



Prepared by

THE WISCONSIN LEGISLATIVE REFERENCE LIBRARY
State Capitol
Madison 2, Wisconsin

Informational Bulletin No. 120
October 1952

BASIC CONCEPTS OF REAPPORTIONMENT IN THE 48 STATES

HIGHLIGHTS

1. The Constitutions of the several states describe the method of .. arranging the districts from which members of the state legislatures are chosen and the distribution of the number of legislators to be chosen from these districts in 3 ways; by spelling out the complete apportionment in the Constitution; by providing in detail the method which shall be used by the apportioning body; or by authorizing the apportionment and setting out broad principles to be followed by the apportioning authority. Note: No effort is made in this report to segregate the concepts of creating the districts and apportioning members to the district. This segregation is of significance only where multiple member districts exist.
2. The authority to apportion may lie in one or more of 4 places; the Constitution, the legislature, a state administrative body created for the purpose or in some local authority.
3. The basic methods of apportioning seem to divide themselves into 3 types; according to an arbitrary plan which is generally incorporated in detail in the Constitution; according to area; or according to population. The last 2 are very often modified by specific provisions which insert an area qualification in a population plan or a population concept in an area plan. In 1 case the apportionment is based on direct taxes paid.
4. Frequently the county, city or town is used as a measuring stick or unit for the administration of the plan. The unit of population necessary to have one or more representatives may be applied to the county city or town. Provision may exist that each county shall have at least 1 representative or that no county shall have more than 3 or 7 representatives, for example.
5. The same plan is not always used in both houses of the same legislature. The larger house is more frequently based on a plan involving population.
6. Some states recognize the difficulty of accounting for the fine variations in the population of counties by providing a formula whereby counties within certain population ranges get 1, 2, 3 or more representatives. A few states compensate for situations in which population is inadequate to warrant full representation by permitting representation for one or more of the legislative sessions within a decade.
7. In some cases there is an upper limit to the number of members any county may have. This is especially true of states containing the major metropolitan communities.
8. More often than not, representatives are elected from single member districts, but in some states districts elect more than 1 representative with or without provisions that no more than 1 may come from any 1 county of a multiple county district.

BASIC CONCEPTS OF REAPPORTIONMENT IN THE 48 STATES

INTRODUCTION

Among the most frequent questions asked by the patrons of the Legislative Reference Library on this, the eve of the referendum election on the question "Shall the Constitution be amended to provide for the establishment of either the senate or the assembly districts on an area as well as population basis?" is what is the basis of apportionment of the legislative seats in the 48 states.

Because there is no clear-cut point at which the concept of population and the concept of area divide, there are differences of opinion regarding what states use area and what states use population as the basis for apportionment. In some states these concepts blend to the degree that it is difficult to say which is the controlling factor. Furthermore, a search of all the constitutional and statutory provisions affecting apportionment does not always reveal all the elements which affect the picture.

For these reasons a representative of the Legislative Reference Library discussed the apportionment procedure with representatives of legislative service agencies, legislators and prominent attorneys of 43 of the 48 states in an effort to secure from them an accurate account of how the apportionment is made in their states. We asked them 4 questions:

1. How many members are there in each house?
2. How are the districts established?
3. What restrictions exist on the general principle of apportionment?
4. Who makes the apportionment?

Three fundamental problems appear to confront those who would deal with this subject. In some cases the basic law was enacted so long ago that changing conditions have made it difficult to do the job under existing law. In many cases what appears to be insuperable conflicts between interests cause the legislators either to be reluctant to approach the subject or to be frustrated by their inability to find an acceptable solution. In many cases the solution appears to require satisfying conflicting economic, social, political, population groups, whose interests do not always lie in the same direction.

It is apparent as one discusses the problem that the long-range solution concerns more than the distribution of the seats at any given time. It involves the development of a method of solving the problem. Today the methods of carrying out the apportionment vary from the prevalent situation in which the legislature acts in accordance with certain constitutional directives on one hand to a situation in which either the Constitution spells out the apportionment in precise terms or the process has been assigned to either an administrative body on the state level or to the governing bodies of the local units of government.

