioner districts or need to redistrict. The requirements contained herein are the statutory requirements for redistricting in a county which elects to use the alternative form of county government defined by Chapter 302 of the Ohio Revised Code and elect its commissioners by districts. For information regarding redistricting in a county governed under a charter, see the “Other provisions” section below.

When are counties required to redistrict?
Counties must redistrict every ten (10) years after 1971.

When else may counties redistrict?
Not specified

Who conducts redistricting at the county level?
The county board of commissioners conducts redistricting.

Requirements for Composition of Districts:
Districts must conform to the constitutional standards for districts used to elect members of the state general assembly. Most notably, they must be compact, contiguous, and substantially equal in population.

Can a county change its number of districts when it redistricts?
The number of county commissioners to be elected by districts, and therefore the number of districts, must be defined in the proposition for an alternative form of government adopted by the county. Changing this number would require the adoption of a new proposition by the electors of the county.

Notification and Filing Requirements:
None specified

Preclearance Requirements:
Ohio is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
None specified

Challenges:
No procedures specified

Other Provisions:
Ohio law allows counties to be governed under adopted county charters. If a county with a charter government elects its commissioners by districts, it may be subject to unique redistricting requirements found in the county charter.

Additional Resources:
Oklahoma


Relevant Court Cases: Ballard v. Christian, 1969 OK 44, 451 P.2d 943 (Okla. 1969); Board of Comm’rs v. Hatfield, 1926 OK 513, 121 Okla. 28, 247 P. 77 (Okla. 1926)

When are counties required to redistrict?
Counties must be reapportioned on or before October 1 following the official publication of the federal decennial census data to the state of Oklahoma.

When else may counties redistrict?
Not specified

Who conducts redistricting at the county level?
The board of county commissioners reapportions the county.

Requirements for Composition of Districts:
District boundaries must “follow clearly visible, definable and observable physical boundaries which are based upon criteria established and recognized by the Bureau of the Census of the United States Department of Commerce for purposes of defining census blocks for its decennial census.” Districts must also be compact.

Can a county change its number of districts when it redistricts?
No, Oklahoma law requires counties to be divided into three (3) districts.

Notification and Filing Requirements:
None specified

Preclearance Requirements:
Oklahoma is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
If the board of county commissioners fails to reapporion the county as required, the commissioners may be subject to removal from office as provided in sections 91 through 105 of title 51 of the Oklahoma Statutes. Also, reapportionment becomes the duty of the county excise board.

Challenges:
No procedures specified

Other Provisions:
Oklahoma law allows for the adoption of home rule charters at the county level. Such a charter must provide for the structure of the county government and its governing body. A county governed under a home rule charter may be subject to unique redistricting requirements found in its charter.

In Oregon, general law counties do not elect members of their governing bodies, either boards of county commissioners or county courts, by districts. Oregon law does, however, allow for the adoption of home rule charters at the county level. Several home rule counties utilize districts for the election of members of their governing bodies. In such counties, rules and requirements for redistricting may be found in the county charter.

Oregon law does require that any districts at the county level provided for by law be redistricted following the formation of a new county or any change in county boundaries.

Additional Resources:
“County Structures,” a summary chart provided by the Association of Oregon Counties, available at: www.aocweb.org/AOC/LinkClick.aspx?fileticket=lZtQ_vZRK4M%3d&tabid=304
Pennsylvania


Counties in Pennsylvania governed under general law provisions elect three (3) commissioners at large and therefore have no commissioner districts or need to redistrict. However, Pennsylvania law does allow for the adoption of home rule charters at the county level. A county which adopts a charter may choose to elect its governing body by districts. The requirements discussed herein apply to any county which chooses to utilize districts.

When are counties required to redistrict?
Counties must be reapportioned within the year following that in which a federal census was officially reported.

When else may counties redistrict?
Counties may reappoint at any time the governing body deems such action necessary.

Who conducts redistricting at the county level?
The governing body of the county conducts reapportionment.

