



POPULATION AND REAPPORTIONMENT

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Article 1, Section 2 of the United States Constitution directs Congress to apportion representatives among the states according to their respective numbers. “The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.” Thomas Jefferson, then the Secretary of State, directed the country’s first census in 1790. Marshalls of the U.S. judicial districts conducted the census in the original thirteen states as well as the districts of Kentucky, Maine, Vermont, and the Southwest Territory (Tennessee). The nation’s first census day was August 2, 1790 and we have conducted a national count every ten years since then.

The census is crucial because it helps the government accurately distribute funds, maintain public facilities, provide adequate health and safety resources, and reapportion congressional and statehouse seats. Because it directly affects congressional representation, reapportionment is one of the most visible results of the census.

After every census, there is a reshuffling of seats as states gain or lose representatives as a result of population shifts. Every state is entitled to at least one seat in the House, with the remaining 385 seats allocated based on each state's population. Apportionment is the

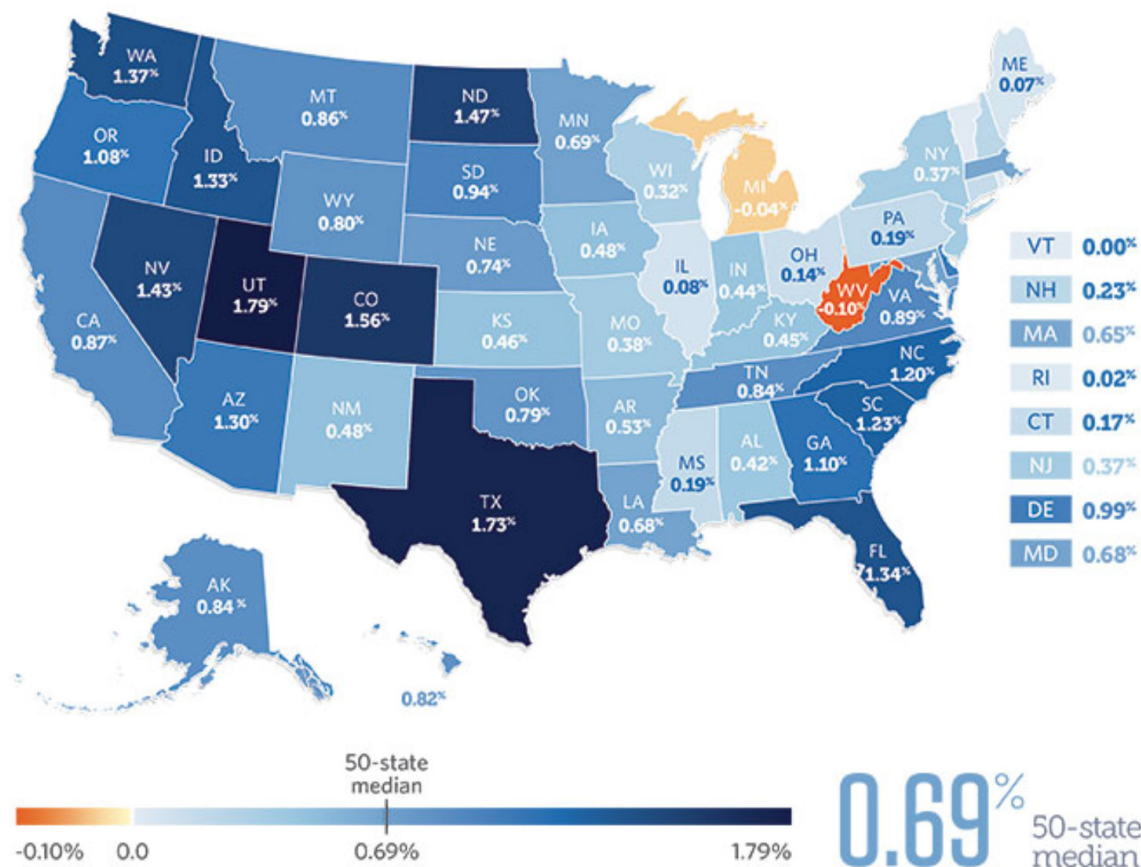
process of redistributing those seats according to newly tabulated census data. The Census Bureau is required by law to send apportionment counts to the president by December 31, 2020. It is the first data from the 2020 Census to be published.