The problem of reapportionment is not unique to Wisconsin. The rise of one or more metropolitan districts in a state; the restraints created by Constitutions written in another era; the rise of diversified economies within states; all are factors influencing reapportionment which prevail from one end of the country to the other. The major difference appears to be that in some states neither the legislature nor the citizens are especially concerned about the problem while in Wisconsin the problem is being aired, and a search made for a solution which is acceptable.

BASIC DATA CONCERNING REPRESENTATION AND POPULATION IN THE 48 STATES

<u>NAME</u>	<u>NO. OF MEMBERS IN UPPER HOUSE(1)</u>	<u>NO. OF MEMBERS IN LOWER HOUSE(1)</u>	<u>NO. OF COUNTIES(2)</u>	<u>POPULATION OF STATE-1950(3)</u>
Ala.	35	106	67	3,061,743
Ariz.	19	72	14	749,587
Ark.	35	100	75	1,909,511
Cal.	40	80	57	10,586,223
Col.	35	65	62	1,325,089
Conn.	36	277	8	2,007,280
Del.	17	35	3	318,085
Fla.	38	95	67	2,771,305
Ga.	54	205	159	3,444,578
Idaho	44	59	44	588,637
Ill.	51	153	102	8,712,176
Ind.	50	100	92	3,934,224
Iowa	50	108	99	2,621,073
Kans.	40	125	105	1,905,299
Ky.	38	100	120	2,944,806
La.	39	100	62	2,683,516
Maine	33	151	16	913,774
Md.	29	123	23	2,343,001
Mass.	40	240	12	4,690,514
Mich.	32	100	83	6,371,766
Minn.	67	131	87	2,982,483
Miss.	49	140	82	2,178,914
Mo.	34	154	114	3,954,653
Mont.	56	90	56	591,024
Nebr.	→	43 ←	93	1,325,510
Nev.	17	47	17	160,083
N.H.	24	399	10	533,242
N.J.	21	60	21	4,835,329
N.Mex.	24	55	32	681,187
N.Y.	56	150	57	14,830,192
N.C.	50	120	100	4,061,929
N.Dak.	49	113	53	619,636

BASIC DATA CONCERNING REPRESENTATION AND POPULATION IN THE 48 STATES
(Cont.)

<u>NAME</u>	<u>NO. OF MEMBERS IN UPPER HOUSE(1)</u>	<u>NO. OF MEMBERS IN LOWER HOUSE(1)</u>	<u>NO. OF COUNTIES(2)</u>	<u>POPULATION OF STATE-1950(3)</u>
Ohio	33	135	88	7,946,627
Okla.	44	118	77	2,233,351
Oreg.	30	60	36	1,521,341
Pa.	50	208	66	10,498,012
R.I.	44	100	--	791,896
S.C.	46	124	46	2,117,027
S.Dak.	35	75	64	652,740
Tenn.	33	99	95	3,291,718
Texas	31	150	254	7,711,194
Utah	23	60	29	688,862
Vt.	30	246	14	377,747
Va.	40	100	100	3,318,680
Wash.	46	99	39	2,378,963
W. Va.	32	94	55	2,005,552
Wis.	33	100	71	3,434,575
Wyo.	27	56	23	290,529

DESCRIPTION OF THE APPORTIONMENT METHOD IN EACH HOUSE IN EACH STATE

Alabama

The senate of 35 members is districted according to population. Counties may not be divided in created districts. Counties composing multiple county districts must be contiguous.

The house of representatives is composed of 105 members plus 1 for each county added after the number was set, and is districted according to population. Each county must have at least 1 district (66 members are thus accounted for). If a county is entitled to more than 1 member, they are chosen at large.

Apportionment is the responsibility of the legislature.

Arizona

The senate is composed of 19 members districted according to the Constitution so that the counties with the largest population have 2 members and the counties with the smallest population have 1 member. The senators are always elected at large in the county.

The 72 members of the house of representatives are apportioned according to population with 1 seat for each 2,500 votes or major

(1) Book of the States 1952-53, p. 96.