Requirements for Composition of Districts:
Districts must be compact, contiguous, and as nearly equal in population as possible.

Can a county change its number of districts when it redistricts?
Not specified by state law

Notification and Filing Requirements:
None specified

Preclearance Requirements:
Pennsylvania is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
If a county which is required to reapportion and it does not so within the time specified, one (1) or more electors who are residents of the county may file a petition with the court of common pleas. Upon receipt of this petition, the court may reapportion the county. The court may first appoint three (3) impartial persons to serve as commissioners who will be compensated at a level fixed by the court. The county is responsible for any costs incurred in this process. These commissioners must create a report which includes a plot showing the current district boundaries, another plot showing the proposed district boundaries, and any pertinent information regarding district populations. They must submit this report to the court by the deadline set by the court. Upon receipt of the report, the court will confirm it pending a period for the filing of exceptions. The court will then order that notification of the filing of the report be published in a newspaper of general circulation in the county, and this notification must state that exceptions may be filed to the report within 30 days after its filing. If no exceptions are filed within that time or the court dismisses those which are filed, the court will confirm the report absolutely and issue a decree.
Challenges:
A reapportionment plan may be challenged on the basis that it does not meet reapportionment requirements via a petition signed by at least ten (10) electors who are residents of the county and submitted to the court of common pleas. Upon receipt of such a petition, the court will review the plan and either approve it, dismissing the petition, or reject it, in which case the court would send the plan back to the county governing body for correction and resubmission to the court. If the court sets the reapportionment plan aside it may also choose to appoint three (3) commissioners who will proceed in the manner described previously. The court may decide who, the county or the petitioners, is responsible for the costs associated with this process, but the county must pay any such costs if the court reapportions the county.

Pennsylvania (continued)
South Carolina

State Laws: S.C. Code §§ 4-9-10, 4-9-20, 4-9-90, 4-9-310 – 4-9-1110


When are counties required to redistrict?
Counties which elect members of their county councils, or other governing bodies, by districts must be reapportioned “within a reasonable time prior to the next scheduled general election which follows the adoption by the State of each federal decennial census.”

When else may counties redistrict?
Not specified

Who conducts redistricting at the county level?
The county council, or equivalent governing body, is responsible for reapportioning the county.

Requirements for Composition of Districts:
The population variance between districts may not exceed ten (10) percent.

Can a county change its number of districts when it redistricts?
Counties which elect council members or members of an equivalent governing body by districts must do so using single member districts. Therefore, changing the number of districts in a county requires changing the number of council members. This can only be done by referendum pursuant to S.C. Code § 4-9-10(c). Such a referendum must be approved by a majority of the voters participating in the referendum. Once a referendum has been conducted, no other referendums on the subject may be held for four (4) years, regardless of the outcome of the referendum.

Notification and Filing Requirements:
None specified

Preclearance Requirements:
South Carolina is a preclearance state, and all county redistricting plans must be cleared in accordance with the Voting Rights Act.

Action if Redistricting Requirements are not met:
None specified

Challenges:
No procedures specified

Other Provisions:
Counties in South Carolina are required to select a form of government from the choices provided in S.C. Code tit. 4, ch. 9. Each of the choices contains provisions which outline the structure of the county government allowed under that form. This includes limits on the number of council members which a county may have.

---

South Dakota

State Laws: S.D. Codified Laws §§ 7-8-1 – 7-8-12.3; S.D. Const. art. IX, § 2


When are counties required to redistrict?
Counties must redistrict at the regular board of county commissioners’ meeting in February of each year ending with the numeral two (2). Counties must also redistrict within 180 days after an election at which the number of county commissioners for that county is changed.

When else may counties redistrict?
A county must have permission to redistrict at other times. The board of county commissioners of a county may request permission from the governor and secretary of state to redistrict if the board becomes aware of facts which call into question the compliance of current districts with state or federal laws. The county may redistrict if the governor and secretary of state, after consulting with the board of county commissioners, issue a joint order affirming that good cause exists for redistricting and authorizing that redistricting. The county may redistrict once within 180 days after the receipt of such an order.

