

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86/2

2475 HJ HJR 53

2475

KANSAS

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article 10

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

Senate Legislative, and
Congressional Apportionment
CommitteeHouse Legislative, Judicial
and Congressional Apportionment
CommitteeSenate Chairman
Sen. Dan Thiessen (R)House Chairman
Rep. Robert G. Frey (R)

CONGRESSIONAL DISTRICTS: Same

Congressional districts will be drawn from federal census figures.

STAFF CONTACTRussell Mills
Principal Analyst
Legislative Research Department
Room 545-N, State House
Topeka, KS 66612
(913) 296-3181M. Torrence
Revisor of Statutes
State House
Topeka, KS 66612
(913) 296-2321CRITERIA USED FOR STATE LEGISLATIVE APPORTIONMENT

DATE: At regular session in 1979 and every ten years thereafter

POPULATION: 1978 annual state census; used for 1979 reapportionment,
in future, federal census will be used

POPULATION GROUPS EXCLUDED: Military and students

SMALLEST UNIT OF POPULATION: Voting precincts

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness, geography, county
boundaries and projected
population growth

DEVIATION: 5.0% to 9.9%

TYPE OF DISTRICT: Single member

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

SENATORS ELECTED IN STAGGERED TERMS: No

KANSAS

VOTING RIGHTS STATE: No

NEW OR REVISED DISTRICTS BEFORE 1989: Yes

COMPUTER ASSISTANCE FOR APPORTIONMENT

No

COURT WITH ORIGINAL JURISDICTION

Kansas Supreme Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENTSenate - K.S.A. 1980 Supp. 4-4, 101 through 4-4, 142
House - K.S.A. 1980 Supp. 4-3, 201 through 4-3, 327CURRENT LITIGATION

CASE NAME

CASE NUMBER

In re Senate Bill No. 220

Senate 225 Kan 628, 593 P2d 1 (1979)

In re House Bill No. 2620

House 225 Kan 327, 595 P2d 334 (1979)

DISTRICT MAPS

Available - The Council of State Governments

KENTUCKY

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Section 33

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

Interim Joint Committee on State Government

Senate Co-Chairman
Sen. Pat M. McCuiston (D)House Co-Chairman
Rep. Mark O'Brien (D)

Subcommittee on Redistricting

Senate Co-Chairman
Sen. Helen Garrett (D)House Co-Chairman
Rep. Lloyd E. Clapp (D)

CONGRESSIONAL DISTRICTS: Same

STAFF CONTACTJoyce Honaker
Committee Staff Administrator
Legislative Research Commission
State Capitol
Frankfort, KY 40601
(502) 564-8100CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: No specific date - redistricting anticipated in 1982 regular session

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: No

SMALLEST UNIT OF POPULATION: Voting precincts and smallest census units

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Contiguity

DEVIATION: No decision

TYPE OF DISTRICT: Single member

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators will be allowed to
serve out their term

KENTUCKY

VOTING RIGHTS STATE: No

NEW OR REVISED DISTRICTS BEFORE 1990: Yes

COMPUTER ASSISTANCE FOR APPORTIONMENT

State Data Processing

COURT WITH ORIGINAL JURISDICTION

State Circuit Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

K.R.S. 6.011 to 6.041

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

MAINE

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article 4, Part 3, Section 1-A

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Advisory Commission/Legislature

Advisory Commission established in 1975 by Constitutional amendment. Members will be appointed in 1983 and every 10 years after that. 15 members: 3 by House Speaker, 2 by Senate President, 5 by Floor leaders, 5 by others. 6 majority and minority party members. 3 public members. The commission prepares a plan and submits it to the legislature which may adopt the commission's plan or one of its own. If the legislature cannot agree on a plan, the Supreme Judicial Court must redistrict.

CONGRESSIONAL DISTRICTS: Legislature

STAFF CONTACT

Erland B. Hardy
Legislative Attorney
Legislative Research Office
State House
Augusta, ME 04333
(207) 289-2101

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: 1983 - Submission of plan within 90 days after convening of Legislature

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: Non-U.S. Citizens

SMALLEST UNIT OF POPULATION: Unknown

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: Unknown

OTHER CRITERIA FOR DRAWING DISTRICTS: Contiguous, compactness

DEVIATION: Unknown

TYPE OF DISTRICT: Senate - single member; House - single member
multimember. Expect all House
districts to be single after 1980

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

MAINE

SENATORS ELECTED IN STAGGERED TERMS: No

VOTING RIGHTS STATE: No

NEW OR REVISED DISTRICTS BEFORE 1990: Unknown

COMPUTER ASSISTANCE FOR APPORTIONMENT

Unknown

COURT WITH ORIGINAL JURISDICTION

State Supreme Judicial Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

MARYLAND

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article III, Sections 4, 5

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Governor/Legislature

Senate Constitutional and Public
Law Committee

House Constitutional and Administrative
Law Committee

Senate Chairman
Sen. Edward T. Conroy (D)

House Chairman
Del. Helen L. Koss (D)

The Governor drafts a plan which he submits to the Legislature. It has 45 days to amend that plan or adopt one of its own. If it cannot act, the Governor's plan automatically becomes law.

CONGRESSIONAL DISTRICTS: Same

STAFF CONTACT

John O'Brien
Executive Assistant
Governor's Office
State House
Annapolis, MD 21401
(301) 269-2606

Donovan Peeters
Legislative Analyst
Senate Constitutional
and Public Law
Committee
Room 400, James Office
Building
Annapolis, MD 21401
(301) 841-3582

William G. Somerville
Legislative Analyst
House Constitutional and
Administrative Law
Committee
Room 141, House Office
Building
Annapolis, MD 21401
(301) 841-3502

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: 1982; 45th day of the Legislative session in the second year following the census

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: No

SMALLEST UNIT OF POPULATION: Unknown

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness, natural and political boundaries

Maryland

DEVIATION: Unknown

TYPE OF DISTRICT: Senate - single member; House - single member, multimember

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: Yes

SENATORS ELECTED IN STAGGERED TERMS: No

VOTING RIGHTS STATE: No

NEW OR REVISED DISTRICTS BEFORE 1990: No

COMPUTER ASSISTANCE FOR APPORTIONMENT

Yes - State General Assembly Data Processing; Department of State Planning;
University of Maryland

COURT WITH ORIGINAL JURISDICTION

State Court of Appeals

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

MISSISSIPPI
REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article 13, Section 254

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature/Reapportionment Commission

Standing Joint Legislative Committee on Reapportionment:

Vice-Chairman

Sen. William Thomas Harpole (D)

Chairman

Rep. Thomas H. Campbell, III (D)

Reapportionment Commission

5 member commission consisting of the Chief Justice of the Supreme Court, Chairman; Attorney General; Secretary of State; Speaker of House of Representatives; President Pro Tempore of the Senate.

CONGRESSIONAL DISTRICTS: Legislature

STAFF CONTACT

Larry Richardson
Director
Legislative Reference Bureau
P. O. Box 1040
Jackson, MS 39205
(601) 354-6165

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: 1982 - Adjournment date of the regular session of the Legislature in the second year following the 1980 census.

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: None

SMALLEST UNIT OF POPULATION: Blocks

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness, race, county boundaries

DATE TO BE USED: Demographic, cartographic data

DEVIATION: 1.0% to 4.9%

TYPE OF DISTRICT: Single member

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

MISSISSIPPI

SENATORS ELECTED IN STAGGERED TERMS: No

VOTING RIGHTS STATE: Yes

NEW OR REVISED DISTRICTS BEFORE 1990: Yes

COMPUTER ASSISTANCE FOR APPORTIONMENT

Unknown

CONSULTANT

Jerris Leonard and Associates
1700 Pennsylvania Avenue
Suite 550
Washington, D.C. 20006
(202) 872-1095

COURT WITH ORIGINAL JURISDICTION

No one court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

MISSOURI

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article III, Sections 2, 7, 45

APPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Senate Reapportionment Commission; House Reapportionment Commission

Established in 1966

House Commission: 20 members, Senate Commission 10 members. All appointed by Governor. House members must be a resident of the Congressional district from which nominated. No more than one shall come from a single legislative district. Should the members of the commission not agree, a panel of 6 judges drawn from the Court of Appeals shall be selected to draw reapportionment plans.

CONGRESSIONAL DISTRICTS: Legislative

Senate Committee on Apportionment

Committee on Congressional Reapportionment

Senate Chairman
Sen. Clarence H. Heflin (D)

House Chairman
Rep. Anthony D. Ribaud (D)

STAFF CONTACT

Frank Masters
Director
Committee on Legislative Research
Room 117A, State Capitol Building
Jefferson City, MO 65101
(314) 751-4223

Mark Reading
Project Director, Reapportionment
Office of Administration
Division of Budget and Planning
Room 129, Capitol Building
Jefferson City, MO 65101
(314) 751-2073

CRITERIA FOR STATE LEGISLATIVE APPOINTMENT

DATE: 1981 - Commission names submitted within 60 days after certification of census. Governor must appoint within 30 days after submission of names. Report 6 months after appointment of commission.

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: No

SMALLEST UNIT OF POPULATION: Commission may use any information available

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: Yes

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness, geography

DEVIATION: Unknown

MISSOURI

TYPE OF DISTRICT: Single member

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators will be allowed to serve out their term

VOTING RIGHTS STATE: No

NEW OR REVISED DISTRICTS BEFORE 1990: Only if invalidated by a court

COMPUTER ASSISTANCE FOR APPORTIONMENT

Yes - open

COURT WITH ORIGINAL JURISDICTION

State Chancery Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

NEBRASKA

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article III, Sections 5, 7

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

Miscellaneous Subjects Committee
Chairman
Sen. Elroy Hefner
Room 2021
State Capitol
Lincoln, NE 68509

CONGRESSIONAL DISTRICTS: Same

STAFF CONTACT

Ron Bowmaster
Deputy Director of Research
Legislative Council
7th Floor, State Capitol
Lincoln, NE 68509
(402) 471-2440

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: No specific date

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: Aliens

SMALLEST UNIT OF POPULATION: Blocks; ED's

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: Yes

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness - will attempt to follow political boundaries. Separate and distinct districts, compact and contiguous, nearly as equal as may be, county lines are to be followed wherever practicable

DEVIATION: 1.0% to 4.9%

TYPE OF DISTRICT: Single member

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: Unicameral legislature

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators will be allowed to serve out their term

NEBRASKA

VOTING RIGHTS STATE: No

NEW OR REVISED DISTRICTS BEFORE 1990: No

COMPUTER ASSISTANCE FOR APPORTIONMENT

Yes - State Central Data Processing

COURT WITH ORIGINAL JURISDICTION

Supreme Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

Legislative: §5 - 104.07

Congressional: §5 - 101.01

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

NEVADA

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article 15, Section 13; Article 4, Section 5

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

Senate Government Affairs
Committee

Assembly Elections Committee

Senate Chairman
Sen. James I. Gibson (D)

House Chairman
Rep. Alan Glover (D)

CONGRESSIONAL DISTRICTS: One Congressman

STAFF CONTACT

Andrew P. Grose
Research Director
Legislative Counsel Bureau
Legislative Building
Carson City, NV 89710
(702) 885-5637

CRITERIA FOR EXISTING STATE LEGISLATIVE APPOINTMENT

DATE: 1981

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: None

SMALLEST UNIT OF POPULATION: Blocks; ED's

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness; geographic, county
boundaries

DEVIATION: -5% to +5%. Maximum deviation spread 10%

TYPE OF DISTRICT: Senate - single member or two member; House - single member

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: Yes

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators will be allowed to serve
out their term