(2) U.S. Bureau of Census, Governments in the U.S. in 1951, State and Local Government Studies No. 29, p. 8).

(3) World Almanac 1952, p. 397.

fraction thereof cast for Governor in the last general election, but each county shall have at least 1 member. They are elected by single member districts.

The legislature is authorized to apportion the seats among the counties, but in multiple member counties, the county boards create the districts within the county. These districts are to contain, as nearly as may be, equal voting population, and districts should be compact in form.

Arkansas

The senate is composed of 35 members districted according to population, but no county shall be divided in the formation of a district. Counties with large populations elect more than 1 senator from the county at large. Districts consist of contiguous territory and each senator shall represent, as nearly as possible, an equal number of people.

The 100 members of the house of representatives are districted according to population with each county having at least 1 member and the remainder distributed among the more populous counties in accordance with a ratio determined after each federal census.

The apportionment is done by a board of apportionment composed of the Governor, Secretary of State and Attorney General. The Supreme Court may compel the board to act or if a suit is filed and the court is not satisfied with the board's action, it may act to reapportion.

California

The senate of 40 members is districted according to the constitutional plan which requires that no county contain more than 1 district and no more than 3 counties be grouped to compose a district. No county or city and county shall be divided to form a district nor shall part of a county or city and county be added to another. Districts shall be composed of contiguous territory.

The assembly of 80 members is apportioned according to population. The districts must be of contiguous territory and as nearly equal in population as may be. No county or city and county may be divided unless it has enough population within itself to form 2 or more districts, and no part of a county or city and county may be united with another.

The legislature is charged with apportionment, but if it fails to act at the first regular session after the federal census, a reapportionment committee composed of the Lieutenant Governor as chairman, the Attorney General, Controller, Secretary of State and State Superintendent shall do it.

Colorado

The 35 members of the senate are apportioned according to population according to a ratio determined by law. No county may be

divided to form a district and the counties of multiple county districts must be contiguous and as compact as possible. In counties having more than 1 senator, they are elected at large.

The 65 members of the house of representatives are apportioned according to a population ratio determined by law. No county may be divided to form a district, and the counties of multiple county districts must be contiguous and compact. In counties having more than 1 member, they are elected at large.

Apportionment is the responsibility of the legislature.

Connecticut

The 36 members of the senate are apportioned according to population and each district must be contiguous territory and as nearly equal in population as possible. Each county has at least 1 senator (1 case) and the remaining senators are elected by districts in multiple district counties. Neither the whole or part of 1 county shall be joined to the whole or part of another. No town shall be divided except to form more than 1 district wholly within the town.

The house of representatives consists of 277 members from 167 towns. All towns over 5,000 population send 2 and those under send 1. In case of new towns, both the new town and town from which taken must have 2,500 population before being entitled to separate representation.

The legislature is to apportion the senate and the house is apportioned by the Constitution.

Delaware

The 17 senate districts and 35 house of representative districts are described in the Constitution. There is no provision for apportionment by the legislature.

Each reapportionment must be done by constitutional amendment.

Florida

The state is divided into 38 single member senate districts which are as nearly equal in population as possible and composed of contiguous territory. No county shall be divided in creating a district which means that no county has more than 1 senator. In some multiple county districts the seat is rotated among the counties.

The 95 members of the house of representatives are districted according to a formula which gives 3 members to the 5 most populous counties, 2 members to the 18 next most populous counties and 1 to each of the others.

The legislature is responsible for the apportionment and if it fails to act, it shall be called back into special session for that purpose by the Governor.

Georgia

The 54 senators are selected from single member districts established by statute. Normally there are 3 counties per district, but in the case of the counties containing Atlanta, Savannah and 1 other major city, the senate district contains but 1 county.

The 205 members of the house of representatives are distributed among the counties according to a formula which provides that the 8 counties with the largest population elect 3 members each at large, the 30 next largest counties elect 2 members each at large and the remaining counties each elect 1 member.

The apportionment is to be made by the general assembly after the federal census.

Idaho

The Constitution provides that each of the 44 counties of Idaho have 1 senator.