Who conducts redistricting at the county level?
The board of county commissioners conducts redistricting at the county level.

Requirements for Composition of Districts:
Districts must be as regular and compact in form and as equal in population as possible.

Can a county change its number of districts when it redistricts?
In order for a county to change its number of districts, it must change its number of commissioners. To change the number of commissioners, 15 percent of the registered voters of the county, based on the total number of registered voters at the last preceding general election, must petition the board of county commissioners to increase or decrease the number of commissioners. The board of county commissioners must then submit the question to a vote of the voters of the county at the next general election. The change must be approved by a majority of all votes cast.

Notification and Filing Requirements:
Prior to the February meeting of the board at which they will conduct decennial redistricting, the board of county commissioners must publish a notice of the redistricting in the official newspaper(s) of the county for one (1) week. Following this redistricting, the board of county commissioners must publish a notice of the changes in district boundaries, including the boundaries of the new districts, in the official newspapers(s) of the county for at least two (2) consecutive weeks. If no newspaper is published in the county, the same information must be posted in at least three (3) public places in each of the districts of which boundaries have been changed.

If a county receives an order to redistrict from the governor and secretary of state, the county board of commissioners must publish notice of the redistricting in the official newspaper(s) of the county for at least one (1) week before it may redistrict the county.

Preclearance Requirements:
South Dakota is not a preclearance state, but two (2) counties within the state are subject to preclearance requirements. They are Shannon and Todd Counties. These counties must have their redistricting plans precleared.

Action if Redistricting Requirements are not met:
None specified

Challenges:
Although the board of county commissioners may request permission to redistrict as discussed previously, South Dakota law does not specify procedures for other entities to challenge redistricting plans.

Other Provisions:
South Dakota law allows for the adoption of home rule charters at the county level. If a county is governed under a home rule charter, it may be subject to unique redistricting requirements found within the charter.
Tennessee


When are counties required to redistrict?
Counties must redistrict by January 1 of every tenth year after 1982, e.g., 2012.

When else may counties redistrict?
By law, counties may be reapportioned “at any time if the county legislative body deems such action necessary to maintain substantially equal representation based on population.” However, the Tennessee Attorney General has given the opinion that this does not authorize counties to reapportion districts which are already equal in population, even to make the districts more compact. According to this opinion, counties may be reapportioned more than once every ten (10) years only if existing districts do not meet equal population standards.

Who conducts redistricting at the county level?
By law, the county legislative body is responsible for redistricting the county. This must be done via a resolution. However, “A Guide to Local Redistricting in Tennessee,” published by the state’s Office of Local Government, recommends the legislative body appoint a redistricting committee to prepare a plan which will then be submitted to the legislative body. There are no requirements for the composition of such a committee, and counties are not required to appoint one. If a redistricting committee is appointed, it is recommended that the Administrator of Elections be a member. A plan developed by such a committee must still be adopted by resolution of the county legislative body.

Requirements for Composition of Districts:
Districts must be compact, contiguous, and substantially equal in population. Districts may not overlap or split voting precincts, except as provided in Tenn. Code Ann. § 5-1-111(f)(2).

Can a county change its number of districts when it redistricts?
Yes, counties “may increase or decrease the number of districts when the reapportionments are made.”

Notification and Filing Requirements:
County redistricting meetings are subject to state open meetings and public records acts. Notification must be given and records kept of these meetings according to applicable acts.

Preclearance Requirements:
Tennessee is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
If the county legislature fails to reapportion the county, a citizen of the county may apply to the chancery court of the county, which upon such application may issue a decree ordering the reapportionment.

Challenges:
A citizen of the county may also apply to the chancery court of the county challenging a reapportionment plan. The chancery court will then have jurisdiction to review the plan and, if necessary, make orders and decrees necessary to amend it to comply with applicable legal provisions.

Other Provisions:
Tennessee law allows for the adoption of and government under charters at the county level. If a county is governed under a charter, it may be subject to unique redistricting requirements found within its charter.