VOTING RIGHTS STATE: No

NEVADA

NEW OR REVISED DISTRICTS BEFORE 1990: Yes

COMPUTER ASSISTANCE FOR APPORTIONMENT

Yes - State Central Data Processing

COURT WITH ORIGINAL JURISDICTION

No one court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

N.R.S. 218.010 to 218.084 (1971, amended in 1973)

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

NEW HAMPSHIRE
REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Part 2, Articles 9, 9A, 11, 11A, 26, 26A

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

House Reapportionment Committee

Chairman

Rep. Russell C. Chase (R)

CONGRESSIONAL DISTRICTS: Same

STAFF CONTACT

Donald S. Jennings
Legislative Services
Room 110, State House
Concord, NH 03301
(603) 271-3435

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: 1981 - First legislative session following the decennial census

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: Students, military personnel

SMALLEST UNIT OF POPULATION: Blocks

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Town and city ward boundaries

DEVIATION: 1.0% to 4.9%

TYPE OF DISTRICT: Senate - single member; House - single member, multimember

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

SENATORS ELECTED IN STAGGERED TERMS: No

VOTING RIGHTS STATE: Yes - Antrim Town; Benton Town; Millfield Township;
Newington Town; Pinkhams Grant; Rindge Town;
Stewartstown; Stratford Town; Unity Town

NEW OR REVISED DISTRICTS BEFORE 1990: Yes

NEW HAMPSHIRE

COMPUTER ASSISTANCE FOR APPORTIONMENT

No

COURT WITH ORIGINAL JURISDICTION

State Superior Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

NEW JERSEY

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article IV, Sections II, III

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Apportionment Commission

Established in 1966

10 members: 5 by Chairman, Democrat State Committee; 5 by Chairman,
Republican State Committee

tie breaker if deadlock: Chief Justice, State Supreme Court

CONGRESSIONAL DISTRICTS: Legislature

STAFF CONTACT

Samuel A. Alito
Executive Director
Office of Legislative Services
Suite 232, State House
Trenton, NJ 08625
(609) 292-4661
292-8014

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: Within one month of the receipt by the Governor of the census, or
on or before February 1, 1981, whichever date is later (new state
legislative plan certified April 13, 1981)

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: None

SMALLEST UNIT OF POPULATION: Election districts (voting precincts)

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness, contiguity, political
subdivisions (municipalities but not
counties)

DEVIATION: 1981 - 7.7% overall range (+5.13% and -2.57%)

TYPE OF DISTRICT: Senate - single member; House - multimember (2 per Senate
district)

HOUSE AND SENATE DISTRICT WITH COTERMINING BOUNDARIES: Yes - Senate is
basis of district

NEW JERSEY

SENATORS ELECTED IN STAGGERED TERMS: No

VOTING RIGHTS STATE: No

NEW OR REVISED DISTRICTS BEFORE 1990: No

COMPUTER ASSISTANCE FOR APPORTIONMENT

None used

COURT WITH ORIGINAL JURISDICTION

State Superior Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENTCURRENT LITIGATION

CASE NAME

CASE NUMBER

Apportionment Commission v. U.S.
Department of Commerce

Civil Action No. 81-309

The suit was filed in Federal District Court to force the Census Bureau to deliver population data to the state in order to do state legislative districting.

Apportionment Commission v. Dezman

Docket No. L28848-80

The suit was filed in State Superior Court to allow certification of a state legislative plan that did not use final census figures for Essex County and did not comply with state constitutional language about the preservation of counties.

Welch v. Apportionment Commission

Docket No. C2911-80

The suit was filed in State Superior Court to overturn the 1981 state legislative districting plan because of excessive population deviations, political unfairness, and undue constitution of the Apportionment Commission. The plan was upheld.

DISTRICT MAPS

Available from The Council of State Governments or the Office of Legislative Services, Division of Legislative Information and Research.

NEW MEXICO

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article 4, Section 3

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

CONGRESSIONAL DISTRICTS: Same

STAFF CONTACT

Mercedes G. Romero
Senior Research Assistant
New Mexico Legislative Council Service
334 State Capitol
Santa Fe, NM 87503
(505) 827-3141

CRITERIA FOR STATE LEGISLATIVE APPOINTMENT

DATE: 1981 - Once every 10 years following the availability of
census counts

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: None

SMALLEST UNIT OF POPULATION: Voting precincts

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness

DEVIATION: 1.0% to 4.9%

TYPE OF DISTRICT: Single member

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

SENATORS ELECTED IN STAGGERED TERMS: Yes - may change with reapportionment

VOTING RIGHTS STATE: No

NEW OR REVISED DISTRICT LINES BEFORE 1990: Unknown

NEW MEXICO

COMPUTER ASSISTANCE FOR APPORTIONMENT

New Mexico Republican Party - Rose Institute
Claremont, California

COURT WITH ORIGINAL JURISDICTION

No one court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

NORTH CAROLINA
REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article II, Sections 3, 5

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

Senate Redistricting Committee

Senate Chairman
Sen. Marshall A. Ranch (D)

House Legislative Redistricting
Committee

House Co-Chairman
Rep. Robert A. Jones (D)
Rep. Daniel T. Lillay (D)

CONGRESSIONAL DISTRICTS: Legislature

Senate Congressional
Redistricting Committee

Senate Chairman
Sen. Helen R. Marvin (D)

House Congressional
Redistricting Committee

House Chairman
Rep. J. P. Huskins (D)

STAFF CONTACT

John L. Alien, Jr.
Legislative Services Officer
Legislative Services Office
2129 State Legislative Building
Raleigh, NC 27611
(919) 733-7044

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: 1981 - First regular session following release of census counts

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: No

SMALLEST UNIT OF POPULATION: Counties

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness; contiguity of counties

DEVIATION: Unknown

TYPE OF DISTRICT: Single member/multimember

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

NORTH CAROLINA

SENATORS ELECTED IN STAGGERED TERMS: No

VOTING RIGHTS STATE: Yes: Anson, Beaufort, Bertie, Bladen, Camden, Caswell, Chowan, Cleveland, Craven, Cumberland, Edgecombe, Franklin, Gaston, Gates, Granville, Greene, Guilford, Halifax, Harnett, Hertford, Hoke, Jackson, Lee, Lenoir, Martin, Nash, Northampton, Onslow, Pasquotank, Perquimans, Person, Pitts, Robeson, Rockingham, Scotland, Union, Vance, Washington, Wayne, Wilson Counties

NEW OR REVISED REDISTRICTING BEFORE 1990: No

COMPUTER ASSISTANCE FOR APPORTIONMENT

Yes - Open

COURT WITH ORIGINAL JURISDICTION

Superior Court Division of the General Court of Justice

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

NORTH DAKOTA

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article II, Section 29, 35
(Section 29, 35 ruled invalid in Paulson v. Meier, 232 F. Supp 183)

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

Joint Legislative Rule 305 - creates a joint standing committee on reapportionment. Membership of the committee has not yet been established.

CONGRESSIONAL DISTRICTS: One Congressman

STAFF CONTACT

John A. Graham
Director
Legislative Council
State Capitol
Bismarck, ND 58505
(701) 224-2916

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: 1981 - no specific deadline

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: No

SMALLEST UNIT OF POPULATION: Blocks

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness, geography

DEVIATION: North Dakota CC § 54-03-01.5: "The total population variance of all districts and subdistricts if created from the average district population may not exceed recognized constitutional limitations."

TYPE OF DISTRICT: Senate - single member, multimember
House - multimember

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: Yes - Senate

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators will be required to run for reelection if district boundaries change

NORTH DAKOTA

VOTING RIGHTS STATE: No

NEW OR REVISED DISTRICTS BEFORE 1990: No

COMPUTER ASSISTANCE FOR APPORTIONMENT

Yes - Bureau of Governmental Affairs, University of North Dakota
Lloyd B. Cmdahl, Director

COURT WITH ORIGINAL JURISDICTION

North Dakota Supreme Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

OHIO

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article XI, Sections 1-15

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Ohio Apportionment Board

Established in 1967

5 members; Governor, Secretary of State, Auditor of State, one person chosen jointly by the Speaker of the House and the head of his political party in the Senate, and one person chosen jointly by the leader of the other major political party in the House and Senate.

CONGRESSIONAL DISTRICTS: Legislature

Senate Elections, Financial
Institutions and Insurance
Committee

House Elections Committee

Senate Chairman
Sen. Paul R. Maria (R)

House Chairman
Rep. Terry M. Tranter (D)

STAFF CONTACT

Edith S. Woodward
Library Administrator
Ohio Legislative Service Commission
State House
Columbus, OH 43215
(614) 466-5312

Jack L. Noragon
Senior Research Associate
Ohio Legislative Service Commission
State House
Columbus, OH 43215
(614) 466-4389

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: October 5, 1981

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: None

SMALLEST UNIT OF POPULATION: Census blocks

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Equal population, compactness, contiguity
of political subdivisions, boundaries

DEVIATION: 10%

TYPE OF DISTRICT: Single member

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: Yes - 3 house districts
per senate district

OHIO

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators will be allowed to serve out their term

VOTING RIGHTS STATE: No

NEW OR REVISED DISTRICTS BEFORE 1990: No

COMPUTER ASSISTANCE FOR APPORTIONMENT

Yes - State Computer available; Republicans have employed Market Opinion Research, Inc., Detroit, Michigan. Democrats have employed Decision Research Corp., Cleveland, Ohio.

COURT WITH ORIGINAL JURISDICTION

Ohio Supreme Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

None: law merely requires that the plan of the Apportionment Board be published.

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

PENNSYLVANIA

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article 2, Section 17

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislative Reapportionment Commission

Established in 1968

5 members: House majority and minority leaders or appointed deputies; Senate majority or minority leaders or appointed deputies. The four members select the fifth member, a citizen of the commonwealth other than a local, state or federal official holding an office to which compensation is attached.

CONGRESSIONAL DISTRICTS: Legislature

STAFF CONTACT

Vincent W. Raba
Assistant Director
Joint State Government Commission
Room 108, Finance Building
Harrisburg, PA 17120
(717) 787-6617

Dr. James O. Freedman
Chairman
Legislative Reapportionment
Commission
Room 217, Finance Building
Harrisburg, PA 17120
(717) 783-1222

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: 1981 - 90 days after the commission is certified or census population is available

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: None

SMALLEST UNIT OF POPULATION: Blocks

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness, geography, political boundaries, voter registration

DEVIATION: 1.0% to 4.9%; Senate - 5.0% to 9.9%

TYPE OF DISTRICT: Single member

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators will be allowed to serve out their term

VOTING RIGHTS STATE: No

PENNSYLVANIA

NEW OR REVISED DISTRICTS BEFORE 1990: No

COMPUTER ASSISTANCE FOR APPORTIONMENT

State Legislative Data Processing Center/Richard E. Campbell, Director
State Legislative Data Processing
Center
Main Capitol, Room 47C
Harrisburg, PA 17120
(717) 787-7358

COURT WITH ORIGINAL JURISDICTION

Pennsylvania Supreme Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENTCURRENT LITIGATION

CASE NAME

CASE NUMBER

The Commission asked the State Supreme Court to determine when the 90 day deadline began. The Court held "... from the date the Commission receives the population data of the Commonwealth as determined by the Federal decennial census, in usable form, (breakdown of data by precinct and ward) for the Commissions performance of its constitutional duties."

DISTRICT MAPS

SOUTH DAKOTA

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article III, Section 5

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature/Reapportionment Group

Senate State Affairs
CommitteeHouse State Affairs
CommitteeSenate Chairman
Sen. G. Homer Harding (R)House Chairman
Rep. Joseph H. Barnett (R)

If the legislature is unable to redistrict, before adjourning the task falls to the Governor, Superintendent of Public Instruction, Presiding Judge of the Supreme Court, Attorney General and the Secretary of State who have 30 days to promulgate a plan.

