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# Apportionment and Reapportionment in the United States

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While the Canadian system of apportionment is somewhat more complex than that of the United States there are still many parallels between the two systems. Implications for states in the United States, in most instances, are valid for Canadian Provinces. The effect of population change on reapportionment is also similar between countries. An exception being that the Canadian House of Commons has not maintained a fixed number of seats for a sustained period of time. This article will give an overview of the apportionment/reapportionment process in the U.S., its relationship to population redistribution and a few words about redistricting.<sup>1</sup> First, however, a brief overview of the U.S. federal system of government for those not familiar with this system. The United States has a tripartite system of government. Members of the legislative and executive branches are elected while the judiciary is appointed by the President and confirmed by the legislature.

The executive branch consists of a President elected every four years and limited to running for only two terms. The President is indirectly elected by popular vote every four years. The "indirectness" of the Presidential election lies in the fact that the electoral college is the official body to elect the president, although each electoral college member is elected by popular vote. The college is composed of 535 members. Each state has as many electoral college members as it has legislative members.

The legislative branch (Congress) is composed of two parts; the Senate and the House of Representatives. While both branches share many duties and functions, each chamber has certain exclusive duties; the Senate has sole responsibility for ratification of treaties and confirmation of Presidential appointments, while the House of Representatives appropriates funding. All bills, regardless of where they were initiated must be approved by both houses of Congress and the President.

The House of Representatives consists of 435 members, each representing a portion of the population and, serving a two year term. The Senate consists of 100 members, two elected at large from each state, serving six year terms. Whereas all members of the House of Representatives run for re-election on even year's, Senatorial elections are staggered so that every two years one-third of the Senators stand for election.

The fifty state governments are in most cases modeled after the federal system. All have a Governor, Senate, and all but one state has a House of Representatives. The representatives at the state level outnumber the senators roughly in a two to one ratio.

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## Apportionment Among States

Historically, the constitutional convention of 1788 made the first apportionment of seats in the House of Representatives. The Constitution required that members of the House of Representatives be equally divided among the states according to population. The Constitution allocated one representative to all states and thereafter awarded states additional representatives based on population. Since population counts were critical to the apportionment process the Constitution mandated that a census of the population be conducted within three years of the constitutional convention and thereafter at ten year intervals. The first census was taken in 1790 and was the basis for assigning 65 individuals to the House of Representatives in the first U.S. Congress.

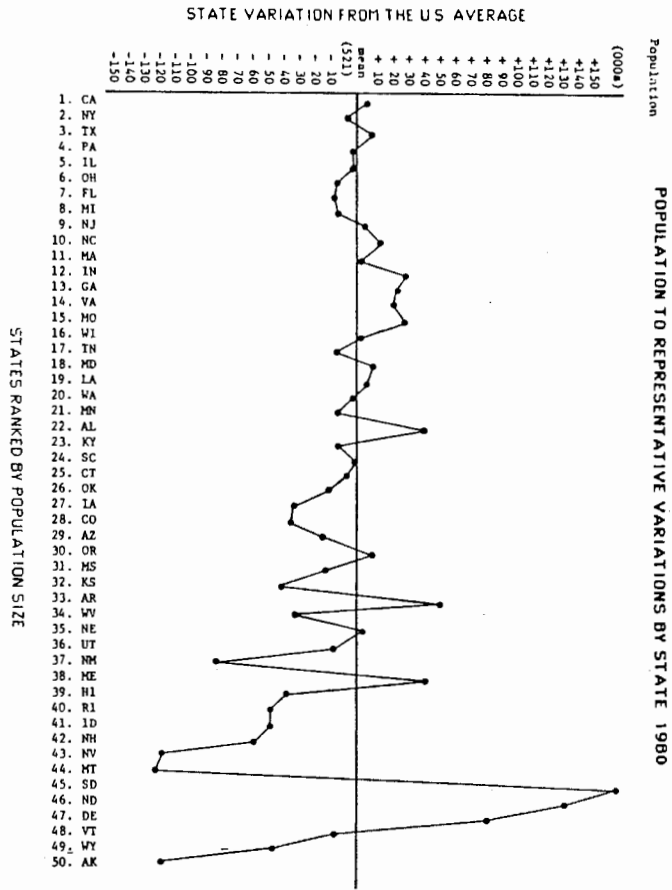
Five different methods of apportioning have been used since 1790. First, the fixed ratio method with rejected fractions was used from 1792 to 1832, second, the fixed ratio with major fraction method was used, but only in 1842, third, the Vinton method was used from 1850 to 1901, fourth, the major fractions method was used from 1911 to 1929 and finally the equal proportions method from 1941 to date. In accordance with congressional requirements all five methods included a minimum of one representative for each state. The equal proportions method, which is currently in use in the United States, allocates one seat to each state and then assigns a series of priority numbers to each state by dividing the state's population by the square root of  $n(n-1)$ , where  $n$  is equal to two, three, or more House seats being claimed. The priority numbers are then ranked and the top 385 priority numbers are awarded House seats.<sup>2</sup> These, plus the automatic fifty House seats mandated by the Constitution, equal the 435 House seats in the U.S. House of Representatives today.