The 59 districts in the house of representatives are apportioned according to population. Each county elects 1 member for every 17,000 people. If the final residue is over 3,000, they get another member, but each county is entitled to at least 1 member. In multiple district counties, the members are elected at large.

The legislature sets up the formula for the lower house and the Secretary of State certifies how many representatives each county shall have.

Illinois

The 51 senators are elected from single member districts of contiguous and compact territory and containing as nearly as practicable equal number of people. No district shall contain less than $\frac{4}{5}$ of a senate ratio. Counties with $1\frac{3}{4}$ ratios or more may be divided into districts and are entitled to 2 senators plus 1 additional for each number of inhabitants equal to the ratio in excess of twice the ratio.

The 153 house of representatives members are elected from the 51 senate districts, each district electing 3 members at large. A voter may cast 3 votes for 1, $1\frac{1}{2}$ for 2 or 1 for 3 candidates.

The apportionment is to be made by the legislature after each census.

Indiana

The 50 senate districts are apportioned according to the male population over 21 years of age. No county may be divided in forming a senate district and multiple county districts must be contiguous.

The 100 districts of the house of representatives are districted according to male population over 21 years of age, and the counties in multiple county districts must be contiguous.

The legislature is charged with making the apportionment after each census.

Iowa

The 50 senatorial districts are apportioned according to population, but no county shall have more than 1 senate district, and multiple county districts shall be contiguous territory.

The Constitution provides that the 108 members of the house of representatives are distributed so that the 9 counties with the largest population each get 2 members elected at large and the other 90 counties get 1 member.

The apportionment is to be made by the legislature after each census.

Kansas

The 40 senate districts are apportioned according to population without any constitutional restrictions.

The state is divided into 125 single member districts according to population for the purpose of selecting members to the house of representatives, but each county must have at least 1 district.

Although the Constitution provides for reapportionment every 5 years the provision is inoperative because the legislature meets every 2 years.

Kentucky

The 38 senatorial seats are districted according to population and each district shall be as nearly equal in population as possible and composed of contiguous territory. No county may be divided in the formation of districts except to provide for 2 or more districts.

The house of representatives has 100 members districted according to population, but no more than 2 counties may be included in a district. No part of a county may be added to another. If inequalities are unavoidable, any advantage resulting shall be given to the districts with the largest territory.

The legislature shall redistrict every 10 years beginning in 1892.

Louisiana

The 39 senatorial districts are apportioned according to the Constitution. No parish, except the Parish of Orleans may be divided in the formation of a district. Multiple county districts may elect 1 or 2 senators at large. If they elect more than 1 senator, no more than 1 may come from any 1 parish.

The 101 house of representative districts are apportioned according to population, and representation shall be equal and uniform

but each parish and each ward of the City of New Orleans shall have at least 1 representative. Each parish shall receive an additional representative for each fraction of a ratio over one-half.

The apportionment is made by the legislature.

Maine

The state is districted for 33 senatorial seats according to population on the basis of a formula which provides that all counties with 30,000 people or under get 1 senator, counties with 30,000 to 59,999 get 2 senators, those with 60,000 to 119,000 get 3 senators, those with 120,000 to 239,999 get 4 senators, and those with more than 240,000 get 5. Senators are elected at large within a county.

The house of representatives has 151 members apportioned according to population. The fractional part of the total state population in any county determines its representation. Cities and towns entitled to representatives become independent districts and elect their representatives at large within the individual city or town, but no city or town may have more than 7. The remaining parts of the county are grouped into single member districts as equitably as possible considering population and contiguity.

The apportionment shall be made by the legislature.

Maryland

The 29 senate districts are apportioned according to the Constitution. Each county and each of 6 legislative districts in Baltimore elect 1 senator. The Baltimore districts are to be as nearly equal in population as possible, and contiguous.

The house of delegates is districted according to population by utilizing a formula whereby each county with 18,000 or less souls gets 2 delegates, those with 18,000 to 28,000 get 3, those with 28,000 to 40,000 get 4, those with 40,000 to 55,000 get 5, those with 55,000 or more get 6, and each district of Baltimore gets 6. All members are elected at large within the county or in the case of Baltimore the district.