CONGRESSIONAL DISTRICTS: One Congressman

STAFF CONTACT

Wes Tschetter
Director
Legislative Research Council
Pierre, SD 57501
(605) 773-3251

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: April 1981 - Regular legislative session of year ending in "1".
(State legislative districting plan adopted April 13, 1981).

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: No

SMALLEST UNIT OF POPULATION: Townships and cities

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Population equality, county boundaries, protection of minority voting rights, compactness, preservation of historical districting patterns, equalization as geographical size, socioeconomic considerations

DEVIATION: Unknown

TYPE OF DISTRICT: Single member, multimember

SOUTH DAKOTA

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: Yes - Senate is
primary district

SENATORS ELECTED IN STAGGERED TERMS: No

VOTING RIGHTS STATE: Yes - Shannon and Todd counties only

NEW OR REVISED DISTRICTS BEFORE 1990: No

COMPUTER ASSISTANCE FOR APPORTIONMENT

No

COURT WITH ORIGINAL JURISDICTION

State Supreme Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

TEXAS

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article 3, Sections 25, 26, 26A, 29

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature/Legislative Redistricting Board
of Texas

Committee of the Whole Senate
Redistricting Subcommittee

House Regions, Compacts, and
Districts Committee

Senate Chairman
Sen. H. Tati Santiesteban (D)

House Chairman
Rep. Tim Von Dohlen (D)

Established in 1948

5 members: Lt. Governor, House Speaker, Attorney General, Comptroller
and the Commissioner of the General Land Office. The Board
is to assemble 90 days after legislative adjournment and
must promulgate a plan within 60 days.

CONGRESSIONAL DISTRICTS: Legislature

STAFF CONTACT

Robert I. Kelly
Director
Texas Legislative Council
Box 12128
Capitol
Austin, TX 78711
(512) 475-2736

Mr. Lynn Moak
Staff Director
Committee of the Whole Senate
Redistricting
Office of the Lieutenant Governor
P. O. Box 12068
Austin, TX 78711
(512) 475-3106

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: 1981 - The first regular session after publication of the
U.S. Decennial census

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: No

SMALLEST UNIT OF POPULATION: Blocks

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness, race, geography

DEVIATION: Senate: 1.0% to 4.9%
House: 5.0% to 9.9%

TEXAS

TYPE OF DISTRICT: Single member

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators will be required
to run for reelection

VOTING RIGHTS STATE: Yes

NEW OR REVISED DISTRICTS BEFORE 1990: Yes

COMPUTER ASSISTANCE FOR APPORTIONMENT

Yes - Synercom Technology, Inc.

COURT WITH ORIGINAL JURISDICTION

No one court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

UTAH

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article IX

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

Joint Legislative Reapportionment Committee

Senate Chairman
Sen. Fred W. Finlinson (R)House Chairman
Rep. Merrill W. Harward (R)

CONGRESSIONAL DISTRICTS: Same

STAFF CONTACTRichard Strong
Research Analyst
Office of Legislative Research
Room 436, State Capitol
Salt Lake City, UT 84114
(801) 533-5481CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: 1981 - First Legislative session following the decennial census

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: No

SMALLEST UNIT OF POPULATION: Block

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Party registration, compactness,
race, geography, registered voters,
number of legislative districts

DEVIATION: 5.0% to 9.9%

TYPE OF DISTRICT: Single member

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators will be required
to run for reelection

VOTING RIGHTS STATE: No

NEW OR REVISED DISTRICTS BEFORE 1990: Yes

CSG Reapportionment Information Service

May, 1981

UTAH

COMPUTER ASSISTANCE FOR APPORTIONMENT

State Systems Planning; Wang Laboratories, Inc.

COURT WITH ORIGINAL JURISDICTION

No one court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENTCURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

VERMONT

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Statutory Provisions: 17 V.S.A. Chapters 33, 34, 34A; Vermont Constitution Chapter 2, Section 13, 18, 73

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislative Apportionment Board/Legislature

Senate Government Operations
Committee

House Government Operations
Committee

Senate Chairman
Sen. William T. Doyle (R)

House Chairman
Rep. Cola H. Hudson (R)

CONGRESSIONAL DISTRICTS: One Congressman

STAFF CONTACT

Janet Ancel
Draftsman
Legislative Council
State House
Montpelier, VT 05602
(802) 828-2231

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: 1981 - Advisory Board must report to Legislature by 2/1/81.
House and Senate plans reported by Board to Legislature
in February. Final legislative action due in 1982.

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: None

SMALLEST UNIT OF POPULATION: Townships

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness, contiguity, geography,
town and county lines, patterns of
social interaction and trade,
common interests

DEVIATION: Undetermined

TYPE OF DISTRICT: Single member; multizember

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

SENATORS ELECTED IN STAGGERED TERMS: No

VERMONT

VOTING RIGHTS STATE: No

NEW OR REVISED DISTRICTS BEFORE 1990: Yes

COMPUTER ASSISTANCE FOR APPORTIONMENT

Yes - open.

COURT WITH ORIGINAL JURISDICTION

No one court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

VIRGINIA

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article II, Section 6

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

Senate Privileges and
Elections CommitteeHouse Privileges and
Elections CommitteeSenate Chairman
Sen. Hunter B. Andrews (D)House Chairman
Del. John D. Gray (D)

CONGRESSIONAL DISTRICTS: Same

STAFF CONTACTJack Austin
Legislative Research Associate
Division of Legislative Services
P. O. Box 3-AG
Richmond, VA 23208
(804) 786-3591CRITERIA FOR STATE LEGISLATIVE APPORTIONMENTDATE: 1981 - First Legislative session following the decennial census
(State legislative plan adopted April, 1981).

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: None

SMALLEST UNIT OF POPULATION: Cities and parts of counties

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: Yes with a few exceptions

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness, political boundaries

DEVIATION: Senate: +4.35% and -6.3%; House: +14.67% and -14.16%

TYPE OF DISTRICT: Senate: Single member; House: Single member, multimember,
floterial

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

SENATORS ELECTED IN STAGGERED TERMS: No

VIRGINIA

VOTING RIGHTS STATE: Yes

NEW OR REVISED DISTRICTS BEFORE 1990: No

COMPUTER ASSISTANCE FOR APPORTIONMENT

No

COURT WITH ORIGINAL JURISDICTION

No one court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

Code of Virginia §24.1-12.2 - House of Delegates

Code of Virginia §24.1-14.2 - Senate

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

WASHINGTON

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article 2, Section 3, 6

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

Senate State Government
CommitteeHouse Select Committee on
RedistrictingSenate Chairman
Sen. Jack Metcalf (R)House Chairman
Rep. Bob Eberle (R)

CONGRESSIONAL DISTRICTS: Same

STAFF CONTACTLeslie Goldstein
Assistant Code Revisor
Office of the Code Revisor
Legislative Building
Olympia, WA 98504
(206) 753-6804Jerry Shaw
Research Analyst
Legislative Bldg
Olympia, WA 98504
(206) 753-1826Loren Busch
Leslie McAllister
Research Analyst
House Select Committee
on Reapportionment
House Office Building
Olympia, WA 98504
(206) 753-3158CRITERIA FOR STATE LEGISLATIVE APPORTIONMENTDATE: 1981 session - no specific date
(State legislative plan adopted April, 1981).

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: Transient military personnel

SMALLEST UNIT OF POPULATION: Census tract

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Party registration, compactness
race, geography, voting

DEVIATION: 10.0% to 14.9%

TYPE OF DISTRICT: Senate - single member; House - single member, multimember

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: Yes - Senate

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators will be allowed to
serve out their terms

WASHINGTON

VOTING RIGHST STATE: No

NEW OR REVISED DISTRICTS BEFORE 1990: Yes

COMPUTER ASSISTANCE FOR APPORTIONMENT

Yes - Rose Institute software - University of Washington for hardware

COURT WITH ORIGINAL JURISDICTION

State Superior Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

WEST VIRGINIA
REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article 6, Sections 6, 7, 10

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

Senate Select Committee on
Redistricting

Senate Chairman
Sen. Ralph D. Williams (D)

House Select Committee on Redistricting

House Chairman
Del. Charles H. Damron (D)

CONGRESSIONAL DISTRICTS: Same

STAFF CONTACT

Mark W. Stotler
Legislative Analyst
Legislative Services
Room E-132, State Capitol
Charleston, WV 25305
(304) 348-2040

William M. Walls
Attorney
Legislative Services
Room E-132, State Capitol
Charleston, WV 25305
(304) 348-2040

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: 1982 - no specific date

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: None

SMALLEST UNIT OF POPULATION: Census tract

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness, geography

DEVIATION: Unknown

TYPE OF DISTRICT: Senate - multimember; House - single member, multimember

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators will be allowed to
serve out their terms

VOTING RIGHTS STATE: No

NEW OR REVISED DISTRICTS BEFORE 1990: No

WEST VIRGINIA

COMPUTER ASSISTANCE FOR APPORTIONMENT

No

COURT WITH ORIGINAL JURISDICTION

State Supreme Court of Appeals

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

West Virginia Code § 1-2-2 (Senate)
§ 1-2-2 (House)
§ 1-2-3 (Congress)

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

WISCONSIN

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article IV, Sections 3-5

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

Assembly Elections Committee

Chairperson
Rep. William B. BroydrickSenate Special Reapportionment
CommitteeChairperson
Sen. William A. Bablitch (D)

Assembly Reapportionment Committee

Co-Chairperson
Rep. William B. Broydrick (D)Co-Chairperson
Rep. Thomas A. Hauke (D)

CONGRESSIONAL DISTRICTS: Same

STAFF CONTACTDr. H. Rupert Theobald
Chief
Legislative Reference Bureau
201 North, State Capitol
Madison, WI 53702
(608) 266-3561/0344CRITERIA FOR STATE LEGISLATIVE APPORTIONMENTDATE: 1982 - The first session after each federal enumeration
(The session extends into 1982)

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: None

SMALLEST UNIT OF POPULATION: Wards (precincts), blocks

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: Yes in urban areas

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness, geography, political
boundaries

DEVIATION: Less than 1%

TYPE OF DISTRICT: Single member

WISCONSIN

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: Yes - House

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators will be allowed to
serve out their term

VOTING RIGHTS STATE: No

NEW OR REVISED DISTRICTS BEFORE 1990: No

COMPUTER ASSISTANCE FOR APPORTIONMENT

Yes - Interstate Cooperation Commission Staff

COURT WITH ORIGINAL JURISDICTION

Wisconsin Supreme Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

Ch. 3, statutes - Congressional districts
Ch. 4, statutes - Assembly and Senate districts

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

WYOMING

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article 3, Sections 3, 47, 48, 49; Section 3 (part) ruled invalid

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

Senate Corporations, Elections and
Political Subdivisions Committee

House Corporations, Elections and
Political Subdivisions Committee

Senate Chairman
Sen. Neal Stafford

House Chairman
Rep. Alan Stauffer

CONGRESSIONAL DISTRICTS: One Congressman

STAFF CONTACT

Gerald W. Fox
Senior Research Associate
Legislative Service Office
213 Capitol Building
Cheyenne, WY 82002
(307) 777-7881

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: At the Legislative session next following the Federal census.
(State Legislative plan adopted February, 1981).

