

**AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE TO REQUIRE THAT INCARCERATED CITY RESIDENTS BE COUNTED AT THEIR LAST KNOWN RESIDENCES BEFORE INCARCERATION FOR REDISTRICTING PURPOSES**

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**Sponsor:**

**Council  
Member  
Darby**

**WHEREAS**, City Charter Section 2-102 requires City Council to redistrict the City's eight (8) Councilmanic districts within six (6) months after the publication by the United States Census Bureau of the population of the City at each federal decennial census; and

**WHEREAS**, City Code Section 2-32 establishes the procedures to fulfill the requirements of City Charter Section 2-102; and

**WHEREAS**, City Council counted incarcerated individuals in the Councilmanic districts in which they were incarcerated for the redistricting that occurred as a result of the 2010 federal decennial census; and

**WHEREAS**, the Delaware General Assembly has enacted a law requiring that incarcerated individuals in State of Delaware or federal correctional facilities who were residents of the State of Delaware before incarceration be counted at their respective last known residences for the State's redistricting purposes; and

**WHEREAS**, City Council deems it necessary and appropriate to enact a similar law requiring that incarcerated individuals in State of Delaware or federal correctional facilities who were residents of the City of Wilmington before incarceration be counted at their respective last known residences for the City's redistricting purposes.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON  
HEREBY ORDAINS:**

**SECTION 1.** Section 2-32 of the City Code is hereby amended by adding the underlined language to read as follows:

**Sec. 2-32. - Redistricting after census; committee procedures; implementation.**

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- (g) The committee shall prepare, or cause to be prepared, the tabulations of population statistics for the existing city council districts in order to determine the degree of disparity, if any, in population among the existing council districts and the racial and ethnic composition of each council district. The committee shall count incarcerated individuals for redistricting purposes in accordance with section 2-32.1 of this article.

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**SECTION 2.** Section 2-32.1 of the City Code is hereby deleted in its entirety as follows:

**~~Sec. 2-32.1. – Census 2000 complete count committee.~~**

- ~~(a) There is hereby created a city council committee, known as the census 2000 complete count committee, to provide assistance to the representatives of the U.S. Census Bureau in the conduct of the decennial census in order to assure an accurate census count.~~
- ~~(b) The membership of the census 2000 complete count committee shall be comprised of the seven members of council appointed by the president of council and function in accordance with applicable recommendations of the U.S. Census Bureau and U.S. Census 2000.~~

**SECTION 3.** Chapter 2 of the City Code is hereby amended by adding a new Section 2-32.1 to read as follows:

**Section 2-32.1. - Criteria for counting incarcerated individuals for redistricting purposes.**

- (a) Definition. For purposes of this section, “*incarcerated individual*” shall mean an individual incarcerated in a State of Delaware or federal correctional facility, as determined by the federal decennial census.
- (b) Criteria. In determining the redistricting for the city as provided in section 2-102 of the city charter and section 2-32 of this article, city council shall count, as part of the population in a given councilmanic district boundary, an incarcerated individual at the individual’s last known address before incarceration, if the individual was a resident of the city before incarceration.

(c) Applicability. The requirement contained in subsection (b) shall apply beginning with the redistricting that occurs as a result of the federal decennial census of 2020 and shall apply to each redistricting thereafter.

**SECTION 4.** This Ordinance shall become effective upon its passage by City Council and approval by the Mayor.

First Reading....., 2021  
Second Reading....., 2021  
Third Reading.....

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance amends Chapter 2 of the City Code to require City Council and its Redistricting Committee to count incarcerated individuals in State of Delaware or federal correctional facilities at their last known addresses before incarceration for redistricting purposes, if such individuals were residents of the City of Wilmington immediately before their respective dates of incarceration. This requirement applies to every future redistricting beginning with the redistricting that occurs as a result of the federal decennial census of 2020. Finally, as a housekeeping matter, this Ordinance deletes current City Code Section 2-32.1 regarding the census 2000 complete count committee because it is obsolete.

**FISCAL IMPACT STATEMENT:** This Ordinance has no anticipated fiscal impact.