Congress decides the method of apportionment which has changed over time. Since 1941, the U.S. has used the Equal Proportions method, which is a mathematical equation that combines population data with priority rankings (which are based on how many seats a state already has) to distribute seats number 51-435 (with the first 50 seats assigned to each of the 50 states). The priority ranking is calculated by dividing the population of each state by the geometric mean of its current and next seats. The method of Equal Proportions is codified in law at Title 2, U.S. Code.

This year Census Day was April 1. Working from a list of every residence in the 50 states, District of Columbia, and five U.S. territories, the Census Bureau sent invitations to participate in the census in March. The invitations asked people to complete the census questionnaire online, by phone, or by mail. The self-response rate was 67 percent nationwide, with Minnesota at the high end with a rate of 75.1 percent and Puerto Rico (35.7 percent) and Alaska (54.7 percent) bringing up the rear. The Census Bureau then followed up by phone

State Population Growth Varied Widely Over Past Decade

Population growth rate, 2007-17



Source: Pew analysis of U.S. Census Bureau data
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Source: <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/06/20/years-of-slower-population-growth-persisted-in-2017>

and in person with households that did not respond to the census on their own. As of October 16, 2020, the Census Bureau reports that 99.9 percent of households in every state and U.S. territory were enumerated.

In the run up to the census, states had to decide how they would go about encouraging people to participate in the census. For some states, this meant enlisting funds and resources to ensure population counts are as accurate as possible. Other state governments bypassed these opportunities, leaving census outreach initiatives to nonprofits, volunteers, and local governments to take up on their own dime and time. According to the New York Times, for the 2020 Census, 26 states set aside funding ahead of the census count. The 26 states combined are spending nearly \$350 million dollars to increase response rates. California provided

more money than any other state, dedicating \$187 million in an effort to make sure that their population is accurately counted. New York dedicated \$60 million to the cause. At the other end of the spending spectrum is Texas, whose state legislature allocated no funds for census collection efforts. Local governments, civic groups, and philanthropies, however, were actively involved in outreach and encouraging Texans to participate in the Census.

The question of why states like California and Texas are taking different approaches to census collection initiatives relates in part to what each state stands to gain and lose in the reapportionment process. For the first time in its history, California is expected to lose a congressional seat. Texas on the other hand is projected to gain three additional seats. Making sure census data is

2020 CENSUS HOUSING ENUMERATION PROGRESS BY STATE

	Report date: 10/17/2020 As of 10/16/2020, percentage of housing units:		
	Self-responded	Enumerated in Nonresponse Followup (NRFU)	Enumerated
U.S. Total	67.0	32.9	99.9
Alabama	63.6	36.3	99.9
Alaska	54.7	45.2	99.9
Arizona	64.1	35.8	99.9
Arkansas	60.6	39.3	99.9
California	69.6	30.3	99.9
Colorado	70.0	29.9	99.9
Connecticut	70.8	29.1	99.9
Delaware	64.9	35.0	99.9
District of Columbia	63.9	36.0	99.9
Florida	63.8	36.1	99.9
Georgia	62.8	37.1	99.9
Hawaii	63.1	36.8	99.9
Idaho	69.3	30.6	99.9
Illinois	71.4	28.5	99.9
Indiana	70.3	29.6	99.9
Iowa	71.5	28.4	99.9
Kansas	69.7	30.2	99.9
Kentucky	68.2	31.7	99.9
Louisiana	60.4	38.6	99.0
Maine	58.2	41.7	99.9
Maryland	71.2	28.7	99.9
Massachusetts	69.3	30.6	99.9
Michigan	71.3	28.6	99.9
Minnesota	75.1	24.8	99.9
Mississippi	60.4	39.5	99.9
Missouri	65.9	34.0	99.9