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: None

SMALLEST UNIT OF POPULATION: Counties

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness, geography, county
boundaries

DEVIATION: Senate: +39.5% and -24.4%
House: +29% and -60.3%

TYPE OF DISTRICT: Single member, multimember

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: Some - House

WYOMING

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators will be required to run for reelection

VOTING RIGHTS STATE: Yes - Campbell County (only)

NEW OR REVISED DISTRICTS BEFORE 1990: No

COMPUTER ASSISTANCE FOR APPORTIONMENT

No

COURT WITH ORIGINAL JURISDICTION

No one court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

Chapter 76 Session Laws of 1981

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

TABLE 1
 CONSTITUTIONAL PROVISIONS ON LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT

State	Constitutional Provision
Alabama	Section 197-203, Constitution of 1901
Alaska	Article VI, Sections 1-11
Arizona	No constitutional provision
Arkansas	Amendment 23, Amendment 45
California	Article IV, Section 6
Colorado	Article V, Sections 44-48
Connecticut	Article III, Section 6
Delaware	No constitutional provision
Florida	Article III, Sections 1, 15, 16
Georgia	Article III, Section 11, Paragraph 1, Section 11, Paragraph 1
Hawaii	Article IV
Idaho	Article 3, Sections 2, 4
Illinois	Article IV, Sections 2, 3
Indiana	Article 4, Sections 4, 5
Iowa	Article III, Section 5, 34-37, 39
Kansas	Article 10
Kentucky	Section 33
Louisiana	Article III, Section 6
Maine	Article 4, Part 3, Section 1-A
Maryland	Article III, Sections 4, 5
Massachusetts	Amendment XCII
Michigan	Article 4, Sections 2-6
Minnesota	Article IV, Section 2-3
Mississippi	Article 13, Section 254
Missouri	Article III, Sections 2, 7, 45
Montana	Article 5, Section 14
Nebraska	Article III, Sections 5, 7
Nevada	Article 15, Section 15; Article 4, Section 5 (ruled invalid)
New Hampshire	Part 2, Articles 3, 9A, 11, 11-A, 26, 26-A
New Jersey	Article IV, Sections 11, 111
New Mexico	Article 4, Section 3
New York	Article III, Sections 2-5
North Carolina	Article 11, Sections 3, 5
North Dakota	Article 11, Section 29, 35 (ruled invalid by Paulson v. Meier)
Ohio	Article XI, Sections 1-15
Oklahoma	Article V, Section 11A-11E
Oregon	Article IV, Sections 6-7, Article 18, Section 5
Pennsylvania	Article 2, Section 17
Rhode Island	Article V, Section 1, Amendment Article XIII, XIX
South Carolina	Article III, Sections 3-6
South Dakota	Article III, Section 5
Tennessee	Article 2, Sections 4-6
Texas	Article 3, Sections 25, 26, 26A, 28
Utah	Article IX
Vermont	Chapter 2, Section 13, Section 18
Virginia	Article 11, Section 5
Washington	Article 2, Sections 3, 6
West Virginia	Article 6, Sections 5, 7, 10
Wisconsin	Article IV, Sections 3-5
Wyoming	Article 3, Sections 3, 47, 48, 49, Section 3 (part and section 48 ruled invalid)

TABLE 2a

AGENCY RESPONSIBLE FOR STATE LEGISLATIVE REAPPORTIONMENT

State	Initial Reapportionment Agency	Secondary Reapportionment Agency
Alabama	Legislature	...
Alaska	Reapportionment Board	...
Arizona	Legislature	...
Arkansas	Board of Apportionment	...
California	Legislature	...
Colorado	Colorado Reapportionment Commission	...
Connecticut	Legislature	Reapportionment Commission
Delaware	Legislature	...
Florida	Legislature	State Supreme Court
Georgia	Legislature	...
Hawaii	Reapportionment Commission	...
Idaho	Legislature	...
Illinois	Legislature	Legislative Redistricting Commission
Indiana	Legislature	...
Iowa	Legislature	Iowa Supreme Court
Kansas	Legislature	...
Kentucky	Legislature	...
Louisiana	Legislature	Louisiana Supreme Court
Maine	Advisory Commission/Legislature	Supreme Judicial Court
Maryland	Governor/Legislature	...
Massachusetts	Joint Special Committee Established to Study New Division	...
Michigan	Commission on Legislative Apportionment	...
Minnesota	Legislature	...
Mississippi	Legislature	Reapportionment Commission
Missouri	House and Senate Reapportionment Commissions	...
Montana	Montana Districting and Apportionment Commission	...
Nebraska	Legislature	...
Nevada	Legislature	...
New Hampshire	Legislature	...
New Jersey	Apportionment Commission	...
New Mexico	Legislature	...
New York	Legislature	...
North Carolina	Legislature	...
North Dakota	Legislature	...
Ohio	Ohio Apportionment Board	...
Oklahoma	Legislature	Apportionment Commission
Oregon	Legislature	Secretary of State
Pennsylvania	Legislative Reapportionment Commission	...
Rhode Island	Commission to Reapportion the General Assembly/ Legislature	...
South Carolina	Legislature	...
South Dakota	Legislature	Apportionment Group
Tennessee	Legislature	...
Texas	Legislature	Legislative Redistricting Board
Utah	Legislature	...
Vermont	Legislative Apportionment Board (Advisory /Legislature)	...
Virginia	Legislature	...
Washington	Legislature	...
West Virginia	Legislature	...
Wisconsin	Legislature	...
Wyoming	Legislature	...

TABLE 2b

AGENCY RESPONSIBLE FOR CONGRESSIONAL REAPPORTIONMENT

State	One Congressman	Legislature	Special Board
Alabama	...	*	...
Alaska	*
Arizona	...	*	...
Arkansas	...	*	...
California	...	*	...
Colorado	...	*	...
Connecticut	...	*	...
Delaware	*
Florida	...	*	...
Georgia	...	*	...
Hawaii	*
Idaho	...	*	...
Illinois	...	*	...
Indiana	...	*	...
Iowa	...	*	...
Kansas	...	*	...
Kentucky	...	*	...
Louisiana	...	*	...
Maine	...	*	...
Maryland	...	*	...
Massachusetts	...	*	...
Michigan	...	*	...
Minnesota	...	*	...
Mississippi	...	*	...
Missouri	...	*	...
Montana	*
Nebraska	...	*	...
Nevada	*
New Hampshire	...	*	...
New Jersey	...	*	...
New Mexico	...	*	...
New York	...	*	...
North Carolina	...	*	...
North Dakota	*
Ohio	...	*	...
Oklahoma	...	*	...
Oregon	...	*	...
Pennsylvania	...	*	...
Rhode Island	...	*	...
South Carolina	...	*	...
South Dakota	*
Tennessee	...	*	...
Texas	...	*	...
Utah	...	*	...
Vermont	*
Virginia	...	*	...
Washington	...	*	...
West Virginia	...	*	...
Wisconsin	...	*	...
Wyoming	*

TABLE 3a

DEADLINE DATES FOR REAPPORTIONMENT BY INITIAL APPORTIONMENT AGENCY

Date	State	Initial Apportionment Agency	Reapportionment	Permissive	Date is Mandatory
<u>1981</u>					
February 1	Arkansas		B/C	...	*
	New Jersey		B/C	...	*
	Vermont-Senate		B/L	...	*
Late February/Early March	Hawaii		B/C	...	*(a)
	Utah		L	...	*(b)
	Virginia		L	...	*(b)
April 1	Alaska		B/C	...	*(c)
	Pennsylvania		D/C	...	*(c)
April 6	Oklahoma		L	...	*(b)
	Washington		L	*(b)	...
End of April	Alabama		L	...	*(b)
	Indiana		L	...	*(b)
	Nevada		L	...	*(b)
	North Dakota		L	*(b)	...
	South Dakota		L	*(b)	...
	Vermont-House		S/L	*(b)	*
End of May	Texas		L	...	*(b)
June 30	Delaware		b	...	*(b)
	Illinois		L	...	*
July 1	Oregon		L	...	*
	New Hampshire		L	...	*(b)
	North Carolina		L	...	*(b)
	South Carolina		L	*(b)	...
August 1	Connecticut		L	...	* *
September 1	Iowa		L	...	*
	Michigan		B/C	...	*
September 15	California		L	*(b)	...
October 1	Missouri		B/C	...	*(a)
October 5	Ohio		B/C	...	*
December 31	Louisiana		L	...	*

TABLE 3a
(Continued)

Date	State	Initial Reapportionment Agency	Date Is	
			Permissive	Mandatory
<u>1982</u>				
January 30	Colorado	B/C	...	*(a,c)
February	New Mexico	L	*(b)	...
	Wyoming	L	...	*(b)
March	Georgia	L	*(b)	...
	Idaho	L	*(b)	...
	Maryland	G/L	...	*(a)
	Minnesota	L	*(b)	...
	West Virginia	L	*(b)	...
	Mississippi	L	...	*(b)
April	Nebraska	L	*(b)	...
	Tennessee	L	*(b)	...
May	Rhode Island	L	...	*(b)
June	Arizona	L	*(b)	...
	Florida	L	*(b)	...
	Wisconsin	L	*(b)	...
<u>1983</u>				
January	Montana	B/C	...	*
April	Kentucky	L	*(b)	...
	Maine	B/L	...	*
<u>1986</u>				
	Massachusetts	B/C	*	...
	New York	L	*	...
<u>1989</u>				
	Kansas	L	...	*

Key

- L Legislature
- B/C Board or Commission
- G/L Governor and Legislature
- B/L Board and Legislature
- (a) Estimated date of mandatory deadline
- (b) Estimated or actual date of legislative adjournment
- (c) Date is contingent on receipt of census data

TABLE 35

ANTICIPATED CRITERIA USED FOR STATE LEGISLATIVE REAPPORTIONMENT

State	Census		Populations Excluded				Smallest Unit of Population	Census and Precinct Boundaries Coterminous
	Federal	Other	None	Student	Military	Other		
Alabama.....	"	...	"	N.A.	No
Alaska.....	"	"	...	ED's	No
Arizona.....	"	...	"	Blocks	No
Arkansas.....	"	...	"	N.A.	Yes
California.....	"	...	"	CD's & BG	No
Colorado.....	"	...	"	N.A.	Yes
Connecticut....	"	...	"	N.A.	Yes
Delaware.....	"	...	N.A.	N.A.	N.A.	N.A.	Blocks, ED's	Mostly
Florida.....	"	...	"	Voting Precinct	No
Georgia.....	"	...	"	Blocks	No
Hawaii.....	...	(a)	...	...	...	(b,c)	Voting Precinct	No
Idaho.....	"	...	N.A.	N.A.	N.A.	N.A.	Voting Precinct	Yes
Illinois.....	"	...	"	Blocks	No
Indiana.....	"	...	"	Blocks	Some
Iowa.....	"	...	"	Voting Precinct	Mostly
Kansas.....	...	(c)	"	...	...	...	Voting Precinct	No
Kentucky.....	"	...	No	...	...	...	Voting Precinct	No
Louisiana.....	"	...	"	Voting Precinct	No
Maine.....	"	(b)	N.A.	N.A.
Maryland.....	"	...	"	N.A.	No
Massachusetts..	...	(d)	...	"	"	...	Voting Precinct	No
Michigan.....	"	...	"	Political Boundary	Yes
Minnesota.....	"	...	"	Blocks, ED's, Prec.	Yes
Mississippi....	"	...	"	Blocks	No
Missouri.....	"	...	"	N.A.	Yes
Montana.....	"	...	"	Blocks	Yes
Nebraska.....	"	...	"	Blocks, ED's	Yes
Nevada.....	"	...	"	Block, ED's	No
New Hampshire..	"	"	"	...	Blocks	No
New Jersey.....	"	...	"	Precincts	No
New Mexico....	"	...	"	Precincts	No
New York.....	"	...	"	Blocks	No
North Carolina.	"	...	"	Counties	No
North Dakota..	"	...	"	Blocks	No
Ohio.....	"	...	"	Blocks	No
Oklahoma.....	"	...	"	Blocks	No
Oregon.....	"	...	"	Blocks	Unknown
Pennsylvania...	"	...	"	Blocks	No
Rhode Island...	"	...	"	Blocks	Mostly
South Carolina.	"	...	"	Blocks	Mostly
South Dakota..	"	...	"	ED's	No
Tennessee.....	"	...	"	Voting Precinct	No
Texas.....	"	...	"	Blocks	No
Utah.....	"	...	"	Blocks	No
Vermont.....	"	(e)	N.A.	N.A.	N.A.	N.A.	Townships	No
Virginia.....	"	...	"	Blocks	Mostly
Washington....	"	"	...	Census Tracts	No
West Virginia..	"	...	"	Census Tracts	No
Wisconsin.....	"	...	"	Precincts (Wards)	Yes
Wyoming.....	"	...	"	ED's	No