The general assembly fixes the boundaries of the Baltimore districts after each census. If it fails to act, the board of elections of Baltimore does it. The Governor certifies the county representation in the house of delegates after each census.

Massachusetts

The 40 senators are selected from districts apportioned according to the number of legal or registered voters therein. These districts must be composed of contiguous territory and be as nearly equal in population as possible. No town or city ward may be divided in forming them, and they are created as nearly as possible without combining counties or parts of counties.

The members of the house of representatives are selected from

1, 2 or 3 member districts apportioned according to the number of legal or registered voters. Each representative is to represent an equal number of persons.

The general court(legislative) apportions the senate and determines the total number of representatives to which each county is entitled. The Secretary of State certifies to each county the number of representatives to which they are entitled, and the general court determines which of 3 county agencies establishes the districts within the county.

Michigan

The 32 senatorial districts are apportioned according to population. No county shall be divided into districts unless such county is equitably entitled to 2 or more senators.

The 100 members of the house of representatives are elected from districts of convenient, contiguous territory as nearly as equal in population as may be, except that in cities entitled to more than 1 member the total number is elected at large. Any county is entitled to an additional representative when it has 1-1/2 ratios, but it is then split into districts.

The legislature apportions the seats among the counties and the county boards apportion the seats within the counties. This does not apply to cities which elect members at large.

Minnesota

The 67 senate districts are apportioned according to population. The districts shall be of convenient contiguous territory and no district for the lower house shall be divided in the formation of senate districts.

The 131 members of the house of representatives are districted according to population. Senate districts may be divided to form representative districts. Each senate district has at least 1 representative district. If it has more than 1, the decision is made locally whether to elect all the members from the district at large or by single member districts. There may also be flatorial members from multiple county districts.

The legislature is charged with making the reapportionment.

Mississippi

The 49 senators are selected from districts organized according to a plan set forth in the Constitution. There may be no more than 1 senator for each single county district of which there are 13. Multiple county districts include as many as 5 counties and may elect 1 to 3 senators. In such districts the senator or senators are customarily alternated among the several counties.

There are 140 members in the house of representatives who are districted according to the Constitution and a formula in the statutes.

Each county must have at least 1 member. The state is divided into 3 groups of counties containing 23, 29 and 30 counties, respectively, and each group shall have not less than 44 members. If a county has more than 1, they are elected at large except in Hinds County where the City of Jackson elects 2; the rest of the county elects 1, and every other session the entire county elects a flatorial representative. There are 9 flatorial districts consisting of 2 counties each in which the representation is alternated in addition to the permanent representative for each county.

The apportionment is a responsibility of the legislature.

Missouri

The senate is composed of 34 members districted according to population. The districts shall be of contiguous, compact territory and as nearly equal in population as may be. No county may be divided in making districts composed of more than 1 county. The members are elected by single member districts.

There are 157 members in the house of representatives. The districts are established according to population in accordance with a formula which provides that every county shall have at least 1. If a county has a population equal to 2-1/2 times the state population divided by 200, it gets 2 representatives. If it has 4 times the ratio, it gets 3 representatives. If it has 6 times the ratio, it gets 4, and for each 2-1/2 additional ratios it gets another representative.

The seats in the senate are apportioned by the senatorial apportionment commission composed of 5 members from each of the 2 major parties. The Secretary of State certifies the number of seats to which each county is entitled in the lower house. If any county is entitled to more than 1 member of either house, the county court or, in the case of the City of St. Louis, the body which establishes election precincts divides the county into compact, contiguous single member districts as nearly equal in population as may be.

Montana

One senator is elected from each county according to the Constitution.

The districts for the 90 members of the house of representatives are divided according to population, but each county is entitled to at least 1 member. If a county is entitled to more than 1 member, they are elected at large. Multiple county districts must be contiguous and compact. There shall be 1 representative for each 7,000 people or fractional part over 3,500.

The apportionment is to be made by the legislature.

Nebraska(unicameral)

The state is divided into 43 single member districts according to population. A county may be divided into districts if it is entitled to more than 1 representative. All districts must be of contiguous, compact territory as nearly equal in population as possible.

