

How Your State Gets Its Seats

Congressional Apportionment

The United States Senate consists of how many members? The answer is fairly simple: with two members apiece representing each of the fifty states, the total is one hundred. How about the House of Representatives? The answer is much more complicated. There are currently 435 voting members of the House of Representatives. How did this number come about and how is the number of Representatives per state determined?

The story begins with the Constitution. The framers designed the House of Representatives to represent the people rather than the states. Article I, Section II of the Constitution says that each state shall have at least one U.S. Representative, while the total size of a state’s delegation to the House depends on its population. The number of Representatives also cannot be greater than one for every thirty thousand people. Over time, the country expanded and the population of the nation grew. The House of Representatives mirrored this growth: the membership of the House of Representatives increased as did the number of people represented by each member.

Apportionment refers to the way the number of Representatives for each state is determined every 10 years, as required by the Constitution, following a national census. The question of apportionment has been a concern of Congress for much of our history. What size should the House be in order to reasonably and fairly represent the people?

Beginning in 1790, after each census, Congress enacted a law that specified the changes in the actual number of Representatives. The law also designated the increase in the ratio of Representatives to the population. Because the House wanted a manageable number of members, Congress twice set the size of the House at 435 voting members. The first law to do so was passed on August 8, 1911. President William H. Taft signed legislation increasing the membership of the House from 391 to 433. (Two more members were added when New Mexico and Arizona became states.)

However, concerns about the size of the House and disagreements between urban and rural areas continued. As a result, the House failed to reapportion itself after the 1920 census. Finally, in 1929 the Permanent Apportionment Act became law. It permanently set the maximum number of representatives at 435. In addition, the law determined a procedure for *automatically* reapportioning House seats after each census. (Reapportionment takes effect three years after the census.) For instance, when Alaska and Hawaii entered the union as states in 1959, the total number of Representatives rose to 437. In 1963, after the new procedure had been used, the number of Representatives fell to 435.

The House has only been reapportioned 21 times since 1790. The 23rd census occurred in 2010. The subsequent reapportionment took effect beginning with the 113th Congress (2013-2015). The 24th census will take place in 2020 and will take effect (following the required automatic reapportionment) for the 118th Congress (2023-2025).

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Use these resources from the U.S. House of Representatives and Library of Congress Websites to find the answers to the study questions:

- 1** There are 435 voting members of the House of Representatives. Who are the non-voting members? How are the duties of non-voting members different from those of voting members?

<http://history.house.gov/Institution/Apportionment/Determining-Apportionment/>
http://clerk.house.gov/member_info/memberfaq.aspx
- 2** What was the subject of an amendment to the Constitution that was proposed in the Bill of Rights in 1789 and has not been ratified by the states? (Hint: "Article the Second" was ratified by enough states to become the 27th Amendment to the Constitution in 1992.)

[http://memory.loc.gov/cgi-bin/query/r?ammem/bdsdcc:@field\(DOCID+@lit\(bdsdccc1901\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/bdsdcc:@field(DOCID+@lit(bdsdccc1901)))
- 3** After the census results are provided by the President to Congress, the Clerk of the House informs the governor of each state how many seats his or her state is entitled. What happens next in the process?

<http://history.house.gov/Institution/Apportionment/Reapportioning/>

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Use these resources from the U.S. House of Representatives and Library of Congress Websites to find the answers to the study questions:

- 4** Think about the population of each state. Consider ones that have large cities and ones that are mainly rural. Can you guess which states have one Representative? (Hint: there are seven states with one Representative.) How does the requirement that each state have at least one Representative affect the division of Representatives among the states?

<http://history.house.gov/Institution/Apportionment/Apportionment/>
(Click on Apportionment by State PDF on bottom of page)
- 5** The fourth paragraph of the essay states that the House wanted a “manageable” number of members. Why is this important in a legislative body? How would too many members impact the way the House operates?
- 6** What are the issues between urban and rural areas referred to in paragraph five?

<http://history.house.gov/Historical-Highlights/1901-1950/The-Permanent-Apportionment-Act-of-1929/>
- 7** Using the “Apportionment by State” chart, find states that have gained representation and states that have lost representation since the 13th census. What do you learn about your state’s representation in the House of Representatives? Are there nation-wide trends? What conclusions can you draw from the data?

<http://history.house.gov/Institution/Apportionment/Apportionment/>

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1 Non-voting Delegates represent the District of Columbia, and the U.S. territories of Guam, the U.S. Virgin Islands, the Commonwealth of Northern Mariana Islands, and American Samoa. A non-voting Resident Commissioner represents the Commonwealth of Puerto Rico.

Non-voting members may speak during debate on the floor of the House, offer amendments and introduce bills. Non-voting members also serve as committee members. However, they cannot vote on final passage of legislation.

2 Among the proposed amendments to the Constitution it is listed as “Article the First.” The amendment outlined the total number of Representatives as well as the number of people represented by each member. It was an attempt to address the expected growth and expansion of the country.

3 State legislatures must redraw the physical boundaries of congressional districts. The states are bound by limits established by Congress and the U.S. Supreme Court. Often the districts are redrawn so that one political party dominates, thereby ensuring the election of Representatives of the desired party.

4 Seven states have one Representative: Alaska, Wyoming, Montana, North Dakota, South Dakota, Vermont, and Delaware.

The total U.S. population cannot simply be divided by number of members (435) to determine apportionment. This makes calculating the apportionment for each state more complicated.

5 Legislative bodies have rules that establish daily operations. Having too many members impacts the ability of members to participate in committees, speak on issues, know their fellow members, and form the consensus necessary to pass legislation.

6 The 20th century ushered in a large shift of the U.S. population from rural to urban areas. The growth of cities and demand for greater representation in the House of Representatives was viewed with significant concern by primarily rural states that feared a loss of representation and influence in Congress.