Key: N.A. = Not available or not yet determined

- a) Number of voters registered in the last preceding general election
- b) Non-U.S. citizen
- c) Non-registered voters
- d) State census
- e) The House of Representatives is apportioned on number "legal voters"

TABLE 3c

ANTICIPATED CRITERIA USED FOR STATE LEGISLATIVE REAPPORTIONMENT

State	Party Registration	Compact & Contiguous Districts	Race or Ethnic Characteristics	Geography	Voting Age	Other
Alabama.....	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Alaska.....	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Arizona.....	..	*	*	*	..	..
Arkansas.....	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
California.....	*	*	*	*	..	..
Colorado.....	..	*	*	*	..	Political Boundaries Community of Interest
Connecticut.....	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Delaware.....	..	*	..	*	..	..
Florida.....	..	..	..	*	..	Political Boundaries
Georgia.....	..	*	*	*	..	Political Boundaries
Hawaii.....	..	*	..	*	..	Socio Economic Factors
Idaho.....	..	*	..	*	..	..
Illinois.....	*	*	..	*	..	..
Indiana.....	*	*	..	*	..	..
Iowa.....	..	*	..	..	..	Political Boundaries
Kansas.....	..	*	..	*	..	..
Kentucky.....	..	*	..	..	..	..
Louisiana.....	..	*	*	*	..	..
Maine.....	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Maryland.....	..	*	..	*	..	Political & Natural Boundaries
Massachusetts.....	..	*	*	*	..	..
Michigan.....	..	*	..	*	..	Political Boundaries
Minnesota.....	..	*	..	..	..	..
Mississippi.....	..	*	*	..	..	County Boundaries
Missouri.....	..	*	..	*	..	..
Montana.....	..	*	*	*	..	Political Boundaries
Nebraska.....	..	*	..	..	..	Political Boundaries
Nevada.....	..	*	..	*	..	County Boundaries
New Hampshire.....	..	..	..	..	..	Town & City Ward Boundaries
New Jersey.....	..	*	..	..	..	Political Subdivisions
New Mexico.....	..	*	..	..	..	..
New York.....	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
North Carolina.....	..	*	..	..	..	County Boundaries
North Dakota.....	..	*	..	*	..	..
Ohio.....	..	*	..	*	..	Political Boundaries
Oklahoma.....	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Oregon.....	..	*	*	*	..	Community of Interest
Pennsylvania.....	*	*	..	*	..	Political Boundaries
Rhode Island.....	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
South Carolina.....	..	*	*	*	*	..
South Dakota.....	..	*	..	..	..	County Boundaries
Tennessee.....	..	..	..	*	..	Political Boundaries
Texas.....	..	*	*	*	..	..
Utah.....	*	*	*	*	*	..
Vermont.....	..	*	..	*	*	County Lines
Virginia.....	..	*	..	..	..	..
Washington.....	*	*	*	*	*	..
West Virginia.....	..	*	..	*	..	..
Wisconsin.....	..	*	..	*	..	Political Boundaries
Wyoming.....	..	*	..	*	..	County Boundaries

Key:

N.A. = not available or not yet determined

TABLE 3d
 PERCENT OF ANTICIPATED DEVIATION TO BE USED FOR DISTRICTS

Less than 1.0%	1.0% to 4.5%	5.0% to 9.5%	10.0% to 14.9%	15.0% or more	Undetermined
Arizona	Colorado	Georgia	Idaho	Wyoming	Alaska
California	Illinois	Kansas*	Massachusetts - House		Alaska
Florida	Indiana	Kentucky	Washington		Arkansas
Michigan	Iowa	Louisiana	West Virginia		Connecticut
Oklahoma	Massachusetts - Senate	Nevada			Delaware
	Mississippi	North Carolina			Hawaii
	Nebraska	North Dakota			Maine
	New Hampshire	Pennsylvania - Senate			Maryland
	New Mexico	South Carolina			Minnesota
	Ohio	Texas - House			Missouri
	Pennsylvania	Utah			Montana
	South Dakota	Wisconsin			New Jersey
	Tennessee				New York
	Texas - Senate				Oregon
					Rhode Island
					Vermont
					Virginia

* Next reapportionment to be held in 1989

TABLE 3e

TYPES OF DISTRICTS

State	SENATE				HOUSE				House and Senate District Boundaries Coterminous
	Number of Seats	Number of Districts	Number of Multi-Member Districts	Largest Number of Seats in District	Number of Seats	Number of Districts	Number of Multi-Member Districts	Largest Number of Seats in District	
Alabama	35	35	0	1	105	105	0	1	Yes
Alaska	20	16	3	3	40	22	10	6	N.A.
Arizona	30	30	0	1	60	30	30	2	Yes
Arkansas	35	35	0	1	100	84	10	3	No
California	40	40	0	1	80	80	0	1	No
Colorado	35	35	0	1	65	65	0	1	No
Connecticut ...	36	36	0	1	151	151	0	1	N.A.
Delaware	21	21	0	1	41	41	0	1	No
Florida	40	19	14	3	120	45	21	6	No
Georgia	56	56	0	1	180	154	17	4	No
Hawaii	25	9	7	4	51	27	22	3	No
Icaho	35	35	0	1	70	35	35	2	Yes
Illinois	59	59	0	1	119	59	59	2	Yes
Indiana	50	50	0	1	100	73	20	3	No
Iowa	50	50	0	1	100	100	0	1	Yes
Kansas	40	40	0	1	125	125	0	1	No
Kentucky	38	38	0	1	100	100	0	1	No
Louisiana	39	39	0	1	105	105	0	1	No
Maine	33	33	0	1	151	119	11	10	No
Maryland	47	47	0	1	141	47	47	3	Yes
Massachusetts .	40	40	0	1	160	160	0	1	No
Michigan	38	38	0	1	110	110	0	1	Yes
Minnesota	57	57	0	1	134	134	0	1	Yes
Mississippi	52	52	0	1	122	122	0	1	No
Missouri	34	34	0	1	163	163	0	1	No
Montana	50	50	0	1	100	100	0	1	Yes
Nebraska	49	49	0	1	Unicameral				
Nevada	20	10	3	7	40	40	0	1	No
New Hampshire .	24	24	0	1	400	161	127	11	No
New Jersey	40	40	0	1	80	40	40	2	Yes
New Mexico	42	42	0	1	70	70	0	1	No
New York	60	60	0	1	150	150	0	1	No
North Carolina.	50	27	18	4	120	45	35	8	No
North Dakota ..	50	49	1	2	100	49	49	4	Yes
Ohio	33	33	0	1	99	99	0	1	Yes
Oklahoma	48	48	0	1	101	101	0	1	No
Oregon	30	30	0	1	60	60	0	1	Yes
Pennsylvania ..	50	50	0	1	203	203	0	1	No
Rhode Island ..	50	50	0	1	100	100	0	1	No
South Carolina.	46	16	13	5	124	124	0	1	No
South Dakota ..	35	28	3	5	70	28	28	10	Yes
Tennessee	33	33	0	1	99	99	0	1	No
Texas	31	31	0	1	150	150	0	1	No
Utah	29	29	0	1	75	75	0	1	No
Vermont	30	13	11	6	150	72	39	15	No
Virginia	40	38	1	3	100	52	28	7	No
Washington	49	49	0	1	98	49	49	2	Yes
West Virginia..	34	17	17	2	100	36	25	13	No
Wisconsin	33	33	0	1	99	99	0	1	Yes
Wyoming	30	16	9	5	62	23	12	11	No

TABLE 3f

STATES WITH MULTIMEMBER DISTRICTS

Senate	Legislators Must Run From Enumerated Seats	House	Legislators Must Run From Enumerated Seats
Alaska	No	Alaska	No
...		Arizona (x2)	No
...		Arkansas	Yes
Florida	Yes	Florida	Yes
...		Georgia	Yes
Hawaii	No	Hawaii	No
...		Idaho (x2)	Yes
...		Indiana	No
...		Maine	Yes
...		Maryland	No
Nevada	No	...	
...		New Hampshire	No
...		New Jersey (x2)	No
North Carolina	No	North Carolina	No
South Carolina	Yes	...	
South Dakota	No	South Dakota	No
Vermont	No	Vermont	No
Virginia	No	Virginia	No
...		Washington (x2)	Yes
West Virginia	No	West Virginia	No
Wyoming	No	Wyoming	No

TABLE 3g

EFFECT OF REAPPORTIONMENT ON TERMS OF SENATORS

State	All Senators Elected at Same Time	Senators Elected in Staggered Terms	Senators Will be Required to Run for Reelection	Senators Will be Allowed to Serve Out Term
Alabama.....	2	...	...	...
Alaska.....	...	2	2	...
Arizona.....	2	...	...	...
Arkansas.....	...	2	2	...
California....	...	2	...	2
Colorado.....	...	2	...	2
Connecticut...	2	...	...	...
Delaware.....	...	2	2	...
Florida.....	...	2	2	...
Georgia.....	2	...	...	...
Hawaii.....	...	2	...	2
Idaho.....	2	...	...	...
Illinois.....	...	2(a)	...	...
Indiana.....	...	2	...	N.A.
Iowa.....	...	2	...	2(b)
Kansas.....	2	...	...	...
Kentucky.....	...	2	...	2
Louisiana.....	2	...	...	...
Maine.....	2	...	...	...
Maryland.....	2	...	...	...
Massachusetts..	2	...	...	...
Michigan.....	2	...	...	...
Minnesota.....	2	...	...	...
Mississippi....	2	...	...	...
Missouri.....	...	2	...	2
Montana.....	...	2(c)	2	...
Nebraska.....	...	2	...	2
Nevada.....	...	2	2	...
New Hampshire..	2	...	...	...
New Jersey....	2	...	...	...
New Mexico....	...	2	2	...
New York.....	2	...	...	...
North Carolina.	2	...	...	...
North Dakota ..	...	2	2	...
Ohio.....	...	2	...	2
Oklahoma.....	...	2	...	2
Oregon.....	...	2	...	2
Pennsylvania ..	...	2	...	2
Rhode Island ..	2	...	...	...
South Carolina.	2	...	...	...
South Dakota ..	2	...	...	...
Tennessee.....	...	2	...	2
Texas.....	...	2	2	...
Utah.....	...	2	2	...
Vermont.....	2	...	...	...
Virginia.....	2	...	...	...
Washington....	...	2	...	2
West Virginia .	...	2	...	2
Wisconsin.....	...	2	...	2
Wyoming.....	...	2	2	...

Key: N.A. - not available or not yet determined

(a) - all terms end in 1983

(b) - unless 2 or more incumbents are placed in same district

(c) - after each reapportionment, lots will be drawn for 2 the senators to serve an initial 2-year term. Subsequent elections will be for 4-year terms.

