

Jackson County Reapportionment (Redistricting)

Committee

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Re: New Jackson County Legislature District Boundary Maps

On Friday, February 18, 2022, this Committee presented you with the new maps of the boundaries of the Jackson County Legislature Districts created by this committee under the Jackson County Home Rule Charter. It has been brought to our attention that there may be some miscommunication of the applicability of these maps to future elections.

There should be no misunderstanding as to the applicability of these maps. It is clear under the Charter language, and several legal opinions sought by this committee, that the new maps are applicable to the filing that is currently open that runs from February 22, 2022 to March 29, 2022.

Per the Jackson County Charter, it says:

*"The reapportionment committee shall present a report within sixty days after its appointment, signed by at least two members of each party, dividing the county into districts and districts at large that are compact, of contiguous territory and as nearly of equal population as is practicable. The report shall be filed with the County Executive, the Clerk of the County Legislature and the offices or officers charged with conducting elections in the county. The County Legislature **shall** be elected according to such districts at the next general election held at least eight months after the report is filed, and thereafter until the next reapportionment."*

In any legal analysis, the word “Shall” is an imperative command, indicating that certain actions are mandatory, and not permissive. There is no discretion on not applying these maps to the 2022 general election. The Charter language is clear that *“The County Legislature shall be elected according to such districts at the next general election...”*.

Even though there was an issue about the actual starting date of the appointment of the Redistricting Committee members, the Committee presented the maps/reports days before filing opened and there is no legal issue as to why that would change the applicability of the maps to be applied in four years instead of presently. Further, the language in the Charter requiring 60 days to complete the process obviously anticipates the maps being finished before filing for the next election cycle. And the Charter states the legislature shall be elected according to the districts in the next general election *at least eight months* after the report is filed. The report was presented to you eight months before the next general election which will be held on November 8, 2022. There is no legal reason or argument that would overcome the clear language of the Charter in how and when these maps should be applicable to future candidates.

The new maps you received on February 18, 2022 are the maps that Jackson County Legislature candidates must comply with in establishing residency and ability to file and run for that office. One argument this committee heard was that candidates did not have enough notice of the maps before filing, but there is no requirement under the law for that and, until March 29, filing remains open. In other filings across the state, there are candidates who have filed for office for Congress and the State Legislature whose districts are still not complete but that does not make those maps, that are yet to be decided, void for the current election and applicable to the next election cycle. Also, the public was offered the opportunity to participate and observe every aspect of the Committee from its first to last meeting.

The reason for “redistricting” every ten years is that populations change over the years and government learns of those changes after a census. According to those changes, accurate representation in each district must be updated for fairness. To not apply these maps according to 2020 numbers now but wait until legislators take office in 2027, is not only wrong but also unmistakably unconstitutional. This Committee has no authority in enforcing the applicability of these maps if someone decides to not follow the clear law, but it is important for you and the public to understand this Committee’s position and our opinion of the applicability of the new maps in following with our duty. It is plainly in contradiction of the Charter and undoubtedly against the public’s interest of open and fair elections for these new maps not to be applied to the current races for November 8, 2022. Thank you.