Additional Resources:

40 Tenn. Code Ann. § 5-1-111(c).
42 Tenn. Code Ann. § 5-1-111(b).
State Laws: Texas Const. art. 5, § 18; Tex. Local Gov’t. Code § 81.021


When are counties required to redistrict?
Texas law does not provide a statutory or constitutional deadline for counties to reapportion commissioner precinct lines. However, because the Supreme Court decision in Avery v. Midland County requires precincts to be redrawn as necessary to maintain substantially equal populations between precincts, the Texas Secretary of State directs each county commissioners court to review its county’s population totals from the federal census and redraw precinct lines if necessary to meet requirements. Following the 2010 federal census, this process must be complete by the 2012 primary elections.

When else may counties redistrict?
Counties may redraw precinct lines “from time to time, for the convenience of the people.”

Who conducts redistricting at the county level?
The county commissioners court redraws district lines and orders changes in precinct boundaries.

Requirements for Composition of Districts:
None specified in Texas constitution or statutes. However, as discussed previously districts must be generally equal in population, pursuant to Supreme Court decision.

Can a county change its number of districts when it redistricts?
No, counties in Texas are required to be divided into four (4) commissioner precincts.

Notification and Filing Requirements:
None specified

Preclearance Requirements:
Texas is a preclearance state, and all county redistricting plans must be cleared in accordance with the Voting Rights Act.

Action if Redistricting Requirements are not met:
None specified

Challenges:
No procedures specified

Other Provisions:
When commissioner precinct boundaries are changed, any commissioner whose residence is, as a result of the change in boundaries, placed outside of a district he or she is representing or has been elected or appointed to represent may serve the entire term for which he or she was elected or appointed.

Additional Resources:
“Frequently Asked Questions Regarding the Census and Redistricting,” an online list published by the Texas Secretary of State, available at: www.sos.state.tx.us/elections/voter/faqcensus.shtml

---

45 Texas Const. art. 5, § 18.
Utah


Relevant Court Cases: Rich v. Industrial Comm’n, 80 Utah 511, 15 P.2d 641 (Utah 1932)

In Utah, general rule counties elect three (3) county commissioners at large.46 Such counties do not have districts for their legislative bodies and therefore have no need to redistrict.

There is a statutory exception which indicates that counties may be required to elect members of their legislative bodies using a method other than at large elections if required by court order. Additionally, Utah law does allow for the adoption of optional plans of county government. Such a plan may provide for the method of election of members of the county legislative body, so a county governed under an optional plan may use districts and therefore have a need to redistrict. Utah statutes state, “A county legislative body may divide the county into precincts, districts, or other entities as permitted or required by law, and may change them and create others as convenience requires.”47 Other districting or redistricting requirements may be found in sources applicable to particular counties, such as optional form of government plans or court orders.

Utah is not a preclearance state, and no counties within it are subject to preclearance requirements.

Vermont

Vermont law does not address redistricting at the county level. Further, state law does not address any legislative bodies at the county level for which members might be elected using districts. If a county government includes such a legislative body and needs to redistrict, it should consult local law for any applicable requirements beyond those found in federal law.
Virginia


When are counties required to redistrict?
A county which uses districts to any extent in the election of its governing body must reapportion its districts every ten (10) years after 1971.

When else may counties redistrict?
Counties may reapportion their districts as required following a change in the boundaries of the county which changes the population of the county by more than one (1) percent, a court order, a change in form of government, or a change in the number of districts, excluding at large districts. Counties may also, following decennial reapportionment, adjust district boundaries to match state legislative and congressional district boundaries, as long as such adjustments do not affect more than five (5) percent of the county’s population or 250 people, whichever is less. Counties may not reapportion their districts at any other time.

Who conducts redistricting at the county level?
The governing body of the county reapportions the county’s districts.