TABLE 4

LEGISLATIVE REAPPORTIONMENT DATA PROCESSING ASSISTANCE

State	Data Processing Assistance	Computer Graphics
Alabama.....	Yes - University of Alabama	...
Alaska.....	Yes - Open	...
Arizona.....	Yes - Datapool, Phoenix, Arizona	...
Arkansas.....	Yes - University of Arkansas, Industrial Research & Extension Center	?
California.....	Yes - Open	...
Colorado.....	Yes - State Computer System	...
Connecticut.....	Yes - Market Opinion Research	...
Delaware.....	Yes - Unknown	...
Florida.....	Yes - Legislative Data Processing Center	?
Georgia.....	Yes - Institute of Government, University of Georgia	...
Hawaii.....	Unknown	...
Idaho.....	No	...
Illinois.....	Yes - Open	...
Indiana.....	Yes - Open	?
Iowa.....	Yes - Prof. John Liittschwager, University of Iowa	...
Kansas.....	No	...
Kentucky.....	Yes - State Data Processing	...
Louisiana.....	Yes - State Planning Office	...
Maine.....	Unknown	...
Maryland.....	Yes - Open	...
Massachusetts.....	No	...
Michigan.....	Yes - Open	...
Minnesota.....	Yes - APT	...
Mississippi.....	Unknown	...
Missouri.....	Yes - Open	...
Montana.....	Unknown	?
Nebraska.....	Yes - State Central Data Processing	...
Nevada.....	Yes - State Central Data Processing	?
New Hampshire.....	No	...
New Jersey.....	Yes - Open	...
New Mexico.....	No	...
New York.....	Yes - Legislative Advisory Task Force on Reapportionment	?
North Carolina.....	Yes - Open	...
North Dakota.....	Yes - Open	...
Ohio.....	Yes - Open	...
Oklahoma.....	Yes - State Data Processing	...
Oregon.....	Yes - State Data Processing	?
Pennsylvania.....	Yes - State Legislative Data Processing Center	...
Rhode Island.....	Unknown	...
South Carolina.....	Yes - State Data Processing	...
South Dakota.....	No	...
Tennessee.....	No	...
Texas.....	Yes - Synercom Technology, Inc.	...
Utah.....	Yes - State Systems Planning; Wang Laboratories, Inc.	?
Vermont.....	Yes - Open	...
Virginia.....	No	...
Washington.....	Yes - Open	...
West Virginia.....	No	...
Wisconsin.....	No	...
Wyoming.....	No	...

A LEGAL VIEW OF REAPPORTIONMENT
A Cronology of Supreme Court Reapportionment
and Voting Rights Decisions

CITY OF ROME vs. UNITED STATES, 64 L Ed 2nd 119, 100 S Ct. 1548 (1980) (GA - Local)

Voting Rights Act

Sec. 5 of the Voting Rights Act was not unconstitutional as exceeding Congress' power under the Fifteenth Amendment by prohibiting voting changes that have only a discriminatory effect; the Act, instead, being an appropriate means for carrying out Congress' power, under Sec. 2 of the Fifteenth Amendment to enforce the Amendment's Command that the right of United States citizens to vote shall not be denied or abridged on account of race, and the Act being consonant with all provisions of the Constitution.

CITY OF MOBILE vs. BOLDEN, 64 L Ed 2nd 47, 100 S. Ct. 1491 (1980) (AL - Local)

The city's at-large electoral system for city commissioners did not violate 14th and 15th Amendments and did not warrant replacing with a mayor council government.

Voting Rights Act

1. Since Negroes in the city registered and voted without hinderance, the court erred in holding that the 15th Amendment was violated by the at-large voting practice, since the 15th Amendment does not entail the right to have Negro candidates elected, but prohibits only purposefully discriminatory denial or abridgement by the government of the freedom to vote on account of race, color, or previous condition of servitude.

2. The courts below had erred in ruling that the 14th Amendment was violated by the at-large voting practice, since there can be no violation of the 14th Amendment's equal protection clause in regard to racial discrimination in voting if there is no purposeful discrimination in voting, and the evidence in the case at bar fell short of showing that the at-large voting practice was a purposeful device to further racial discrimination.

MISSISSIPPI vs. UNITED STATES, 444 U.S. 1050 62 L Ed 2nd 739 (1980) (MS - Leg)

Voting Rights Act

The statutory plan enacted in 1978 had the impermissible effect of diluting black voting strength.

NEVETT vs. SIDES, 571 F 2nd 209 (1979) (5th Cir. 1979) (AL - Local)

U.S. Court of Appeals At-Large Elections.

CLARK vs. MARENGO COUNTY, 469 F Supp. 1150 (1979) (AL - Local)

At-Large Districts

At-large scheme for elections of members of County Commission and County Board of Education cannot be held to be per se unconstitutional.

CONNOR vs. FINCH, 469 F Supp. 693 (1979) (MS - Leg)

Legislative reapportionment promulgated. Districts were drawn using federal census population, percent variance, percent black population, percent black voting age population.

DOUGHERTY COUNTY BOARD OF EDUCATION vs. WHITE, 439 U.S. 32 (1978) (GA - Leg)

Employee required to take a leave of absence to run for state Legislature.

Voting Rights Act

Sec. 5 of the Voting Rights Act must be given the broadest possible scope, encompassing the subtle as well as the obvious forms of discrimination.

WISE vs. LIPSCOMB, 437 U.S. 535 (1978) (TX - Local).

1. When the District Court invalidated the provisions of the Dallas city charter mandating Council elections, the city had the duty to devise a substitute plan rather than to leave the matter to the District Court.
2. No reason existed why the District Court was not entitled to consider the City Council's substitute plan under the principles applicable to legislatively adopted reapportionment plans.
3. The Council's ordinance should not be regarded as a court-ordered plan subject to a level of scrutiny more stringent than required by the Constitution.

Additional Opinion - Renquist, Burger, Stewart, Powell

The case at bar did not present, and the court did not decide, the question whether the use of multimember districts for city governments was unconstitutional as diluting the voting strength of racial groups.

UNITED STATES vs. BOARD OF COMMISSIONERS OF SHEFFIELD, 435 U.S. 110 (1978)
(AL - Vote)

Voting Rights Act

Sec. 5 applied to all entities having power over any aspect of the electoral process within covered jurisdictions, not only to counties or to whatever units of state government performed the function as registering voters and, therefore, Sec. 5 required the city to obtain preclearance of a voting change even though it had never conducted voter registration.

UNITED JEWISH ORGANIZATIONS OF WILLIAMSBURG, INC. vs. CAREY, 430 U.S. 144 (1977) (NY - Leg)

Voting Rights Act

The Hasidic Jewish community sued, alleging that the state's use of racial criteria and quotas in developing a redistricting plan acceptable to the U.S. Justice Department, (65% non-white population majority) violated their rights. The U.S. Supreme court upheld a dismissal of their suit.

MORRIS vs. GRESSETTE, 432 U.S. 491 (1977) (SC - Leg - Senate)

Voting Rights Act

Is the USAG's decision not to object to a covered state's proposed change in its laws, submitted for his consideration under Sec. 5, subject to judicial review?

1. When the Attorney General failed to interpose a timely objection, a federal District Court did not have jurisdiction to review the Attorney General's action under Sec. 5.
2. Compliance with Sec. 5 is measured solely by the absence of a timely objection by the Attorney General.

BRISCOE vs. BELL (1977), 432 US 404 (TX - Vote)

Voting Rights Act

1. Under Sec. 4(b) of the Act, judicial review of coverage determinations by the Attorney General and the director of the census was absolutely barred, the only procedure available to Texas being a "bailout" suit under Sec. 4(a) to seek termination coverage.
2. In enacting Sec. 4(b), Congress acted within its "power to enforce the fourteenth and fifteenth amendments by appropriate legislation."

CONNOR vs. FINCH (1977), 431 US 407 (MS - Leg).

Population Variance

1. The District Court's reapportionment plan under which there were maximum population deviations of 16.5% in the Senate districts and 19.3% in the House districts were unconstitutional, and such a departure from constitutional requirements was not justified as reflecting deference to the state's historic respect for the integrity of county boundaries especially where

(a) the court had failed to identify any unique features of the state political structure to support the plan's more than de minimus variations,

(b) the court had been presented with a more statistically acceptable plan which fragmented fewer county boundaries.

Voting Dilution

2. With respect to challenges of the plan impermissibly diluting Negro voting strength, the court should either draw legislative districts that would be reasonably contiguous and compact, so as to eliminate suspicions that Negro voting strength was being impermissibly diluted or explain precisely why in a particular instance such a goal could not be accomplished.

KIRKSEY vs. BOARD OF SUPERVISORS OF HINDS COUNTY, MS (1977), 54 F 2nd 139 (Court of Appeals) (MS - Local).

Redistricting plan is constitutionally impermissible as racially discriminatory if it is racially motivated gerrymander or if it perpetuates existant denial of access by racial minority to political process. The court ordered a plan of voting districts for election of county officials by single member districts.

BEER vs. UNITED STATES, 425 U.S. 130 (1976) (LA - Local)

Multimember districts

Since the two at-large city councilmanic seats, having existed since 1954, could not be reviewed in a proceeding to obtain approval for the reapportionment plan under Sec. 5 of the Voting Rights Act, the plan could not be rejected solely because it did not eliminate the two at-large seats.

Voting Rights Act

The plan did not have the effect of denying or abridging the right to vote on account of race or color under Sec. 5 since under a prior plan, none of the five councilmanic districts had a clear Negro majority of registered voters and no Negro had been elected to the City Council but, under the plan for which approval had been sought, Negroes would constitute a majority of the

CONNOR vs. WALLER, 421 U.S. 656 (1975) (MS - Leg)

Voting Rights Act

Three judge panel, sitting for the U.S. District Court for the Southern District of Mississippi, erred in ruling the Mississippi statutes reapportioning the state legislature were not legislative enactments subject to federal approval pursuant to Sec. 5 of the Voting Rights Act.

CHAPMAN vs. MEIER, 420 U.S. 1 (1975) (ND - Leg - Sen)

Population Variance

A population variance of 20.14% between the largest and smallest Senate district could not be justified on the grounds of absence of electorally victimized minorities, the state's sparse population, the division of the state by a river or the goal of observing geographical and political boundaries, since none of such factors had been explicitly shown to necessitate the substantial population deviation ...

Multimember Districts

Absent persuasive justification, a federal court's reapportionment plan for a state legislature should avoid use of multimember districts, and should ordinarily achieve the goal of population equality with little more than de minimis variation.

TAYLOR vs. MCKEITHEN, 499 F 2nd 893 (1974) (LA - Leg)

Long history and continuing vitality of wards in voting districts in New Orleans entitled ward boundaries to respect in drawing district lines.

Constitution extends equal protection of the laws to people, not to interests.

WHITE vs. REGISTER, 412 U.S. 755 (1973) (TX - Leg - House)

Population Variance

House districts of 71,597 to 78,943 or 9.9% overall deviation plan upheld.

Multimember Districts

The court invalidated the use of two large multimember districts in two metropolitan counties because the Black and Chicano communities had been "effectively excluded from participation in the Democratic primary selection process".

population in two of the five districts and a clear majority of the registered voters in one of them, making it predictable that at least one and perhaps two Negroes could be elected to City Council. An impermissible effect is created whenever a reapportionment plan has the effect of diluting existing black voting strength.

EAST CARROLL PARISH SCHOOL BOARD vs. MARSHALL, 424 U.S. 636 (1976) (LA - Local)

Multimember districts

The Supreme Court's preference for single-member districts in court ordered apportionment plans is extended to districts in a local jurisdiction. The preclearance procedures of Sec. 5 of the Voting Rights Act were not applicable when a District Court adopted a reapportionment plan submitted to it by a local legislative body that was covered by the Act.

McGILL vs. GADSDEN COUNTY COMMISSION, 535 F 2nd 277 (1976) (FL - Local) (Court of Appeals)

At Large Districts

Plaintiff failed to establish that at-large voting scheme used to elect members of County Commission diluted black voting strength.