	Report date: 10/17/2020 As of 10/16/2020, percentage of housing units:		
	Self-responded	Enumerated in Nonresponse Followup (NRFU)	Enumerated
Montana	60.4	39.5	99.9
Nebraska	71.9	28.0	99.9
Nevada	66.6	33.3	99.9
New Hampshire	67.1	32.8	99.9
New Jersey	69.5	30.4	99.9
New Mexico	58.7	41.2	99.9
New York	64.2	35.7	99.9
North Carolina	63.4	36.5	99.9
North Dakota	65.2	34.7	99.9
Ohio	70.7	29.2	99.9
Oklahoma	61.0	38.9	99.9
Oregon	69.2	30.7	99.9
Pennsylvania	69.6	30.3	99.9
Rhode Island	65.5	34.4	99.9
South Carolina	61.0	38.9	99.9
South Dakota	67.5	32.4	99.9
Tennessee	66.0	33.9	99.9
Texas	62.8	37.1	99.9
Utah	70.9	29.0	99.9
Vermont	60.5	39.4	99.9
Virginia	71.4	28.5	99.9
Washington	72.4	27.5	99.9
West Virginia	56.2	43.7	99.9
Wisconsin	72.2	27.7	99.9
Wyoming	61.1	38.8	99.9
Puerto Rico	35.7	64.2	99.9

Note: Percentages may not sum due to rounding. A limited number of areas were part of the NRFU “soft launch” beginning July 16, 2020, and could have higher completion rates due to more time in the field. Percentages for the U.S. total do not include housing units in Puerto Rico. The Census Bureau continues its post-collection processing and will publish a final update to this table on October 28, 2020.

Source: U.S. Census Bureau, <https://www.2020census.gov/response-rates>

collected in hard to count regions in California could make a difference, especially if states like Texas undercount similar areas in their state. It is also interesting to note that of the 26 states spending money in 2020, 22 of them are controlled by Democrats. Seventeen of the 24 states choosing not to fund the process are controlled by Republicans. The New York Times suggests this could be the case for two reasons. First, states have not historically dedicated this amount of money to census counts. Second, hard to count regions are typically comprised of minority groups who are more likely to vote Democratic. In states like Texas, the New York Times suggests that the debate to fund or not fund the 2020 census was driven by a Democratic hope that a push in spending would help more Democrats get elected to the state legislature.

The Pew Trusts reports that population growth has slowed over the past decade, though state populations have increased in all but two states, Michigan and West Virginia. According to a study by ESRI, both of these states are projected to lose one seat as a result. Northeastern states are seeing population growth slow down as a result of high living costs and a lack of job opportunities. New York, Pennsylvania, and Rhode Island are each projected to lose one seat due to this population shift out of the region. Some predictions even have New York losing as many as two seats. The Midwest has also experienced slowed growth. Four states in this region, Illinois, Michigan, Minnesota, and Ohio, are expected to lose one seat each. California is anticipated to either lose one seat or retain their current number of 53 seats, and some projections list Alabama as a state that could also potentially lose a seat.

The states that take losses the hardest are those that are reduced to a single district. Rhode Island is an example of a state projected to be reduced to a single district state. Additionally, rural power diminishes when smaller, typically rural districts are absorbed into larger, more urban districts. This affects party politics and interests due to the fact that rural districts are typically more Republican while urban districts tend to vote Democratic. It will also be a factor when the redistricting process begins in 2021.

Texas is the biggest winner in the census projections, which by strict population estimates is expected to pick up an additional three seats. Population in the state boomed as low cost of living, a business-friendly climate, and an increase in economic opportunities have made the state a hub of growth. Florida will potentially

pick up as many as two seats. It is important to note that Florida could surpass New York's congressional representative count for the first time. North Carolina is also expected to gain one seat. In the West, Arizona Oregon, Montana, and Colorado are each expected to pick up one seat. This is primarily a result of migration out of nearby California, where a high cost of living and burdensome regulatory environment has made other states more appealing alternatives.