Over the years the ratio of number of population per representatives has increased from 30,000 in 1790 to 521,000 in 1980. However, not all representatives "represent" exactly 521,000 people. Unevenness of representation exists between states because each state's population must be divided by the number of House seats. The deviation of the number of people represented by a

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state from the U.S. average does however follow a pattern as seen in Figure 1. In general those states with a large population will be relatively close to the U.S. mean representative population and those states smaller in population size vary widely both above or below the mean. The ratio of population to representative by state, based on 1980 population statistics, varied from a high of 652,717 in North Dakota to a low of 401,851 for Alaska.



While the Constitution required even distribution of representatives among the state it did not mandate the number of House seats to be assigned or the method of allocating those seats among the states. Therefore, following each census it was necessary for Congress to pass an apportionment act specifying how many seats the House of Representatives would have as well as the method of apportionment to be used to assign those seats. The first apportionment of representatives allocated 65 House seats among the 13 colonies. In subsequent decades the number of representatives increased in response to an increasing population and the admission of new states. In 1911 Congress established a fixed number of seats at 435. This number has remained except for a brief three-year period from 1959 to 1962 when it was temporarily expanded to 437 to allow the inclusion of Alaska and Hawaii.

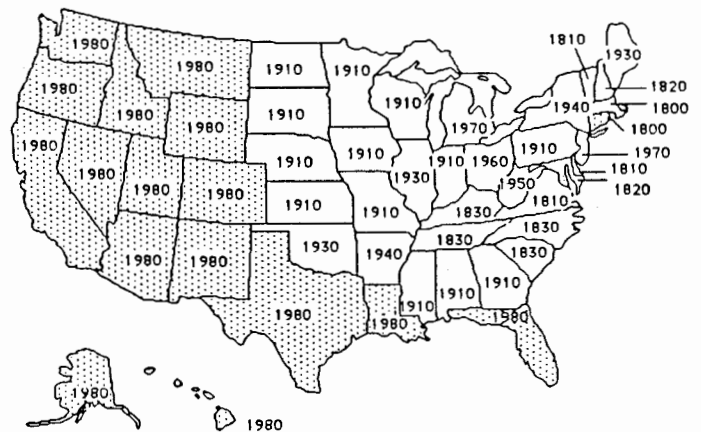
## Reapportionment Between States (1910-1980)

If the 50 states were all equal in population, all growing at the exact same rate, and no disproportionate movement of population occurred between states, then there would be no need for reapportionment.

However, such an "ideal" situation does not exist. A state's population responds to a number of factors including natural growth rates (birth rate over death rate), migration of persons between states, and net immigration from abroad. Although the natural growth rate of states is somewhat similar across the country it has been declining during this century. Net immigration too has decreased since the beginning of the century and has stabilized as a result of governmental controls. Because of the general stability across states of these two measures of population change most of the shifts in reapportionment occurring within this century have been the result of interstate migration.

Interstate migration in the U.S. can be characterized by four major trends during the past century. These trends can be seen by mapping the decade in which each state achieved maximal representation.<sup>3</sup> Figure 2 shows the overall pattern of maximum representation for states. The first and oldest major migration trend has been the movement of the population to the West. In 1980 all the western states were at their maximum representation. A second major trend, that of rural to urban, peaked between 1890 and 1920. Many of the rural midwestern and southern states experienced their maximum representation in 1910 mainly as a result of out-migration to more urban states. The movement of Black Americans out of the South constitutes a third trend. Between 1920 and 1960 an estimated 3.5 million blacks resettled in the larger urban centers of the north central and northeastern United States. This movement of blacks from southern states coupled with rural to urban migration gave most of the southern states greater representation in the early part of the century. A more recent trend has been the movement of population to the sunbelt states, those states in the South plus Arizona, New Mexico, and southern California. This trend, based more on climatic advantages than economic gains, is a more recent phenomena, and while seen in the western states, as well as Louisiana and Florida, it does not appear in the Deep South possibly because of continued black out-migration.

DECADE OF MAXIMUM REPRESENTATION



The result of these migration trends is uneven population growth between states relative to the U.S. average. Between 1910 and 1980 the United States population increased 146 percent, with all states experiencing some increase in absolute size. Population growth for individual states ranged from a maximum increase of 1,231 percent for Arizona to a low of 13 percent for North Dakota. States such as California with high growth rates and large populations gained a substantial number of House seats. Arizona, be-

cause of a relatively small absolute population gained only a few House seats even though it had the highest growth rate of all states. States such as Louisiana and Virginia having growth rates similar to the national average remained the same in number of House seats.