WHITE vs. REGISTER, 422 U.S. 935 (1975) (TX - Leg). (Follow-on case to White v. Weiser.)

The Texas Legislature adopted a single member redistricting plan for the multimember districts at question subsequent to WHITE vs. REGISTER. On direct appeal, the U.S. Supreme Court vacated the District Court judgment and remanded the case for further consideration.

CITY OF RICHMOND, VIRGINIA vs. UNITED STATES, 422 U.S. 358 (1975) (VA - Local)

Voting Rights Act

The effect of annexation did not deny or abridge the Negroes' right to vote in the postannexation community, since the fairly designed ward plan afforded them representation reasonably equivalent to their political strength in the enlarged community.

Multimember Districts, Racial Discrimination

In order to sustain a claim that multimember legislative districts are being used invidiously to cancel out or minimize the voting strength of racial groups, it is not enough to show that the racial group allegedly discriminated against has not had legislative seats in proportion to its voting potential. Evidence must be produced to support findings that the political processes leading to nomination and election were not equally open to participation by the group in question - that its members had less opportunity than did other residents in the district to participate in the political processes and to elect legislators of their choice.

GAFFNEY vs. CUMMINGS, 412 U.S. 735 (1973) (CT - Leg)

Population Variance

Senate 83,441 to 84,973; total 1.81%

House 19,297 to 20,870; or 7.83%.

Plan upheld.

Partisan Gerrymandering

The plan was based on a "political fairness" principle, which was designed to reflect the relative strength of the major political parties, by creating a certain number "safe" of "safe" districts for each party and a certain number of "swing" districts.

Court Holdings

Minor deviations from mathematical equality among state legislative districts are insufficient to make out a prima facie case of invidious discrimination under the Equal Protection Clause.

The population variations in this case are so minor the state need not justify them.

The principle of "political fairness" is not invidiously discriminatory.

Congressional districts are to be judged by stricter deminimus standards than are state legislative districts.

GEORGIA vs. UNITED STATES, 411 U.S. 526 (1973) (GA - Leg)

Voting Rights Act

State reapportionment plans are specifically included in Sec. 5 preclearance requirements. Despite the lack of any affirmative finding by the Attorney

General to the effect that the reapportionment plan had a racially discriminatory purpose or effect, the Attorney General had properly promulgated and applied a regulation stating that the burden of proof was on the submitting party, and that the Attorney General would refrain from objecting only if his review of the material submitted satisfied him that the proposal change did not have a racially discriminatory purpose or effect.

MAHAN vs. HOWELL, 410 U.S. 315 (1973) (VA - Leg)

Population Variance

Legislative redistricting plans are not to be judged by the more stringent standards applicable to Congressional reapportionment, but judged against Equal Protection Clause.

Some divergences from a strict population standard are constitutionally permissible with respect to the apportionment of seats in either or both houses of a bicameral state legislature, where such divergences are based on legitimate considerations incident to the effectuation of a rational state policy.

Maintenance of political subdivision lines in the apportionment of legislative seats is not an irrational state policy; though such a policy, however rational, cannot be permitted to emasculate the goal of substantial equality of representation.

Tested by such standards, the population disparities among the House districts created by the Virginia General Assembly (+6.8% to -9.6% or 16.4% overall), though approaching tolerable constitutional limits, do not exceed them.

WHITE vs. WEISER, 412 U.S. 783 (1973) (TX - Cong)

Population Variance

458,581 to 477,856 for a spread of 4.1% is unconstitutional (2.43% & 1.70% average deviation among districts; .745% or 3,421 persons).

Although the percentage deviation in the legislative plan are smaller than those in Kirkpatrick & Wells, they were not "unavoidable" and the districts were not as mathematically equal as reasonably possible.

Avoidable variations must, if possible, be avoided.

Partisan Gerrymandering

The drawing of district boundaries, in a way that minimizes the number of contests between present incumbents, does not of itself establish invidiousness.

GOINES vs. HEISKELL, 362 F Supp. 313 (1973) (WV Leg - House) (U.S. District Court)

Population Deviation

16.179 maximum percentage population variance among the delegate districts was tolerable and acceptable, and did not violate "one man - one vote".

Multimember Districts

Statute apportioning membership in House of Delegates of the West Virginia Legislature did not arbitrarily discriminate against some voters and favor others in creating multimember districts.

67TH MINNESOTA STATE SENATE vs. BEENS, 406 U.S. 187 (1972) (MN - Leg)

Federal Court Intervention:

Insofar as possible, a federal court in reapportioning a state legislature should accommodate the relief ordered to the appropriate provisions of state constitutions and state statutes relating to the legislature's size.

In a federal district court action for reapportionment of a state's legislature, a court-imposed minor variation from the state's prescribed figures as to the proper size of the legislature, is permissible when the change is shown to be necessary to meet constitutional requirements; but cutting a state Senate's size almost in half and the House size by nearly 1/4 is more than a mere minor variation.

CONNOR vs. WILLIAMS, 404 U.S. 449 (1972) (MS - Leg)

Multimember Districts

The Supreme Court affirmed its preference for an emphasis upon single-member districts in court-ordered reapportionment plans.

ABATE vs. MUNDT, 403 U.S. 182 (1971) (NY - Local)

Population Variance

Population variances of 11,577 to 13,020 or +4.8% to -7.1%, or total of 11.9%, are constitutionally permissible in light of the absence of a built-in bias tending to favor any particular area or interest and the longstanding local governmental structures in which the towns and the county worked in close cooperation to provide overlapping public services.

WHITCOMB vs. CHAVIS, 403 U.S. 124 (1971) (IN - Leg)

Population Variance

Multimember districts

The use of multimember state legislative districts is not per se unconstitutional under the Equal Protection Clause, but is subject to challenge where circumstances of a particular case may operate to minimize or cancel out the voting strength of racial or political elements of the voting population.

Racial Discrimination

Minorities are not ipso facto and per se, entitled to representation in proportion to number or to relief even in multimember districts, based only on the fact of their racial or political minority.

ELY vs. KLAHR, 403 U.S. 108 (1971) (AZ - Leg)

Population Base

The use of voter registration as a basis is allowable only if it produces a "distribution of legislators not substantially different from that which would have resulted from the use of a permissible population basis".

Partisan Gerrymandering

Plan tried to insure inter alia, that no incumbent would run for re-election against another incumbent. Court held that "the incumbency factor has no place in any reapportionment or redistricting", and found "inapposite" the consideration of party strengths as a factor.

CONNOR vs. JOHNSON, 402 U.S. 690 (1971) (MS - Leg)

Multimember Districts

When U.S. District Courts are forced to fashion state legislative apportionment plans, "single-member districts are, as a general matter, preferable to large multimember districts".

PERKINS vs. MATTHEWS, 400 U.S. 379 (1971) (MS - Local)

Voting Rights Act

Definitional refinement of Sec. 5.

Any change in election procedure, no matter how small, is subject to Sec. 5 scrutiny.

The local district courts do not have jurisdiction to review Sec. 5 cases; only the U.S. Attorney General and the U.S. District Court for the District of Columbia may review these cases.

OREGON vs. MITCHELL, 400 U.S. 112 (1970) (OR - Elections)

Federally imposed voting eligibility requirements:

Congress has the right to establish national standards for voting eligibility in federal elections.

The provision lowering the minimum voting age from 21 to 18 was valid as applied to federal elections.

Congress could not lower the voting age from 21 to 18 in state and local elections.

The provision suspending the use of literacy tests for both federal elections and state and local elections is valid.

Provisions pertaining to residency requirements and absentee registration and voting in a presidential and vice presidential election are valid.

HADLEY vs. JUNIOR COLLEGE DISTRICT, 397 U.S. 50 (1970) (MO - Local)

Population Variance

Population equality is necessary in a consolidated junior college district from which trustees are elected.

GASTON COUNTY vs. UNITED STATES, 395 U.S. 285 (1969) (NC - Local)

Voting Rights Act

The District Court could properly consider the county's practice of educational discrimination in determining whether its literacy test had the effect of discriminatorily denying the franchise.

It was not clearly erroneous for the District Court to conclude that the county had not met the burden of proving that the education it provided had no such discriminatory effect.

Adult Negroes who had received inferior education were discriminatorily affected by the use of this literacy test, despite impartial administration of

the voting registration law and recent progress toward equalizing and integrating the county's school system. Educational levels can have some effect on the voting regulations under Sec. 5.

MOORE vs. OGILVIE, 394 U.S. 814 (1969) (IL - Elections)

Election Nomination Procedures

A state statute providing that the 25,000 or more signatures of qualified voters prescribed for nominating petitions of independent candidates for offices to be filled by voters at large must include the signatures of 200 qualified voters from each of at least 50 of the 102 counties in the state; notwithstanding that it was designed to require a statewide support for launching a new political party rather than support from a few localities, violates the equal protection clause of the 14th Amendment in that it applies a rigid, arbitrary formula to sparsely settled counties and populous counties alike, contrary to the constitutional theme of equality among citizens in the exercise of their political rights, discriminates against the residents of the populous counties in favor of rural sections ...

WELLS vs. ROCKEFELLER, 394 U.S. 542 (1969) (NY - Cong)

Population Variance

A difference of +435,000 to -390,000 is unconstitutional.

Community of Interest

To accept population variances, large or small, in order to create Congressional election district with specific interest orientations, is antithetical to the basic premise of the constitutional command to provide equal representation for equal numbers of people.

KIRKPATRICK vs. PREISLER, 394 U.S. 526 (1969) (MO - Cong)

Population Variance

Districts varying in population from 420,000 to 445,000 were unconstitutional. "Limited population variances among Congressional districts are constitutionally permissible only if they are unavoidable despite a good-faith effort to achieve absolute equality or if justification for them is shown".

There is no de minimus standard for congressional districting.

Acceptable reasons must justify each variance, no matter how small.

Unacceptable justifications include:

- o avoided fragmenting areas with distinct economic and social interests;
- o a reasonable legislative compromise resolving practical political problems;
- o adjustments made on eligible voter population done on a haphazard basis;
- o projected population shifts not applied systematically geographic compactness.

ALLEN vs. STATE BOARD OF ELECTIONS, 393 U.S. 544 (1969)
(MS,VA - Local)

Voting Rights Act

Approval requirements of Sec. 5 were applicable to:

- o changes from district voting to at-large voting for county supervisors;
- o changes making the office of county superintendent of education from an elective to an appointive one in certain counties;
- o increasing the requirements for an independent candidate to gain position on a general election ballot; and
- o a bulletin issued by the State Board of Elections outlining new procedures for casting write-in votes.

AVERY vs. MIDLAND COUNTY TEXAS, 390 U.S. 474 (1968) (TX - Local)

County Precincts, Population Variance

One-man, one-vote applied to local units of government.

LUCAS vs. RHODES, 389 U.S. 212 (1967) (OH - Cong)

Population Variance

Unofficial population statistics are insufficient to justify the disparity among districts because they are too unreliable and not available for all areas. However, seven years after the initial census count such figures may be used.

KILGARLIN vs. HILL, 386 U.S. 120 (1967) (TX - Leg - House)

Population Variance

54,384 to 71,301, or +14.84% to -11.64%.

The Supreme Court accepted the ruling of the District Court sustaining the allocation of a representative to a smaller but more rapidly growing district.

Multimember Districts

The use of multimember and/or flateral districts in state legislative reapportionment plans is not unconstitutional per se.

DUDDLESTON vs. GRILLS, 385 U.S. 455 (1967) (IN - Leg)

Case remanded to District Court in light of: SWANN vs. ADAMS, WESTBERRY vs. SANDERS, and REYNOLDS vs. SIMS

SWANN vs. ADAMS, 385 U.S. 440 (1967) (FL - Leg)

Population Variance Senate: +15.09; -10.56; House: +18.28; -15.27.
Deviations are unccnstitutional.