The legislature makes the apportionment.

Nevada

The senate is districted according to a constitutional provision which provides for 1 member from each county.

There are 47 members in the assembly who come from districts organized according to population. Each county must have at least 1 assemblyman. The larger counties have more than 1 who are elected at large everywhere except in the county containing Reno where they are districted.

The legislature may redistrict at any time and as often as it likes.

New Hampshire

The senate, which is composed of 24 members, is districted according to the direct taxes paid. The districts must be as nearly equal as possible without dividing towns and unincorporated places.

The house of representatives has 399 members. The unit of representation is the town or ward. If it has 2, 3 or 4 times the requisite number of people for 1 representative, it gets 2, 3 or 4 members. If it has less than the number of people necessary for 1 representative, it gets representation for a proportionate number of sessions in a decade, but each town or ward is entitled to representation in at least 1 session each decade.

The legislature is charged with making the apportionment after each census.

New Jersey

Each county has 1 senator. There are 21 in all.

The 60 members of the assembly come from districts apportioned according to population. Each county is entitled to at least 1 member, and the remaining members are apportioned according to population. The members from multiple district counties are elected at large.

The legislature is to make an apportionment every 10 years.

New Mexico

Beginning in 1952 there are 31 senators, 1 from each county.

The 55 members of the house of representatives are selected from districts defined by the Constitution. They vary from districts composed of 3 counties which elect 1 member at large to single county districts which elect 6 members by districts.

The apportionment is contained in the Constitution.

New York

Although the Constitution provides for 50 senators, if a county is entitled to more than 3, the additional members it is allotted increases the whole number of senators. Thus, there are 56 in 1952. Senate districts are to be compact and contiguous and as nearly equal in population as may be. No county shall have 4 or more senators unless it has a full 1/50 of the population for each. No county shall have ore than 1/3 of all the senators and no 2 counties shall have more than 1/2. No town except 1 having more than 1/50 of the population and no block shall be divided to form a district.

There are 150 members in the house of representatives and the state is districted according to population. Every county is entitled to at least 1 member except Hamilton and Fulton which have 1 together, and no county may be established unless it is entitled to a member. The distribution formula provides that counties having 1-1/2 ratios or less get 1 member, every other county gets 2 members, and the remaining members are divided among the counties having more than 2 ratios in descending order from the highest to the lowest remaining ratio.

The legislature after each census apportions the senate and determines how many seats each county gets. If a county is entitled to more than 1 seat in the house, the county board, or city council in case of a city embracing a whole county, divides the county into districts.

North Carolina

There are 50 members in the senate and the districts are to be of contiguous territory and as nearly equal in population as may be. No county may be divided unless it is entitled to 2 or more senators. In a few cases the senate districts elect 2 members. In all cases of multiple county districts the statutes provide that the senator be rotated among the counties but still elected at large.

There are 120 members in the house of representatives and they are apportioned according to a formula which is based on population. Each county has at least 1 member. Counties with 1 but not 2 ratios get 1 member. Those with 2 but not 3 get 2 members, etc. Remaining members assigned to counties having largest fractions. All of the members for each county are elected at large.

The general assembly is to make the reapportionment after each census.

North Dakota

The 49 members of the senate are elected from single member

districts of compact and contiguous territory as nearly equal in population as may be. No part of a county may be attached to any other county or part thereof to form a district.

There are 113 members in the house of representatives. They are apportioned among the senate districts according to population, and all the members from each senate district are elected at large.

The reapportionment is to be done by the legislature after each census.

Ohio

The districts from which the 33 senators are selected are established according to population, the ratio being 1 senator for each $1/35$ of the population. Counties with less than $3/4$ ratio are attached to the adjoining district having the lowest population. Counties with 2 or more senators, elect them at large. Districts gain or lose 1 senator during 1 session in 5 to adjust for variations in population.