Eighty-seven House seats shifted among states between 1910 and 1980. Only seven states experienced neither a net gain nor loss of House seats. Western states were the principal recipients of House seats, their gain being at the expense of states in the Midwest, Northeast, and South. Overall, 17 states gained representatives with California recording the largest gain with an addition of thirty House seats. Florida and Texas also registered substantial gains with an increase of 15 and 9 House seats respectively. A greater number of states lost House seats than gained seats. Altogether 27 states experienced a loss, with Pennsylvania leading all states in losses with 13. The most recent U.S. reapportionment, 1980, displays patterns similar to those of the past 70 years.

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## Reapportionment Implications

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Shifts of population from the northeastern and north central regions to the South and West have a wide range of implications for those regions. The impact of population change on communities can be extensive. Population gain or loss affect the labour force, income tax base, and major institutions of a community. In addition several implications for states are a direct result of the number of representatives in Congress. These include (a) the ability of states to initiate and lobby for programs in Congress that will directly benefit their state or region; (b) the number of electoral votes assigned to a state; and (c) redistricting within each state.

While federal allocation of funds to states is primarily based on population figures, some funds are allocated directly as the result of special programs conceived and passed by members of the House of Representatives. For instance, funds for local water projects such as irrigation and dam projects are more likely to survive a House vote with a greater representation by western states. Also a stronger vote in such debates as divestiture of federal lands in the West to private investors could be aided by increased numbers of seats in the western states. The East-West conflict over allocation of federal funds also involves federal aid to cities. Many western cities are in need of federal funds to cope with rapidly increasing population while cities of the East require federal assistance to deal with rapid population decline.<sup>4</sup>

A state's Electoral College votes are determined by the number of seats in the House of Representatives plus two votes for each state's U.S. Senate seats. The shift of 17 seats in the 1980 reapportionment could mean a maximum swing of 34 electoral votes between political parties. Although no presidential election since 1916 has been decided by such a narrow margin it is possible that the shift could be a factor in a close election.

Redistricting, or the redefining of House of Representative district boundaries within states, is also necessitated because of population shifts. The degree of redistricting, however, depends upon whether a state must only adjust boundaries to reflect pop-

ulation shifts within the state or whether a major adjustment of boundaries must be made to account for a reapportionment of House seats. Regardless of the degree of redistribution occurring within a state the redistricting process is often a political one. In 41 states the State legislature must establish acceptable state reapportionment plans, while in the remaining states a board of commissioners has responsibility for creating equitable districts. (It should be noted, however, that in six of those states the boards are politically appointed).<sup>5</sup> Often legislatures establish districts that are favourable to the party in power, either by placing two well known office holders into the same district or by structuring district boundaries to favour the party in power.

The building blocks of House districts are units, such as counties, townships and census tracts, which have accurate population statistics available. The actual building of districts is now often supplemented by computer programs. However computers may often produce strange shaped and sized districts, thus the human element is still a very important factor in redistricting. Ideally congressional districts should be contiguous, compact, racially balanced and of equal population size.<sup>6</sup> Currently 29 states require contiguity and 22 require compactness. Seventeen states require state supreme court review of the redistricting plan. Since the Baker vs. Carr Supreme Court case of 1962, all states are required by law to maintain even population numbers, across all districts within a state. Court interpretations of the law allow only a one to two percent deviation of district population from the state average.

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## Conclusion

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While U.S. states, like Canadian provinces, may not be able to directly change their population growth patterns or influence migration trends to any great extent they should be aware of past reapportionment trends and potential implications. Shifting representation in the House of Representatives over the past seventy years has given the West and South a greater influence in federal legislation and possible federal funding. In addition they will have a greater impact in electoral votes in U.S. Presidential elections.

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## Notes

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<sup>1</sup>Portions of this article previously appeared in "National Reapportionment: Geographic Patterns and Implications for States," *State Government*, Vol. 58 No. 3, Fall 1983.

<sup>2</sup>All apportionment statistics were taken from *The 1983-1984 Official Congressional Directory of the 98th Congress*, Government Printing Office, Washington D.C., p438.

<sup>3</sup>U.S. Department of Commerce, Bureau of the Census, "Estimates of the Population of States 1970 to 1983," *Current Population Reports*, Series P25, No. 957, 1984.

<sup>4</sup>James L. Newman and Gordon E. Matzke, *Population Patterns, Dynamics and Prospects*, Prentice-Hall Inc., Englewood Cliffs, New Jersey, 1984, p. 230.

<sup>5</sup>Richard L. Morrill, *Political Redistricting and Geographic Theory*, Association of American Geographers, Washington D.C., 1981.

<sup>6</sup>Morrill, *Ibid.*, p. 137.