Requirements for Composition of Districts:
Districts must be compact, contiguous, and constituted so as to give representation as nearly in proportion to the population of the district as possible. Counties must use the most recent decennial population data from the United States Bureau of the Census when reapportioning their districts. The governing body of a county may elect, for the purposes of redistricting, to exclude the inmate population of a state adult correctional facility which, on the date of the decennial census, had an inmate population which exceeded 12 percent of the population of the county.

Can a county change its number of districts when it redistricts?
Yes, the county reapportionment process provided by statute includes, if necessary, “increasing or diminishing the number of such districts or wards, in order to give, as nearly as is practicable, representation on the basis of population.”

Notification and Filing Requirements:
A copy of the reapportionment ordinance, including a description of district boundaries and a map showing these boundaries, must be recorded in the county governing body’s official minutes. A certified copy of the same must be sent to the local electoral board, Secretary of the Commonwealth, State Board of Elections, and Division of Legislative Services.

Preclearance Requirements:
Virginia is a preclearance state, but 11 counties within it have “bailed out” and are no longer subject to preclearance requirements. They are Augusta, Botetourt, Essex, Frederick, Greene, Middlesex, Pulaski, Roanoke, Rockingham, Shenandoah, and Warren Counties. Redistricting plans for these counties do not need to be precleared. Redistricting plans for all other counties must be cleared in accordance with the Voting Rights Act.

Action if Redistricting Requirements are not met:
If a county governing body fails to reapportion representation among districts as required by law, mandamus will lie in favor of any citizen of the county to compel the performance of this duty.

Challenges:
A bill of complaint may be filed with the circuit court of a county alleging that the reapportionment of the county results in districts which have representations disproportional to their populations. Upon receipt of such a bill, the court will determine if the county governing body’s reapportionment actions meet constitutional requirements.

Other Provisions:
A county governing body may expend funds and employ persons as it deems necessary to complete required reapportionment.

Washington


Relevant Court Cases: Kilbury v. Franklin County, 151 Wn.2d 552, 90 P.3d 1071 (Wash. 2004); Story v. Anderson, 93 Wn.2d 546, 611 P.2d 764 (Wash. 1980)

When are counties required to redistrict?

Counties with governing bodies which utilize districts not based on statutorily required land ownership criteria must periodically redistrict using the data from the most recent federal decennial census. Within 45 days after receiving the federal decennial census data, the state redistricting commission will forward applicable data to the county. The county must create a redistricting plan no later than eight (8) months after its receipt of this data.

When else may counties redistrict?

District boundaries may not change more than once every four (4) years, and the full county board of commissioners must be present to redistrict.

Who conducts redistricting at the county level?

The county board of commissioners, or equivalent governing body, conducts redistricting.

Requirements for Composition of Districts:

Districts must be contiguous and as compact and equal in population as possible. District lines may not divide voting precincts. The population data used to achieve districts which are equal in population may not be used to favor or disfavor any racial group or political party. District boundaries should, as much as possible, coincide with existing recognized natural boundaries and preserve existing communities of related and mutual interests.

Can a county change its number of districts when it redistricts?

By law, counties in Washington are divided into three (3) districts. The only exception to this in non-charter counties is if the voters of a county with a population of 300,000 or greater approve a ballot proposition increasing the number of county commissioners to five (5). The board of county commissioners may choose to submit such a proposition to the voters or do so following the receipt of a petition signed by voters of the county equal in number to at least ten (10) percent of the voters who voted at the last general election. At least 20 percent of the signatures on such a petition must come from each of the existing districts. If such a proposition is approved, the board of county commissioners must redistrict the county into five (5) districts by the second Monday of March of the year following the election.

Notification and Filing Requirements:

Throughout the redistricting process, the county must provide “full and reasonable public notice of its actions.”49 The county must hold at least one (1) public hearing regarding its redistricting plan at least one (1) week before adopting the plan.

Preclearance Requirements:

Washington is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:

None specified for decennial redistricting. However, actions are specified in the case of redistricting which results from an increase in the number of county commissioners from three (3) to five (5). If the board of county commissioners has not redistricted the county into five districts by the second Tuesday of March of the year following the election at which the increase in county commissioners was approved, the county’s prosecuting attorney will petition the county superior court to appoint a referee. The referee must then divide the county into five (5) districts no later than June 1 of the same year.