The 135 members of the house of representatives are districted according to a formula based on population. Each county is entitled to at least 1 representative. If it has 1.75% of the state population, it gets 2. If it has 3%, it gets 3, and 4 if it has 4%. If any remaining fraction multiplied by 5 equals 1 or more, it entitled the county to an additional representative in 1 or more sessions during the decade.

The apportionment is made by a board consisting of the Governor, Auditor and Secretary of State.

Oklahoma

The 44 members of the senate are selected from districts of compact, contiguous territory as nearly equal in population as may be. No county may be divided except to make 2 or more districts in the county. A voting precinct cannot be split in making a district, and no district shall contain an excess of population over an adjoining district greater than the population of any town or ward of a city adjoining such district.

The 118 members of the house of representatives are elected from districts established according to a formula based on population. Each county with .5% of the population gets 1 member. Those with 1.75% of population get 2 members. For every full 1% over this, they get another member. No county, however, may have more than 7 members. If a county has a fractional ratio which, multiplied by 5 gives at least 1%, it gets a fractional member for 1 or more sessions. The same rules regarding splitting of counties and smaller units apply as apply to the senate.

The legislature is to make the apportionment after each census subject to review of the court, but the court recently held that apportionment was a political question.

Oregon

There are 30 members in the senate. They are elected from districts apportioned according to white population. Counties may not be divided to form districts so when a county is entitled to more than 1 member, they are elected at large. Multiple county districts must be composed of contiguous territory.

There are 60 members in the house of representatives. They are elected from districts apportioned according to white population. Each county with at least $1/2$ ratio is entitled to a member. If it has less, it is attached to an adjoining county. Both single county and multiple county districts may have more than 1 member who are elected at large.

The legislature is charged with making the apportionment after each census, but changes may also be initiated by the voters.

Pennsylvania

There are 50 members in the senate elected from single member districts of compact, contiguous territory as nearly equal in population as may be. Each county with 1 or more ratios is entitled to a senator for each ratio and for an additional member for a surplus exceeding $3/5$ ratio. A county may become a separate district with $4/5$ ratio or with $1/3$ ratio if each contiguous county is already entitled to a senator. No county, ward, borough or township may be divided in forming a district except that a county may be divided to form 2 districts within itself. No city or county shall be entitled to separate representation exceeding $1/6$ of the whole number of senators.

There are 208 members in the house of representatives. They are apportioned according to population with some restrictions. Every county has at least 1 representative. Counties with less than 5 ratios (population divided by 200) get 1 for each full ratio and an additional 1 when the surplus exceeds $1/2$ ratio. Every county with 5 or more full ratios, gets 1 for each full ratio. There are no representatives for fractional ratios in counties with 5 or more. Every city with 1 or more full ratios, elects its representative separately. Every city with 4 representatives and every county with more than 4 representatives must be divided into at least 2 districts, and no district may elect more than 4 members. They may be elected from single member districts.

The legislature is to apportion the seats after each federal census.

Rhode Island

The 44 senators are elected from single member districts as nearly equal in population and as compact in territory as possible. There is at least 1 senator from each town or city, but no city shall be entitled to more than 6. Any town or city with more than 25,000 people shall be entitled to an additional senator for each 25,000 over that number or fraction exceeding $1/2$.

The 100 members of the house of representatives are elected from districts as nearly equal in population and as compact in territory as possible. Each town and city is entitled to at least 1 member, and no town or city is entitled to more than $1/4$ of the total.

The districting is to be done by the general assembly after each census.

South Carolina

The 46 members of the senate are districted according to the Constitution, 1 member from each county.

The 124 members of the house of representatives are elected from districts based on population. There is 1 representative from every 124th part of the population, but at least 1 member from each county. In multiple member counties, members are elected at large from the county.

The legislature is to make the apportionment after each federal census.

South Dakota

There are 35 members in the senate districted according to population without restriction.

There are 75 members in the house of representatives districted according to population without restriction.

It is the duty of the legislature to make the apportionment after each census but if they fail to act, then within 30 days of adjournment, a committee composed of the Governor, Superintendent of Public Instruction, presiding Judge of the Supreme Court, Attorney General and Secretary of State make an apportionment which is proclaimed by the Governor and has the force of law.