KATZENBACH vs. MORGAN, 384 U.S. 641 (1966) (NY - Elections)

Voting Rights Act

Sec. 4 (e) - barring English language proficiency and literacy tests as a condition of voting is constitutional.

BURNS vs. RICHARDSON, 384 U.S. 73 (1966) (HI - Leg)

Population Base

Hawaii's use of a registered voter base is upheld only because on this record it produced a distribution of legislators not substantially different from that which would have resulted from the use of a state citizen population base or another permissible population base.

Multimember Districts

The equal protection clause does not require that at least one house of a bicameral state legislature consist of single-member legislative districts.

Partisan Gerrymandering

Drawing district boundaries "in such way that minimizes the number of election contests between present incumbents does not in and of itself establish invidious discrimination".

of the state's population would elect a majority.

House: 21,825 to 95,064 + 40.5% of the state's population would elect a majority.

MARYLAND COMMITTEE FOR FAIR REPRESENTATION vs. TAWES, 377 U.S. 656 (1964)
(MD - Leg)

Population Variance

Neither house, even after the reapportionment, was apportioned sufficiently on a population basis to be constitutionally sustainable. House: 6,541 to 37,879 and 35.6% of the state's population would elect a majority. Senate: 15,481 to 492,428 and 14.1% of the state's population would elect a majority.

WMCA, INC. vs. LOMENZO, 377 U.S. 633 (1964) (NY - Leg)

Population base

Case upheld New York's use of a citizen population base which excluded resident aliens.

Population Variance

Apportionment based on 1960 figures. State Assemblymen representing 37.5% of the state's citizens, and Senators representing 38.1% of the state's citizens, would constitute a majority in each chamber. Population in Assembly districts would vary from 14,974 to 190,343. Population in Senate districts would vary from 162,840 to 425,000. Population variance unconstitutional.

REYNOLDS vs. SIMS, 377 U.S. 533 (1964) (AL - Leg)

The equal protection clause requires that the seats in both houses of a bicameral state legislature be apportioned on a population basis.

Some deviations from the equal-population principle are constitutionally permissible, with respect to either or both houses of a state legislature, so long as such deviations are based on legitimate considerations incident to the effectuation of a rational state policy.

WESBURY vs. SANDERS, 376 U.S. 1 (1964) (GA - Cong)

Population Variance

The federal Constitution requires that Congressmen be chosen by "the people of

GERMANO vs. KERNER, 378 U.S. 560 (1964) (IL - Leg)

Population variance unconstitutional.

NOLAN vs. RHODES, 378 U.S. 556 (1964) (OH - Leg)

Population variance unconstitutional.

WILLIAMS vs. MOSS, 378 U.S. 558 (1964) (OK - Leg)

Population variance unconstitutional.

MEYERS vs. THIGPEN, 378 U.S. 554 (1964) (WA - Leg)

Population variance unconstitutional.

LUCAS vs. FORTY-FOURTH GENERAL ASSEMBLY OF THE STATE OF COLORADO, 377 U.S. 713 (1964) (CO - Leg)

Population Variance

Population variance in the state Senate was unconstitutional. 19,983 to 71,871 +33.2% with the maximum population.

Variance ratio in House 1.7:1 & 45.1% to elect a majority.

ROMAN vs. SINCOCK, 377 U.S. 695 (1964) (DE - Leg)

Population Variance

Population variance in both reapportionments were unconstitutional.

Senate: 4,177 to 64,820 + 22%; 4,177 to 64,820 + 21%

House: 1,643 to 58,228 + 18.5%; 1,643 to 20,040 + 28.0%

DAVIS vs. MANN, 377 U.S. 678 (1964) (VA - Leg)

Population Variance

Population variance was unconstitutional. Senate: 61,730 to 163,401 + 41.1%

SOUTH CAROLINA vs. KATZENBACH, 383 U.S. 301 (1966) (SC - Elections)

Voting Rights Act

The Voting Rights Act is upheld as constitutional.

WMCA INC. vs. LOMENZO, 382 U.S. 4 (1965), 238 F. Supp. 916
(NY - Leg)

Population Base

Apportionment on citizen population does not violate the federal Constitution. Partisan "gerrymandering" may (not) be subject to federal constitutional attack under the Fourteenth Amendment.

FORTSON vs. DORSEY, 379 U.S. 433 (1965) (GA - Leg)

Multimember Districts

Absent any contention that there was not substantial equality of population among the districts, or evidence to support the assertion that the scheme was intended to minimize or cancel out the voting strength of racial or political elements of the voting population, a statute creating multimember districts is constitutional.

HILL vs. DAVIS, 378 U.S. 565 (1964) (IA - Leg)

Population variance unconstitutional.

PINNEY vs. BATTERWORTH, 378 U.S. 564 (1964) (CT - Leg)

Population variance unconstitutional.

HEARN vs. SMYLIE, 378 U.S. 563 (1964) (ID - Leg)

Population variance unconstitutional.

MARSHALL vs. HARE, 378 U.S. 561 (1964) (MI - Leg)

Population variance unconstitutional.

the several states" which requires that, as nearly as practicable, one man's vote in a Congressional election must be worth as much as another's. Near mathematical precision in Congressional redistricting is necessary under the Equal Protection Clause of the Fourteenth Amendment.

GRAY vs. SANDERS, 372 U.S. 368 (1963) (GA - Elections)

County unit system in counting votes in Democratic primary for nomination of U.S. Senator violated the Equal Protection Clause of the Fourteenth Amendment.

County unit system cannot be equated to states in conducting elections and, therefore, the Equal Protection Clause requires that every voter is equal to every other voter in the state when he casts his ballot in a statewide election.

BAKER vs. CARR, 369 U.S. 186 (1962) (TN - Leg)

Federal Courts have jurisdiction in such political questions as legislative malapportionment, which violates the Equal Protection Clause of the Fourteenth Amendment.

GOMILLION vs. LIGHTFOOT, 364 U.S. 399 (1960) (AL - Local)

Prescribed racial gerrymandering under the Fifteenth Amendment; held Fourteenth Amendment to be inapplicable.

COLGROVE vs. GREEN, 328 U.S. 549 (1946)

Congressional districting held to be a non-justiciable political issue

BIBLIOGRAPHY



FOREWORD

This Bibliography is the second in a series of resource materials to be released by the Reapportionment Information Service of The Council of State Governments. The first document released in December 1980, was a Directory of people and organizations actively involved in reapportionment.

The Bibliography includes published and unpublished materials on reapportionment, legislative districts, elections and representation. It covers the years from the early 1970's to the present comprehensively. Citations to earlier documents reflect their long term relevance to the understanding of the current reapportionment process.

The Bibliography is organized into two parts. The first part is a numbered, alphabetical listing of all entries. The second part is a brief index dividing entries into broad subject areas.

For additional information on the 1981 Reapportionment process, interested persons should contact Carolyn L. Kenton, Director, Reapportionment Information Service, The Council of State Governments, P. O. Box 11910, Lexington, Kentucky, 40578 (606) 252-2291.

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REAPPORTIONMENT:

**Dividing
Power
For The
'80s**



PLUS: Special Issue—CSG Annual Report



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CSG

ANNUAL

REPORT



FEATURE

Reapportionment—Dividing the Power 3
Congressional district lines have been redrawn by 14 states so far, with another eight expected to act this year, while legislative redistricting plans have been adopted by 22 states. The politics and problems of the decennial process are explored by a CSG staff expert.

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CSG Annual Report, 1980-81 **A1-16**
State participation in CSG activities and services CSG provides states through its headquarters, regional and Washington offices are reviewed for the past year.

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Reapportionment—Dividing the Power

BY CAROLYN KENTON, CSG, Lexington

The decennial struggle for controlling political power and influence is in full swing. The process of recarving the political pie, which is called redistricting, was triggered by the 1980 census on the congressional and the state legislative levels.

Congressional Redistricting

The political composition of Congress will be altered by the redistribution of seats among the states due to population shifts. In addition, it appears as though most states will have redrawn congressional district lines prior to the 1982 elections. Six states will have only one congressman and require no districting—Alaska, Delaware, North Dakota, South Dakota, Vermont and Wyoming. Another 14 states—Alabama, Arkansas, Idaho, Indiana, Iowa, Mississippi, Nebraska, Nevada, North Carolina, Oklahoma, Oregon, Tennessee, Texas and Virginia—have redrawn congressional district lines to conform to the 1980 census figures. Of the remaining 30 states, eight are expected to address the issue before the first of the year.

The standard for drawing congressional districts is simple and straightforward. The districts must be as nearly equal in population as possible. So far, the U.S. Supreme Court has not been willing to interject any other criterion except that imposed by the Voting Rights Act and the equal protection provisions of the 14th and 15th Amendments to the U.S. Constitution.

The new congressional districts appear to be satisfying the court's requirements for "one man, one vote." Eight of the 14 new congressional plans have an overall population difference between the largest and smallest district of less than 1 percent. The remaining six have a population difference of 2-3 percent or less.

Gerrymandering Charged

The reliance on population equality gives redistricting cartographers leeway in drawing lines and leaves the door open to gerrymandering.

Partisan battles in the states have been intense. In states controlled by a single party—governor and legislature—the party out of power and some political observers have accused the controlling party of gerrymandering. Republican Gov. John Spellman of Washington considered the Republican-drawn plan so badly gerrymandered that he vetoed

it. In Indiana, the legislature and governor apparently tried to change the congressional delegation from the present 6-5 Democratic edge to a 7-3 Republican edge (Indiana lost one congressman). To accomplish this, two existing Democratic districts were divided into four new ones and three Democratic congressmen were placed into one district.

States with divided political control—one or more houses of the legislature controlled by the opposition party—have also suffered problems. Democratic Gov. Richard Lamm of Colorado has vetoed two congressional plans drawn by the Republican legislature although the largest and smallest districts had a population difference of only 41 people in one plan.

The governors of Idaho, Oregon and Tennessee allowed the opposing legislative party's congressional plans to become law without their signatures.

Three states—Illinois, Minnesota and Missouri—have suits pending which would declare the existing congressional districts invalid, therefore requiring that they be redrawn before new elections could be held. These suits were filed after an apparent political impasse on the enactment of a plan developed by the parties in the legislature and/or the governor.

The majority of congressional districts will be redrawn through the normal legislative process. The exceptions are Hawaii and Montana, where commissions are responsible, and Connecticut, where a commission will be appointed to draw them because the legislature was unable to meet an Aug. 1 deadline.

Plans will be prepared in Iowa by the Legislative Service Bureau and in Maryland by the governor, but the legislatures must still act on them. Generally speaking, however, congressional districts are much easier for state legislators to redraw than are legislative districts.

Legislative Redistricting

State legislatures have doggedly plunged ahead with their own redistricting. Redistricting is expected to be completed before the next legislative election in all states except Kansas, Kentucky, Maine, Massachusetts, Montana and New York. To date, 22 states have adopted a plan for one or both legislative houses.

The Texas and Virginia house plans have been ruled unconstitutional. The Texas Supreme Court ruled the house plan split counties unnecessarily in violation of the state constitution. The Texas plan will now be drawn by the Legislative Redistricting Board which will also draw the senate districts. In Virginia, a three-judge federal district court ruled the house plan invalid because of the large disparity—over 26 percent—between the largest and smallest districts. The court allowed the election for delegates to the house to proceed on schedule this fall, but shortened their terms to one year and required the legislature to redraw the house plan before Feb. 1982.

State Legislative Criteria Differs

The rules governing legislative redistricting as set out by the U.S. Su-

(continued)