49 Wash. Rev. Code § 29A.76.010.
**Challenges:**
Any registered voter of the county who resides in an area affected by a redistricting plan may, within 15 days of the adoption of the plan, request that the superior court of the county review the plan. The request must specify the alleged reason(s) the plan does not meet redistricting criteria. The superior court will then review the challenged plan. If the plan is found to comply with redistricting requirements, it will take effect immediately. If the court finds that it does not meet applicable requirements, in whole or in part, the court will remand the plan for further action within a specified and reasonable period of time.

**Other Provisions:**
The Washington Constitution allows for the adoption of home rule charters at the county level. A county governed under a home rule charter may be subject to unique redistricting requirements found in the charter.

**Additional Resources:**
West Virginia


When are counties required to redistrict?
West Virginia law does not specify a time at which counties must redistrict. In fact, the Supreme Court of Appeals of West Virginia has upheld the right of county commissions to determine the best time to redistrict their respective counties.50

When else may counties redistrict?
A county commission may change the boundaries of its county’s magisterial districts from time to time as necessity may require. The county commission determines the best time for its county to redistrict.

Who conducts redistricting at the county level?
The county commission redistricts the county by an order entered of record.

Requirements for Composition of Districts:
Districts must be as nearly equal as possible in territory and population.

Can a county change its number of districts when it redistricts?
Yes, the county commission may increase or decrease the number of districts using the same discretion it has to redistrict the county. Each county must have not less than three (3) or more than ten (10) districts.

Notification and Filing Requirements:
Before a county commission may redistrict a county, notice of its intent to do so must be posted on the door of the county courthouse and at some public place in each affected district for at least 30 days prior to the proposed action taking place. If a survey is used in the redistricting, the surveyor must prepare a plat (map) showing the new districts along with a description of each new district. These must be given to the county commission, recorded by the clerk, and filed in the clerk’s office.

Preclearance Requirements:
West Virginia is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:
None specified

Challenges:
No procedures specified

Wisconsin


Relevant Court Cases: State ex rel. Sonneborn v. Sylvester, 26 Wis. 2d 43, 132 N.W.2d 249 (Wisc. 1965); County of La Crosse v. La Crosse, 108 Wis. 2d 560, 322 N.W.2d 531 (Wisc. App. 1982); Janesville v. County of Rock, 107 Wis. 2d 187, 319 N.W.2d 891, (Wisc. App. 1982)

When are counties required to redistrict?
Counties must adopt tentative redistricting plans within 60 days after the population data from the federal decennial census become available in printed form from the federal government or are published by a state agency, but this must occur no later than July 1 following the year in which the federal decennial census was conducted.

When else may counties redistrict?
Between decennial redistricting periods, a county may only redistrict following a reduction in the number of county supervisors in that county or following an event such as annexation. If the county reduces its number of county supervisors, the county is required to redistrict. Once the county has reduced its number of supervisors, whether by action of the board or by petition and referendum, the county may not reduce its number of supervisors again until after the next decennial redistricting. When redistricting results from an event such as annexation, the number of districts may not change.

Who conducts redistricting at the county level?
The county board is responsible for preparing the redistricting plan, but they must solicit suggestions for the plan from the municipalities in the county. While this responsibility rests with the county board, the Wisconsin Counties Association recommends that the county board appoint a redistricting committee in order to draw district lines more efficiently. There are no restrictions on who may serve on such committee, but the Association recommends they include representatives from municipalities because of the requirement to solicit suggestions from municipalities. The Association also recommends the county retain a qualified consultant to actually draw the district lines and draft the redistricting plan.

Requirements for Composition of Districts:
Districts must be substantially equal in population and include whole and contiguous municipalities or contiguous parts of the same municipality. If a county board wishes to divide a municipality, it must provide a written statement to that municipality describing the territory (ward) which will be created by the division. All districts must be represented by a single representative. The Wisconsin Counties Association further encourages counties to use traditional redistricting concepts, such as compactness and the use of identifiable boundaries.