Tennessee

There are 33 members in the senate districted according to the number of qualified voters. In multiple county districts, counties must be contiguous. No county may be divided to form a district, and if entitled to more than 1 member, they are elected at large. Any fractional loss to the county or counties in the lower house is to be made up as nearly as possible in the senate.

The house of representatives has 99 members apportioned according to the number of qualified voters. Any county with at least $2/3$ ratio is entitled to 1 member. If a county is entitled to more than 1 member, they are elected at large in the county.

It is the duty of the legislature to make the apportionment after each federal census.

Texas

There are 31 members in the senate districted according to the qualified voters. No county is entitled to more than 1 senator, and multiple county districts shall be of contiguous territory.

The 150 members of the house of representatives are apportioned according to population, 1 member for each ratio of population. If 2 or more counties are required to make a district, they shall be contiguous. No county is entitled to more than 7 members unless it has over 700,000 population and in such case it gets another representative for each 100,000. These are elected at large. For surplus population, a county may be attached to another county, and a flatorial member created.

The legislature is to make the reapportionment after each federal census, and if it fails, the Legislative Redistricting Board of Texas composed of the Lieutenant Governor, Speaker, Attorney General, Comptroller and Commissioner of Public Lands does it within 150 days.

Utah

The 33 members of the senate come from districts based on population. No county may be divided unless it is entitled to 2 or more districts in which case its members are elected at large. No part of a county may be united with another county. Counties in multiple county districts must be contiguous.

The house of representatives contains 60 members apportioned according to population from single member districts. Each county is entitled to at least 1 member.

The legislature is charged with making an apportionment after each census.

Vermont

There are 30 members in the senate. They are districted according to population. Each county shall have at least 1 senator, and those counties with the largest fraction of population are granted additional senators. In multiple district counties, the senators are elected at large.

Each of the towns of the state, of which there are 246, is entitled to a member of the house of representatives by the Constitution.

It is the duty of the legislature to apportion the senate after each federal census.

Virginia

The 40 senators are elected from single member county districts or multiple member county or city districts apportioned according to population.

The 100 members of the house of delegates are elected from single member county districts or multiple member county or city districts apportioned according to population.

The apportionment is to be made by the legislature every 10 years.

Washington

The 46 members of the senate are elected from single member districts of convenient and contiguous territory districted according to population. No district for lower house membership may be divided to form a senate district.

The 99 members of the house of representatives are districted according to the Constitution. There are 2 or 3 representative districts for each senate district, and the representatives are elected at large from each senatorial district.

The legislature is to apportion after each state or federal census.

West Virginia

The state is composed of 16 senatorial districts bounded by county lines of contiguous territory and as nearly equal in population as possible. Each elects 2 senators. In districts composed of 2 or more counties, both members may not come from the same county.

The house of delegates is composed of 100 members who come from districts apportioned according to population. Each county is entitled to at least 1 delegate. Each county under 3/5 ratio is attached to another county to create a district, but there are none of those in existence. The remaining seats are assigned to counties with the largest fraction of the population.

The legislature is charged with apportioning the seats after each census.

Wisconsin

The senate of 33 members are elected from single member districts composed of contiguous, compact territory and as nearly equal in population as possible. No part of a county may be attached to another county, no assembly district may be divided to form a senate district, and all district lines must follow county, town and ward lines.

The assembly is composed of 100 members who are elected from single member districts of compact, contiguous territory as nearly equal in population as possible. No part of 1 county may be attached to another although whole counties may be combined. The boundaries must follow county, town or ward lines.

The legislature is authorized to reapportion the state after every federal census.

Wyoming

The 27 members of the senate come from districts apportioned according to population with the restriction that each county shall have at least 1 senator.

There are 56 members in the house of representatives. The districts they are selected from are established according to population. Each county shall have at least 1 representative and no county shall be divided in the formation of a district. Counties comprising a multiple county district shall be contiguous and as compact as may be.

The legislature is charged with redistricting after each census.

NOTE: The summary of the constitutional and statutory provisions upon which this study is based was made by Anton Jacobson, Jr., Research Associate, Legislative Reference Library.