Senate Research Office

AT ISSUE

REAPPORTIONMENT AND REDISTRICTING

By Brian Johnson   July 2011
Deputy Director

The population of the United States has been counted 23 times. The first Census was conducted in 1790 as required by the newly adopted Constitution; it showed that the young nation had just over 3.8 million residents, and Georgia was counted with 82 thousand persons (consider it was not even the smallest state in 1790)!

Population data collection is mandated by the U.S. Constitution to ensure fair and equal representation in the state legislatures and Congress. A decennial census is required by the Constitution for the primary purpose of the federal government allocating congressional seats to the states (the process referred to as reapportionment), but the counts are used by state and local governments to shape legislative, county, city, and school board seats.

Article I, Section 2 of the U.S. Constitution combines with § 2 of the 14th Amendment to the Constitution to require that "representatives shall be appointed among the several states according to their respective numbers, counting the whole number of persons in each State."

The number of members of the U.S. House of Representatives is prescribed by law and has been set at 435 members since 1912. Beforehand, as the population expanded so did the House.

Each state is now entitled to at least one representative and the remaining members are apportioned among the states in accordance to their relative populations. Since the total number of the U.S. congressional delegation is established at 435 and there are 50 states: 435 minus 50 leaves 385. So the number of congressional seats to be apportioned among the states based on population is that number-- 385.

Over the years, four different apportionment formulas have been used to apportion seats to the states on the basis of population:

From 1790 to 1840, Congress used a method proposed by Thomas Jefferson, sometimes called the "method of greatest divisors." This method divided the total population by the number of seats and assigned each state its quota, disregarding any fractional remainder. The number of members was adjusted so that every state was awarded exactly the number of seats it was entitled to on the basis of its quota.

From 1842 to 1850, Congress used a formula proposed by Senator Daniel Webster, sometimes called the "method of major fractions." This method gave an additional member to any state whose quota included a fraction greater than one-half. The number of members was adjusted accordingly.

From 1850 to 1910, Congress used a formula that had originally been proposed by Alexander Hamilton for the apportionment of 1790. Under that formula, members were first apportioned according to each state's quota, disregarding any fractional remainders, and then any leftover seats were assigned to the states with the largest fractional remainders.

Between 1911 and 1930, Congress reverted to using the Webster method.

After the 1930 census, Congress adopted the "method of equal proportions." The formula uses the state's population divided by the geometric mean of that state's current number of seats and the next seat; this formula allocates the remainders among the states in a way that provides the smallest relative difference between any pair of states in the population of a district and in the number of people per representative.

The U.S. Supreme Court decisions handed down during the 1960s clarified the U.S. Constitution's intention to provide equality of representation for all Americans. In 1964, the *Wesberry v. Sanders* decision held that, "as nearly as is practicable one person's vote in a congressional election is to be worth as much as another's." That same year, in *Reynolds v. Sims*, the Court ruled that state legislative districts must be "as nearly of equal population as is practicable." Both U.S. congressional districts and state legislative districts must be drawn so that their residents have a fair and equal share in the way they are governed. Following the enactment of the 1965 Voting Rights Act, the courts ruled that the use of racial criteria in drawing districts was constitutional. These Supreme Court decisions and federal legislation increased the states' need for geographically detailed Census information in the redistricting process. In 1975, Congress passed a law that requires the U.S. Census Bureau to provide state legislatures with the small area census population tabulations necessary for legislative redistricting.

Texas was the big reapportionment winner, but Georgia picks up one House seat along with South Carolina (+1), Florida (+2), Texas (+4), Utah (+1), Nevada (+1), Arizona (+1), and Washington (+1).

Losing House seats are Louisiana (-1) , Missouri (-1) , Illinois (-1) , Iowa (-1) , Ohio (-2) , Michigan (-1) , New York (-2) , New Jersey (-1) , Pennsylvania (-1) , and Massachusetts (-1) .

On the state level, most states maintain a fixed number of legislators; however, some let the size of the legislature grow or shrink as the population grows or shrinks.

The results of the 2010 Census showed Georgia had an official population of 9,687,653, and will enjoy 14 seats in Congress which equals that of Michigan's representation in the U.S. House of Representatives. Each member of Congress from Georgia will represent 691,975 persons.

In Georgia, the State Constitution mandates that the House of Representatives consist of not fewer than 180 members, and the Senate consist of not more than 56 Senators, and it requires the General Assembly to apportion the Senate and House districts, which must be composed of contiguous territory; moreover, it mandates that apportionment of the House of Representatives and Senate be changed by the General Assembly as necessary after each decennial census.

Georgia law requires membership of both chambers to be apportioned based on population. Each State House district will have 53,820 residents while each State Senate district will have 172,994 residents.

Georgia's five most populous incorporated places and their 2010 Census counts are: Atlanta, 420,003; Augusta, 200,549; Columbus, 189,885; Savannah, 136,286; and Athens-Clarke County, 116,714. Atlanta grew by 0.8 percent since the 2000 Census. Augusta-Richmond County grew by 0.4 percent, Columbus grew by 1.9 percent, Savannah grew by 3.6 percent, and Athens-Clark County grew by 15.0 percent.

The largest county is Fulton, with a population of 920,581; it grew by 12.8 percent since 2000. The other counties in the top five include Gwinnett, with a population of 805,321 (increase of 36.9 percent); DeKalb, 691,893 (increase of 3.9 percent); Cobb, 688,078 (increase of 13.2 percent); and Chatham, 265,128 (increase of 14.3 percent).

GEORGIA POPULATION

2000	8,186,453
2010	9,687,653

Georgia Percent Growth: 18.3%

STATE RANK	2000	2010	Percent Growth
Nevada	1,998,257	2,700,551	35.1%
Arizona	5,130,632	6,392,017	24.6%
Utah	2,233,169	2,763,885	23.8%
Idaho	1,293,553	1,567,582	21.1%
Texas	20,851,820	25,145,561	20.6
North Carolina	8.049,313	9,535,483	18.5%
Georgia	8,186,453	9,687,653	18.3%
National Average			9.7%

Georgia Numerical Real Growth: 1,501,200 (Rank: 4th)