Can a county change its number of districts when it redistricts?
Yes, deciding how many supervisors a county will have is part of the county redistricting process in Wisconsin. Since all districts must be represented by a single member, the number of supervisors will be equal to the number of districts. However, the number of supervisors most counties may have is subject to limitations based on size, as provided in Wis. Stat. Ann. §§ 59.10(3)(a), 59.10(5).

Notification and Filing Requirements:
During the previously discussed 60 day period within which a county must adopt a tentative redistricting plan, each county must hold at least one public hearing on the proposed plan. The adopted tentative redistricting plan must then be transmitted by the board to each municipal governing body in the county. The county board must again hold a public hearing on the redistricting plan within 60 days after each municipality in the county creates or adjusts its ward boundaries. Following this meeting, the board must adopt a final plan. The chairperson of the board must file a certified copy of the final plan with the secretary of state.
Wisconsin (continued)

**Preclearance Requirements:**
Wisconsin is not a preclearance state, and no counties within it are subject to preclearance requirements.

**Action if Redistricting Requirements are not met:**
None specified for counties

**Challenges:**
No procedures specified for counties

**Additional Resources:**
“WCA 2011 County Redistricting Guide,” provided by the Wisconsin Counties Association, available at: [www.wicounties.org/files/c578debaa0b14f8f0f0dd787c390821d.pdf](http://www.wicounties.org/files/c578debaa0b14f8f0f0dd787c390821d.pdf)

Relevant Court Cases: Large v. Fremont County, 709 F. Supp. 2d 1176 (D. Wyo. 2010)

Note:

According to Wyo. Stat. Ann. § 18-3-501, only counties which have five (5) members, instead of three (3), on their boards of county commissioners may elect commissioners by district. A majority of the electorate of that county must, by vote, approve the division of the county into districts. There are statutory requirements for the initial division of the county into districts, including that it be completed by March 1 of the year following the election at which the division of the county was approved.

At the 2011 general legislative session, the Wyoming legislature passed Senate File No. 14, a bill which makes significant changes to the county districting process. The governor signed the bill, and it took effect on July 1, 2011.

When are counties required to redistrict?

Counties must redistrict when a court order or change in population which affects the constitutionality of current districts requires them to do so.

When else may counties redistrict?

Not specified

Who conducts redistricting at the county level?

The board of county commissioners conducts redistricting. A redistricting plan created by the board is not subject to the approval of the voters of the county.

Requirements for Composition of Districts:

Districts must be as nearly equal in population as possible considering the geographic, economic, and social characteristics of the county.

Can a county change its number of districts when it redistricts?

A county may be redistricted “into any number of districts necessary to meet the requirements of the court order or necessary to address the population changes” which caused the redistricting as discussed previously.51

Notification and Filing Requirements:

None specified

Preclearance Requirements:

Wyoming is not a preclearance state, and no counties within it are subject to preclearance requirements.

Action if Redistricting Requirements are not met:

None specified

Challenges:

No procedures specified

Other Provisions:

By statute, counties may elect commissioners using a combination of single member and at large districts if they so choose. Regardless of the election method, each commissioner must represent a substantially equal population considering the geographic, economic, and social characteristics of the county.

Section II: Tables
## County Reapportionment & Responsibility for Reapportionment

<table>
<thead>
<tr>
<th>State</th>
<th>Required After Federal Decennial Census</th>
<th>Required at Other Time</th>
<th>Allowed When Not Required</th>
<th>Deadline: Calendar Date</th>
<th>Deadline: Related to Other Event</th>
<th>County Governing Body</th>
<th>Redistricting Commission or Committee</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>X</td>
<td>NS</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Alaska</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Arizona</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Arkansas</td>
<td>X</td>
<td>NS</td>
<td>X</td>
<td>X</td>
<td>A</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>California</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>A</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Colorado</td>
<td>X</td>
<td>XC</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Delaware</td>
<td>X</td>
<td>XC</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Florida</td>
<td>X</td>
<td>XC</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Georgia</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Hawaii</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Illinois</td>
<td>X</td>
<td>NS</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Indiana</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Iowa</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Kansas</td>
<td>X</td>
<td>NS</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Kentucky</td>
<td>X</td>
<td>XC</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Louisiana</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Maine</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Maryland</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Massachusetts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michigan</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Minnesota</td>
<td>X</td>
<td>NS</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Mississippi</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Missouri</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**Key:**
- X Category applies
- XC Category applies under certain conditions
- A Serves in an advisory capacity
- NS Not specified