2020 REAPPORTIONMENT PROJECTION, ESRI UPDATED DEMOGRAPHICS			
States Gaining Seats		States Losing Seats	
Arizona	+1	California	-1
Colorado	+1	Illinois	-1
Florida	+1	Michigan	-1
Montana	+1	Minnesota	-1
North Carolina	+1	New York	-1
Oregon	+1	Ohio	-1
Texas	+3	Pennsylvania	-1
		Rhode Island	-1
		West Virginia	-1

Source: ESRI, Reapportionment Projections and the Potential Impact of New States, <https://www.esri.com/arcgis-blog/products/esri-demographics/state-government/reapportionment-projections>

California is doing all it can to retain its 53 congressional seats. As noted earlier, it is spending more on the census count than any other state. Strategists believe that if they focus their efforts on counting historically under counted populations, California has a better chance of holding onto seats. The census has previously undercounted the total population by millions, and should this occur again in a state like Texas, California could beat the odds and avoid a historic upset as they lose a seat for the first time in the state's history. California is also home to a number of competitive districts, especially in its more rural regions. When the redistricting process begins, these regions will see more of the effects, inducing changes that could shape the political makeup of their districts dramatically.

A recent Rose Institute study projects California's 2020

population will be 8.7 percent larger than the 2010 population, crossing the 40 million mark to 40,506,274. Analyzing the state based on nine regions, the study indicates that different regions have grown at significantly different rates: San Francisco Bay Area (11.9 percent growth) and the Southern region (10.7 percent growth) grew the fastest. Los Angeles County's San Gabriel Valley (4.6 percent growth) and Los Angeles County's Downtown/Gateway region (3.9 percent growth) grew the slowest.

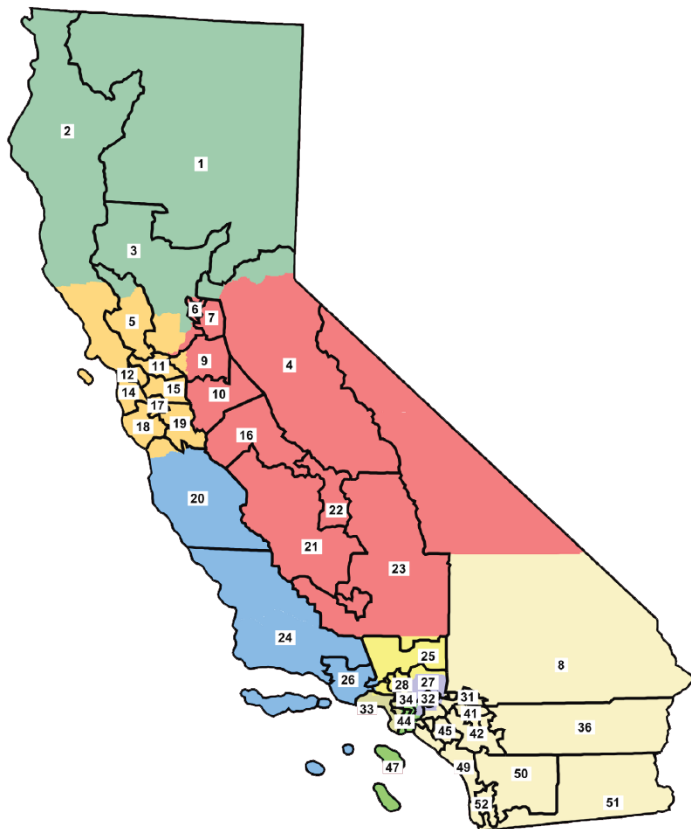
Slower-growing regions are likely to lose representation, as representation follows population into the faster growing regions. In five of the nine regions, population growth was close enough to the statewide average that those regions are unlikely to gain or lose representation, though each may lose a small portion of a congressional district as their contribution to the state's overall loss of a district. The five 'average growth' re-

gions are the Far North, Central Coast, Central Valley, LA Westside, and LA San Fernando/Antelope Valley.

The Southern region's population growth is expected to shield it from a loss of congressional representation, despite the state's overall loss of a district. The fast-growing San Francisco Bay Area is the only region expected to gain congressional representation, even with the expected statewide loss of a congressional district.

The gains in the Bay Area and Southern regions come almost entirely at the expense of LA's San Gabriel Valley and Downtown/Gateway regions. Combined, the two neighboring regions should expect to lose one-third of an Assembly district, half a State Senate district, and half a congressional district. In the San Gabriel and Downtown/Gateway regions, current congressional districts 27, 32, 38 and 40 appear to be most at risk of becoming the district California loses in 2021. ♦

California Congressional Districts: Rose Institute Regional Analysis



Source: Rose Institute of State and Local Government, <http://roseinstitute.org/redistricting/rose-institute-releases-report-on-2020-census-and-population-projections/>

BIBLIOGRAPHY

- Associated Press. "26 States Are Spending \$350 Million on 2020 Census Efforts." Published November 23, 2019. <https://www.usnews.com/news/us/articles/2019-11-23/26-states-are-spending-350-million-on-2020-census-efforts>
- Cassel, Kyle R. "Reapportionment Projections and the Potential Impact of New States." July 26, 2019. <https://www.esri.com/arcgis-blog/products/esri-demographics/state-government/reapportionment-projections/>
- Kondik, Kyle. "2020 Redistricting: An Early Look." Published July 18, 2019. https://www.rasmussenreports.com/public_content/political_commentary/commentary_by_kyle_kondik/2020_redistricting_an_early_look
- Lopez, Ashley. NPR. "Some Fear Undercount as Texas Decides Not to Spend Money on 2020 Census." Last modified July 16, 2019. <https://www.npr.org/2019/07/16/741325838/texas-and-other-states-decide-not-to-spend-money-on-2020-census>
- Macagnone, Michael. Roll Call. "Reapportionment after census could shake up swing districts." Last modified January 8, 2020. <https://www.rollcall.com/2020/01/08/reapportionment-after-census-could-shake-up-swing-districts/>
- McKillop, Matt and Newman, Daniel. The Pew Charitable Trusts. "Years of Slower Population Growth Persisted in 2017." Published July 20, 2018. <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/06/20/years-of-slower-population-growth-persisted-in-2017>
- Morris, Kathy. "Here are the states where Americans don't want to live anymore." Last modified January 2020. <https://www.zippia.com/advice/states-americans-dont-want-live-anymore-2020/>
- Rose Institute. "Winners and Losers: The 2020 Census and California's 2021 Redistricting." https://s10294.pcdn.co/wp-content/uploads/2019/05/Winners-and-Losers_2020-Census.pdf
- United States Census Bureau. "About Congressional Apportionment." Last modified March 30, 2020. <https://www.census.gov/topics/public-sector/congressional-apportionment/about.html>
- United States Census Bureau. "Census in the Constitution." Last modified March 30, 2020. <https://www.census.gov/programs-surveys/decennial-census/about/census-constitution.html>
- United States Census Bureau. "Conducting the Count." Accessed October 19, 2020. <https://2020census.gov/en/conducting-the-count.html>
- United States Census Bureau. "History of the Decennial Census." Last modified April 2, 2018. <https://www.census.gov/programs-surveys/decennial-census/about/history.html>
- United States Census Bureau. "Total Response Rates by State." Report date October 17, 2020. <https://2020census.gov/en/response-rates/nrfu.html>
- Wines, Michael and Del Real, Jose A. New York Times. "In 2020 Census, Big Efforts in Some States. In Others, Not So Much." Last updated July 28, 2020. <https://www.nytimes.com/2019/12/15/us/census-california-texas-undercount.html>