i These requirements in Texas arise from the directions of the Secretary of State.
## Reapportionment Table I (continued)

<table>
<thead>
<tr>
<th>State</th>
<th>Required After Federal Decennial Census</th>
<th>Required at Other Time</th>
<th>Allowed When Not Required</th>
<th>Deadline: Calendar Date</th>
<th>Deadline: Related to Other Event</th>
<th>County Governing Body</th>
<th>Redistricting Commission or Committee</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montana</td>
<td>X</td>
<td>XC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Nebraska</td>
<td>X</td>
<td>XC</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Nevada</td>
<td>X</td>
<td>XC</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>New Hampshire</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>New Jersey</td>
<td>X</td>
<td>NS</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Mexico</td>
<td>X</td>
<td>NS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>New York</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>XC</td>
</tr>
<tr>
<td>North Carolina</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>North Dakota</td>
<td>X</td>
<td>XC</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Ohio</td>
<td>X</td>
<td>NS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>X</td>
<td>NS</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Oregon</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>South Carolina</td>
<td>X</td>
<td>NS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>South Dakota</td>
<td>X</td>
<td>X</td>
<td>XC</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tennessee</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Texas</td>
<td>Xi</td>
<td>X</td>
<td>Xi</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utah</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Vermont</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Virginia</td>
<td>X</td>
<td>XC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Washington</td>
<td>X</td>
<td>XC</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>West Virginia</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>X</td>
<td>X</td>
<td>XC</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Wyoming</td>
<td>X</td>
<td>NS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**Key:**
- X: Category applies
- XC: Category applies under certain conditions
- A: Serves in an advisory capacity
- NS: Not specified
- ι: These requirements in Texas arise from the directions of the Secretary of State.
### Reapportionment Table II:
Preclearance Status & Notification and Filing

<table>
<thead>
<tr>
<th>State</th>
<th>Preclearance Status</th>
<th>Notification and Filing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>State</td>
<td>Some Counties</td>
</tr>
<tr>
<td>Alabama</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Alaska</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Arizona</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Arkansas</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>California</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Colorado</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Delaware</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Florida</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Georgia</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Hawaii</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Idaho</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Illinois</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Indiana</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Iowa</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Kansas</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Kentucky</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Louisiana</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Maine</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Maryland</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Massachusetts</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Michigan</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Minnesota</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Mississippi</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Missouri</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Key:**
- **X** Category applies
- **XC** Category applies under certain conditions
- **A** Serves in an advisory capacity
- **NS** Not specified

These requirements in Texas arise from the directions of the Secretary of State.
## Reapportionment Table II (continued)

<table>
<thead>
<tr>
<th>State</th>
<th>Preclearance Status</th>
<th>Notification and Filing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Some Counties</td>
<td>No Preclearance</td>
</tr>
<tr>
<td>Montana</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Nebraska</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Nevada</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>New Jersey</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>New Mexico</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>New York</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>North Carolina</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>North Dakota</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Ohio</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Oklahoma</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Oregon</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>South Carolina</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>South Dakota</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Tennessee</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Texas</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Utah</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Vermont</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Virginia</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Washington</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>West Virginia</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Wyoming</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**Key:**
- **X** Category applies
- **XC** Category applies under certain conditions
- **A** Serves in an advisory capacity
- **NS** Not specified

- These requirements in Texas arise from the directions of the Secretary of State.
For your notes: