

# BRENNAN CENTER FOR JUSTICE

*at New York University School of Law*

## Apportionment of State Legislatures, 1776-1920

*Douglas Keith*

*Eric Petry*

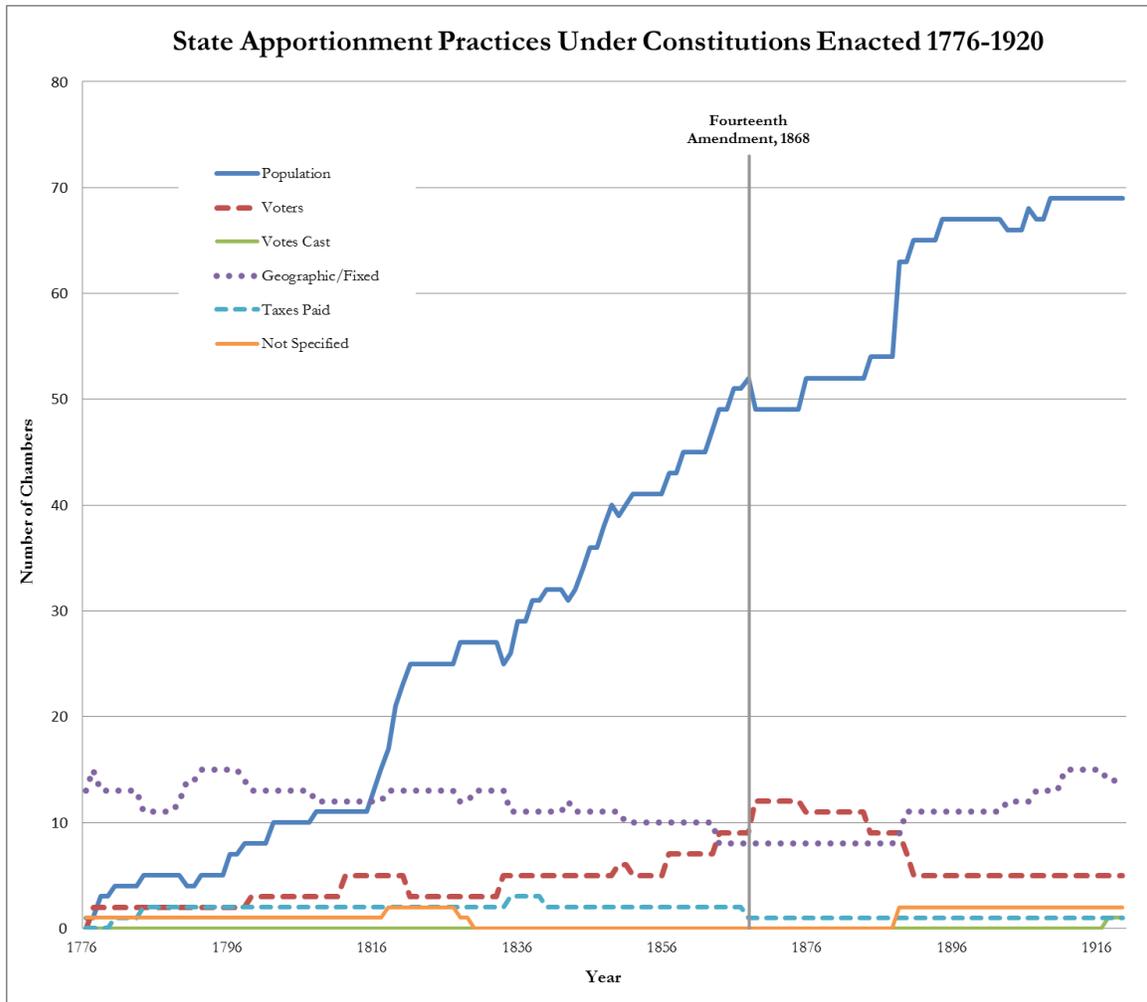
A review of apportionment provisions in American state constitutions between 1776 and 1920 shows that population was heavily favored as the basis for apportionment and that voter-based apportionment bases were heavily disfavored during this period.

Between independence and 1920, thirty-five states joined the original thirteen and became part of the United States. In total, during this period, states adopted 123 state constitutions, not counting the constitutions of the eleven Confederate states, and made more than 30 relevant amendments.

All relevant state constitutional provisions and amendments can be found in the appendix to this memo. The appendix also includes a reference table listing each constitution/amendment and the corresponding apportionment base.

In summary, our research and analysis show:

- After an early period of adjustment, states increasingly used population as the basis for apportionment. The trend toward population-based apportionment was especially pronounced in the period after 1816 up until the Civil War and the percentage apportioned this way continued to climb for the remainder of the century.
- Initially, many population-based apportionment systems did not count everyone (excluding, for example, women or non-whites) though they counted more people than just voters (for example, male children as well as male non-citizens). These exclusions declined steadily over time and had largely ended by the 1870s.
- By 1920, 75% of state legislative chambers were apportioned on the basis of population – albeit often with minimum representation provisions for counties, with the majority of the rest (usually upper houses) apportioned on the basis of fixed districts.
- Voter-based apportionment was never heavily used by American states. It saw its peak following the Civil War when six states (in 12 legislative chambers) used it, but even this represented only 17% of all legislative chambers – and a number soon abandoned the practice. By 1920, only 5% of legislative chambers (five chambers in three states) were apportioned based on the number of qualified voters.
- Today, every state apportions representation on the basis of population, with only a handful of states making adjustments to exclude temporary residents, as discussed below.



*Note: Chart does not include one time only apportionment of Idaho's legislature by votes cast for the first election after statehood.*

## Founding Era and the Early Republic

For the first three decades after 1776, a majority of state constitutions adopted apportioned legislative districts using geography as a basis - fixing in the constitution the number of legislators that each county or other subdivision would receive.<sup>1</sup>

Even this approach, however, appears at least in part to have taken population into account because these geography-based apportionment schemes often gave additional representation to counties or

---

<sup>1</sup> We analyzed only constitutions enacted from 1776 forward; we did not study colonial charters which remained active during the early years of statehood in some states.

cities with greater population.<sup>2</sup> Moreover, population was more evenly spread across rural and urban counties prior to the rapid urban population growth of the late nineteenth and early twentieth centuries, so apportionment by county did not create the disparities it would today.<sup>3</sup>

Of the original thirteen states, only two expressly apportioned by population in their first post-independence constitutions – Pennsylvania and Massachusetts.<sup>4</sup> However, as territories became states in the decades that followed, the number of chambers apportioned on the basis of population grew steadily. Five of the nine legislative chambers of the next five states admitted into the Union were to be apportioned on the basis of population.<sup>5</sup>

## Antebellum Period

From 1816 to 1821, six new states were admitted into the union, and New York for the first time adopted a population base.<sup>6</sup> By 1821, 25 chambers out of 45 apportioned on the basis of population. The number of state legislative chambers using a population basis had more than doubled during this five-year period.

This trend continued as the number would again nearly double between 1821 and 1860, while the use of other bases remained stagnant. During this period nine states were admitted into the union, and 17 out of their 18 chambers were initially apportioned on the basis of population, though some would temporarily depart from it.<sup>7</sup> With the addition of these states and changes in existing states, by 1860, 70% of all chambers were to be apportioned based on population. Moreover, some states which already used a population basis expanded their definitions of population, now including groups previously excluded.<sup>8</sup>

## Reconstruction through Early 20<sup>th</sup> Century

At the time of the adoption of the Fourteenth Amendment in 1868, 71% of all state legislative chambers were apportioned on the basis of population, including those southern states then under military control.

---

<sup>2</sup> *See, e.g.*, VA. CONST. of 1776 (Giving two delegates to each county and additional delegates to the cities of Williamsburg and Norfolk).

<sup>3</sup> ROBERT B. MCKAY, REAPPORTIONMENT: THE LAW AND POLITICS OF EQUAL REPRESENTATION 25-26 (1965).

<sup>4</sup> PA. CONST. of 1776, § 17; MASS. CONST. ch I, § 3, art. 1. South Carolina, though, drafted a new constitution after only two years and adopted a population basis, also taking into consideration taxable property. *See* S.C. CONST. of 1778, art. XV.

<sup>5</sup> KY. CONST. of 1792, art. 1, § 6 (one chamber); TENN. CONST. of 1796, art. 1, §§ 2-3 (two chambers); OHIO CONST. of 1802, art. 1, §§ 2, 6 (two chambers). There are an odd number of chambers for the five states because Vermont entered the union with only one elected house in the legislature. VT. CONST. of 1777, ch. II.

<sup>6</sup> N.Y. CONST. of 1821, art. 1, §§ 6-7.

<sup>7</sup> The lone chamber apportioned on the basis of voters was the Texas senate. TEX. CONST. of 1845, art. III, § 31.

<sup>8</sup> *See, e.g.*, OHIO CONST. of 1851, art. V, § 1; art. XI, § 1 (apportioning based on “whole population” while the franchise was only granted to white male citizens above the age of twenty-one); *See also* MO. CONST. of 1820, art. III, § 4 (1849) (extending the apportionment basis to include women).

During the last third of the nineteenth century, beginning in 1868, and through 1920, ten states were admitted to the union and ten others changed the apportionment basis in existing provisions. When the six northwestern states were admitted in 1889 and 1890, only Idaho declined to provide for future apportionment of either house on the basis of population – opting instead to leave future apportionments up to the state legislature. North Dakota, South Dakota, Washington and Wyoming all resolved to reapportion both houses on the basis of population.<sup>9</sup> In 1890, with these states and Kentucky’s shift from qualified voters to population, 75% of state houses were to be apportioned based on population.<sup>10</sup>

The rate of change slowed from 1891 to 1920 but population bases remained the overwhelming preference of states. Utah, Oklahoma, Arizona and New Mexico entered the union and six of their eight legislative houses were to be apportioned on the basis of population.<sup>11</sup> Iowa and Michigan, on the other hand, each moved to a federal style system in which one house was apportioned on the basis of population and the other on the basis of geography.<sup>12</sup> In 1920, state constitutions still required that population be the basis of apportionment for 75% of their legislative chambers.

## Alternative Bases of Apportionment

Just as stark is the lack of growth in use of alternative apportionment methods – qualified voters, votes cast, fixed apportionment, and tax-based apportionment – as the country grew.

### *Voter-Based Apportionment*

The number of qualified voters never saw widespread use as a basis for apportionment in state constitutions. In total, as the table below illustrates, eight states used this basis at some point, and many for a limited period of time. Qualified voters saw its greatest use during Reconstruction when it was the basis of apportionment in the legislative chambers of six states (12 chambers in all). However, even at this peak from 1869 to 1875, it only represented 17% of all chambers, and a number of states soon abandoned this basis. Florida, in 1885, and Kentucky and Mississippi, in 1890, which had all previously used qualified voters in both houses of their legislatures, changed apportionment bases. Florida and Kentucky adopted population, and Mississippi fixed the boundaries of its districts in the constitution.<sup>13</sup> That left only Tennessee and Massachusetts using qualified voters to apportion both chambers and Texas using the standard to apportion its senate.<sup>14</sup> In our review period, the last state to newly adopt qualified voters as a basis for apportionment did

---

<sup>9</sup> IDAHO CONST. art. XIX (1889); N.D. CONST. art. 2, §§ 29, 35 (1889); S.D. CONST. art. III, § 5 (1889); WASH. CONST. art. II, § 3 (1889); WYO. CONST. art. III, § 3 (1889).

<sup>10</sup> KY. CONST. § 33 (1890).

<sup>11</sup> UTAH CONST. art. IX, § 2 (1895); OKLA. CONST. art. V, §§ 9-10 (1907); ARIZ. CONST. art. IV, pt. 2, § 1 (1912); N.M. CONST. art. IV (1910).

<sup>12</sup> IOWA CONST. art. III, §§ 34-36 (1904); MICH. CONST. of 1908, art. V, §§ 2-4; *see also* ROBERT G. DIXON, JR., DEMOCRATIC REPRESENTATION 82-83 (1968) (discussing how these “little federal plans” became more popular after 1890 as populations shifted from rural to urban communities).

<sup>13</sup> FLA. CONST. of 1885, art. VI, §§ 3-4; KY. CONST. § 33 (1890); MISS. CONST. art. XIII, §§ 254-56 (1890).

<sup>14</sup> TENN. CONST. art. II, §§ 5-6 (1870); TEX. CONST. art. III, § 25 (1876); MASS. CONST. art. XXI (1857).

so in 1869.<sup>15</sup> In 1920, only 5% of state legislative chambers (five chambers in three states) were apportioned this way.

States apportioning on the basis of qualified voters	Lower House Years Used	Upper House Years Used
Florida	1868-1885	1868-1885
Kentucky	1799-1890	1850-1890
Louisiana	1812-1852, 1864-1868	1812-1845, 1864-1868
Massachusetts	1857-1967 <sup>16</sup>	1857-1967
Mississippi	1869-1890	1869-1890
New York	1777-1821	1777-1821
Tennessee	1834-1966 <sup>17</sup>	1834-1966
Texas	1869-1875	1845-1965 <sup>18</sup>

	1820	1869	1920
State legislative chambers apportioned on the basis of qualified voters	5 chambers (11%)	12 chambers (17%)	5 chambers (5%)

In addition to qualified voters, Arizona used votes cast as the basis of apportionment from 1918-1966 as did Idaho but only provisionally for its first legislative election. Arizona was unique in employing this approach for an extended period. After six years of apportioning on the basis of population, Arizona amended its constitution to apportion its lower house on the basis of votes cast

<sup>15</sup> MISS. CONST. of 1869, art. IV, §§ 34-35.

<sup>16</sup> See MASS. CONST. art. XCII (1970); Opinion of the Justices, 230 N.E.2d 801, 806-807 (Mass. 1967) (advising the Massachusetts Senate that apportioning on the basis of legal voters would be unconstitutional after *Reynolds v. Sims* because it would result in apportionment substantially different than what would result using total population).

<sup>17</sup> See TENN. CONST. art. 2, § 4 (1966).

<sup>18</sup> See *Kilgarlin v. Martin*, 252 F. Supp. 404, 411 (S.D. Tex. 1966).

in the preceding general election.<sup>19</sup> We distinguish between this system and a basis of qualified voters because, while they similarly exclude those ineligible to vote, they carry different risks of manipulation.

### *Geographic or Fixed Apportionment*

As various states adopted and abandoned fixed apportionment systems, the use of this basis remained relatively stable in number. Over our period of analysis the number of chambers using this basis of apportionment fluctuated between 8 and 15. From 1890 on, as populations moved from rural areas to cities, there was a trend to apportion one house based on population, and assure representational equality to geographic subdivisions in the other house.<sup>20</sup> Still, the majority of chambers using this method of apportionment in 1920 had done so without interruption from the time of their admittance as a state.<sup>21</sup> The later provisions also continued to place some emphasis on population distribution as their earlier counterparts did. In Georgia, for example, counties were placed into tiers based on their population, and apportionment was distributed based on these tiers.<sup>22</sup>

This stability in number, however, meant that, as the nation grew, a smaller portion of state legislative chambers fell into this category. From 1800 to 1920, the share dropped from 48% to 15%.<sup>23</sup>

### *Apportionment Based on Taxes Paid*

In their first constitutions, Massachusetts and New Hampshire apportioned one house of each of their legislatures on the basis of taxes paid.<sup>24</sup> These chambers were alone in using this basis until 1835 when North Carolina adopted taxes paid to apportion its state senate.<sup>25</sup> Massachusetts and North Carolina abandoned the practice in the nineteenth century, and New Hampshire did so after 1920.

## **Contemporary Practices**

Today all states use a population basis, with variations in a handful of states.

Four states, as a part of efforts to count prisoners as part of the communities where they lived

---

<sup>19</sup> ARIZ. CONST. art. IV, pt. 2, § 1 (1918).

<sup>20</sup> See DIXON, *supra* note 12.

<sup>21</sup> Delaware (in both chambers), Rhode Island (one chamber), Georgia (one chamber since the first constitution, but both chambers since 1843), Maryland (both chambers), New Jersey (one chamber), Vermont (one chamber), Montana (one chamber).

<sup>22</sup> GA. CONST. of 1877, art. 3, § 3.

<sup>23</sup> Since *Reynolds v. Sims*, apportionment based on geography rather than number of persons has been unconstitutional, so our treatment of these provisions is brief. 377 U.S. 533, 577 (1964) (“the Equal Protection Clause requires that States make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable.”).

<sup>24</sup> MASS. CONST. ch. I, § 2, art. 1 (1780); N.H. CONST. of 1784, pt. II.

<sup>25</sup> N.C. CONST. of 1835, art. 1, § 1.

before incarceration, exclude from their apportionment bases the small number of persons whose domicile prior to incarceration was outside of the state.<sup>26</sup>

Hawaii and Kansas currently exclude persons only in the state temporarily (principally non-resident military personnel and non-resident college students) from their apportionment bases and Washington excludes non-resident military personnel.<sup>27</sup>

Three other states, in theory, have provisions that exclude parts of their populations from apportionment but currently do not enforce those provisions. In New Hampshire, the constitution allows for the legislature to pass legislation excluding temporary residents from the apportionment base, but no such legislation has been passed.<sup>28</sup> The constitutions of Maine and Nebraska call for exclusion of “foreigners not naturalized” and “aliens” respectively, but both states have confirmed to the authors that they apportion on U.S. Census data without any exclusions.<sup>29</sup>

## Methodology

For the purposes of this research we principally relied upon state documents reproduced in Francis Newton Thorpe’s comprehensive compilation “The Federal and State Constitutions Colonial Charters and Other Organic Laws of the States, Territories, and Colonies” and compared our analysis of the provisions to the analyses in Robert B. McKay’s “Reapportionment: The Law and Politics of Equal Representation”.<sup>30</sup> All told, we examined 123 constitutions and all relevant amendments made between the years of 1776 and 1920. We stopped our research at 1920 because there were few changes after that time, and because state legislatures, despite provisions in their constitutions, commonly did not redistrict during that period, making the provisions an increasingly inaccurate depiction of apportionment.<sup>31</sup>

We categorized each constitutional provision, as amended, according to the basis of apportionment. Our six categories are: population, geographic/fixed by the constitution, voters, votes cast, taxes paid and not specified. There is significant variation within some of these categories, and some

---

<sup>26</sup> CAL. ELEC. CODE § 21003; N.Y. ELEC. LAW § 83-m; DEL. CODE ANN. tit. 29, § 804A. These states reallocate incarcerated persons previously domiciled within the state to their previous address because counting them would artificially inflate the population of districts based on persons who do not claim to have any ties to the districts. Those who previously resided outside of the state, and thus do not have an in-state address, are excluded from the apportionment basis.

<sup>27</sup> HAW. CONST. art. IV, § 6; KAN. CONST. art. X, §1, WASH. CONST. art. II, § 43.

<sup>28</sup> N.H. CONST. pt. 2, art. 9-a.

<sup>29</sup> Telephone Interview with Nebraska Legislative Research Office (Sept. 22, 2015); Telephone Interview with Maine State Law and Legislative Reference Library (Sept. 24, 2015).

<sup>30</sup> FRANCIS NEWTON THORPE, THE FEDERAL AND STATE CONSTITUTIONS COLONIAL CHARTERS, AND OTHER ORGANIC LAWS OF THE STATES, TERRITORIES, AND COLONIES (1909); ROBERT B. MCKAY, REAPPORTIONMENT: THE LAW AND POLITICS OF EQUAL REPRESENTATION (1965). McKay and others have similarly catalogued and tallied these provisions in the past, but because others were less interested in the distinctions between population, geography and voters, we elected to perform our own analysis.

<sup>31</sup> See Dixon, *supra* note 12, at 84. (“A survey in 1960 showed that 12 state senates and also 12 lower houses had not been reapportioned for thirty years or more.”).

constitutional provisions fall on the margins of these categories, so further definition of the boundaries is helpful.

### *Population*

Population includes all provisions which apportioned based on numbers of persons, but only if the number included more persons than those able to vote under the contemporaneous requirements for voting. For example, apportionment in the early years of the nineteenth century was frequently on the basis of the number of “free white males” or “free white males over 21.” This had the potential to distort representation by excluding women, slaves, free black men, and/or children. However, if the state’s qualifications for voting at the time included a property ownership or lengthy durational residency requirement or limited voting to citizens, we viewed the apportionment scheme as having a population basis.

Population also includes apportionment systems that were based on population but included minimum representation provisions for counties. Although these rules would become distortive over time with urbanization, scholars have suggested that differences in district sizes were not particularly great at first. As the variances grew, many of these systems by the twentieth century took on attributes of fixed population apportionment schemes not present at the beginning.

### *Voters and Votes Cast*

We categorized as voters-based those chambers which were apportioned based on the number of qualified electors, legal voters, or persons eligible to vote in the state.<sup>32</sup> Votes cast includes only Arizona’s lower house and Idaho’s first legislature which were apportioned based on the number of votes cast in a previous election.<sup>33</sup>

### *Geographic/Fixed*

We included in this category all instances in which the constitution sets the districts and does not provide a basis for future apportionment. In some states every county received an equal number of representatives.<sup>34</sup> In other states each county received one representative but there were fewer counties than the number of representatives, and so all remaining representatives were divided among more populous counties. A 1904 amendment to Iowa’s constitution is an illustrative marginal case. That constitutional provision provided that each of Iowa’s 99 counties would have one representative in the Iowa House of Representatives and that there would be nine remaining representatives awarded, one per county, to each of the nine most populous counties.<sup>35</sup> While this plan respected equality of population as relevant, the primary effect of this scheme was to give equality of representation based on geography and we categorized it as such.

---

<sup>32</sup> See, e.g., TENN. CONST. art. 2, § 6 (1870) (apportioning senate districts “according to the number of qualified electors in each.”).

<sup>33</sup> ARIZ. CONST. art. IV, pt. 2, § 1 (1918).

<sup>34</sup> See, e.g., N.J. CONST. of 1776, art. III.

<sup>35</sup> IOWA CONST. art. III, §§ 34-36 (1904).

In other instances, apportionment was fixed in the constitution but appeared to be distributed in accordance with population distribution.<sup>36</sup> Despite this effort to give more representation to more populous districts, we categorized these plans as geographic or fixed because they did not explicitly call for future reapportionment based on population. McKay notes that because population was more evenly distributed within states prior to the twentieth century, geography may have actually been a fair proxy for population at the time, but this would need to be evaluated on a case-by-case basis.<sup>37</sup>

### *Taxes Paid and Not Specified*

For the rare chamber apportioned based on the amount of taxes paid by residents of a geographic unit, we created the category taxes paid.<sup>38</sup> When a constitution left the basis of apportionment undetermined, leaving this determination for the legislature, we labeled this as not specified.<sup>39</sup>

---

<sup>36</sup> See, e.g., VA. CONST. of 1776 (giving two delegates to each county and additional delegates to the cities of Williamsburg and Norfolk).

<sup>37</sup> See MCKAY, *supra* note 3, at 25-26.

<sup>38</sup> See, e.g., N.C. CONST. of 1835, art. I, § i (apportioning senate districts “in proportion to the public taxes paid into the Treasury of the State, by the citizens thereof”).

<sup>39</sup> See VA. CONST. of 1902, art. IV, § 43.

# Appendix A

State	Year	Type	Lower Chamber Category	Upper Chamber Category
Alabama	1819	Constitution	Population	Population
Alabama	1850	Amendment	Population	Population
Alabama	1865	Constitution	Population	Population
Alabama	1868	Constitution	Population	Population
Alabama	1875	Constitution	Population	Population
Alabama	1901	Constitution	Population	Population
Arizona	1912	Constitution	Geographic/Fixed	Geographic/Fixed
Arizona	1918	Amendment	Votes Cast	Geographic/Fixed
Arkansas	1836	Constitution	Population	Population
Arkansas	1864	Constitution	Population	Population
Arkansas	1868	Constitution	Population	Population
Arkansas	1874	Constitution	Population	Population
California	1849	Constitution	Population	Population
California	1879	Constitution	Population	Population
Colorado	1876	Constitution	Population	Population
Connecticut	1818	Constitution	Geographic/Fixed	Not specified
Connecticut	1828	Amendment	Population	Population
Delaware	1776	Constitution	Geographic/Fixed	Geographic/Fixed
Delaware	1792	Constitution	Geographic/Fixed	Geographic/Fixed
Delaware	1831	Constitution	Geographic/Fixed	Geographic/Fixed
Delaware	1897	Constitution	Geographic/Fixed	Geographic/Fixed
Florida	1838	Constitution	Population	Population
Florida	1865	Constitution	Population	Population
Florida	1868	Constitution	Voters	Voters
Florida	1885	Constitution	Population	Population
Georgia	1777	Constitution	Geographic/Fixed	N/A
Georgia	1789	Constitution	Geographic/Fixed	Geographic/Fixed
Georgia	1795	Amendment	Geographic/Fixed	Geographic/Fixed
Georgia	1798	Constitution	Population	Geographic/Fixed
Georgia	1843	Amendment	Geographic/Fixed	Geographic/Fixed
Georgia	1865	Constitution	Geographic/Fixed	Geographic/Fixed
Georgia	1868	Constitution	Geographic/Fixed	Geographic/Fixed
Georgia	1877	Constitution	Geographic/Fixed	Geographic/Fixed

Idaho	1889	Constitution	Not specified*	Not specified*
Illinois	1818	Constitution	Population	Population
Illinois	1848	Constitution	Population	Population
Illinois	1870	Constitution	Population	Population
Illinois	1870	Amendment	Population	Population
Indiana	1816	Constitution	Population	Population
Indiana	1851	Constitution	Population	Population
Indiana	1881	Amendment	Population	Population
Iowa	1846	Constitution	Population	Population
Iowa	1857	Constitution	Population	Population
Iowa	1868	Amendment	Population	Population
Iowa	1904	Amendment	Geographic/Fixed	Population
Kansas	1859	Constitution	Population	Population
Kansas	1873	Amendment	Population	Population
Kentucky	1792	Constitution	Population	Geographic/Fixed
Kentucky	1799	Constitution	Voters	Population
Kentucky	1850	Constitution	Voters	Voters
Kentucky	1891	Constitution	Population	Population
Louisiana	1812	Constitution	Voters	Voters
Louisiana	1845	Constitution	Voters	Population
Louisiana	1852	Constitution	Population	Population
Louisiana	1864	Constitution	Voters	Voters
Louisiana	1868	Constitution	Population	Population
Louisiana	1879	Constitution	Population	Population
Louisiana	1898	Constitution	Population	Population
Louisiana	1913	Constitution	Population	Population
Maine	1819	Constitution	Population	Population
Maryland	1776	Constitution	Geographic/Fixed	Geographic/Fixed
Maryland	1799	Amendment	Geographic/Fixed	Geographic/Fixed
Maryland	1837	Amendment	Geographic/Fixed	Geographic/Fixed
Maryland	1851	Constitution	Population	Geographic/Fixed
Maryland	1864	Constitution	Population	Geographic/Fixed
Maryland	1867	Constitution	Population	Geographic/Fixed
Maryland	1900	Amendment	Population	Geographic/Fixed

\*Idaho's constitution apportioned its first legislature on the basis of votes polled at the last congressional general election. Future apportionments were to be specified by law, with no basis specified. We therefore categorize Idaho as Not Specified.

Massachusetts	1780	Constitution	Population	Taxes Paid
Massachusetts	1836	Amendment	Population	Unchanged
Massachusetts	1840	Amendment	Population	Population
Massachusetts	1857	Amendment	Voters	Voters
Michigan	1835	Constitution	Population	Population
Michigan	1850	Constitution	Population	Population
Michigan	1870	Amendment	Population	Population
Michigan	1908	Constitution	Population	Geographic/Fixed
Minnesota	1857	Constitution	Population	Population
Mississippi	1817	Constitution	Population	Population
Mississippi	1832	Constitution	Population	Population
Mississippi	1869	Constitution	Voters	Voters
Mississippi	1890	Constitution	Geographic/Fixed	Geographic/Fixed
Missouri	1820	Constitution	Population	Population
Missouri	1849	Amendment	Population	Population
Missouri	1865	Constitution	Population	Population
Missouri	1875	Constitution	Population	Population
Montana	1889	Constitution	Population	Geographic/Fixed
Nebraska	1866	Constitution	Population	Population
Nebraska	1875	Constitution	Population	Population
Nebraska	1920	Amendment	Population	Population
Nevada	1864	Constitution	Population	Population
New Hampshire	1776	Constitution	Geographic/Fixed	Geographic/Fixed
New Hampshire	1784	Constitution	Population	Taxes Paid
New Hampshire	1793	Constitution	Population	Taxes Paid
New Hampshire	1877	Amendment	Population	Taxes Paid
New Hampshire	1902	Constitution	Population	Taxes Paid
New Jersey	1776	Constitution	Geographic/Fixed	Geographic/Fixed
New Jersey	1844	Constitution	Population	Geographic/Fixed
New Mexico	1910	Constitution	Population	Population
New York	1777	Constitution	Voters	Voters
New York	1801	Amendment	Voters	Voters
New York	1821	Constitution	Population	Population
New York	1846	Constitution	Population	Population
New York	1874	Amendment	Population	Unchanged
New York	1894	Constitution	Population	Population

North Carolina	1776	Constitution	Geographic/Fixed	Geographic/Fixed
North Carolina	1835	Amendment	Population	Taxes Paid
North Carolina	1868	Constitution	Population	Population
North Carolina	1876	Constitution	Population	Population
North Dakota	1889	Constitution	Population	Population
Ohio	1802	Constitution	Population	Population
Ohio	1851	Constitution	Population	Population
Ohio	1903	Amendment	Population	Unchanged
Oklahoma	1907	Constitution	Population	Population
Oregon	1857	Constitution	Population	Population
Pennsylvania	1776	Constitution	Population	Unchanged
Pennsylvania	1790	Constitution	Population	Population
Pennsylvania	1838	Constitution	Population	Population
Pennsylvania	1857	Amendment	Population	Unchanged
Pennsylvania	1874	Constitution	Population	Population
Rhode Island	1842	Constitution	Population	Geographic/Fixed
Rhode Island	1909	Amendment	Population	Unchanged
South Carolina	1776	Constitution	Geographic/Fixed	Geographic/Fixed
South Carolina	1778	Constitution	Population	Population
South Carolina	1790	Constitution	Geographic/Fixed	Geographic/Fixed
South Carolina	1808	Amendment	Population	Geographic/Fixed
South Carolina	1865	Constitution	Population	Geographic/Fixed
South Carolina	1868	Constitution	Population	Geographic/Fixed
South Carolina	1895	Constitution	Population	Geographic/Fixed
South Dakota	1889	Constitution	Population	Population
Tennessee	1796	Constitution	Population	Population
Tennessee	1834	Constitution	Voters	Voters
Tennessee	1870	Constitution	Voters	Voters
Texas	1845	Constitution	Population	Voters
Texas	1866	Constitution	Population	Voters
Texas	1869	Constitution	Voters	Voters
Texas	1876	Constitution	Population	Voters
Utah	1895	Constitution	Population	Population

Vermont	1777	Constitution	Geographic/Fixed	N/A
Vermont	1786	Constitution	Geographic/Fixed	N/A
Vermont	1793	Constitution	Geographic/Fixed	N/A
Vermont	1836	Amendment	Unchanged	Population
Vermont	1850	Amendment	Unchanged	Population
Virginia	1776	Constitution	Geographic/Fixed	Not specified
Virginia	1830	Constitution	Geographic/Fixed	Geographic/Fixed
Virginia	1850	Constitution	Geographic/Fixed	Geographic/Fixed
Virginia	1864	Constitution	Population	Population
Virginia	1870	Constitution	Not specified	Not specified
Virginia	1876	Amendment	Not specified	Not specified
Virginia	1902	Constitution	Not specified	Not specified
Washington	1889	Constitution	Population	Population
West Virginia	1863	Constitution	Population	Population
West Virginia	1872	Constitution	Population	Population
Wisconsin	1848	Constitution	Population	Population
Wisconsin	1910	Amendment	Population	Population
Wyoming	1889	Constitution	Population	Population

# Appendix B

## ALABAMA

### Constitution of 1819

Art. III, § 8: Elections for representatives for the several counties shall be held at the place of holding their respective courts, and at such other places as may be prescribed by law: Provided, That when it shall appear to the general assembly that any city or town shall have a number of white inhabitants equal to the ratio then fixed, such city or town shall have a separate representation, according to the number of white inhabitants therein; which shall be retained so long as such city or town shall contain a number of white inhabitants equal to the ratio which may from time to time be fixed by law; and thereafter, and during the existence of the right of separate representation, in such city or town, elections for the county in which such city or town (entitled to such separate representation) is situated, shall not be held in such city or town; but it is understood, and hereby declared, that no city or town shall be entitled to separate representation, unless the number of white inhabitants in the county in which such city or town is situated, residing out of the limits of said city or town, be equal to the existing ratio; or unless the residuum or fraction of such city or town shall, when added to the white inhabitants of the county residing out of the limits of said city or town, be equal to the ratio fixed by law for one representative: And provided, That if the residuum or fraction of any city or town, entitled to separate representation shall, when added to the residuum of the county in which it may lie, be equal to the ratio fixed by law for one representative, then the aforesaid county, city, or town, having the largest residuum, shall be entitled to such representation: And provided, also, That when there are two or more counties adjoining, which have residuums or fractions over and above the ratio then fixed by law, if said residuums or fractions, when added together, will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

Art. III, § 9: The general assembly shall, at their first meeting, and in the years one thousand eight hundred and twenty, one thousand eight hundred and twenty-three, one thousand eight hundred and twenty-six, and every six years thereafter, cause an enumeration to be made of all the inhabitants of the State, and the whole number of the representatives shall, at the first session held after making every such enumeration, be fixed by the general assembly, and apportioned among the several counties, cities, or towns, entitled to separate representation, according to their respective numbers of white inhabitants; and the said apportionment, when made, shall not be subject to alteration, until after the next census shall be taken. The house of representatives shall not consist of less than forty-four, nor more than sixty members, until the number of white inhabitants shall be one hundred thousand; and after that event, the whole number of representatives shall never be less than sixty, nor more than one hundred: Provided, however, That each county shall be entitled to at least one representative.

Art. III, § 10: The general assembly shall, at the first session after making every such enumeration, fix by law the whole number of senators, and shall divide the State into the same number of districts, **as** nearly equal, in the number of white inhabitants, as may be, each of which districts shall be entitled to one senator and no more.

### 1850 Amendment

Art. III, § 9: The general assembly shall cause an enumeration to be made in the year eighteen hundred and fifty, and eighteen hundred and fifty-five, and every ten years thereafter, of all the white inhabitants of this State; and the whole number of representatives shall at the first regular session after such enumeration, be apportioned among the several counties, cities, or towns entitled to separate representation, according to their respective number of white inhabitants, and the said apportionment when made shall not be subject to alteration until after the next census shall be taken. The number of representatives shall not exceed one hundred, and the number of senators shall not exceed thirty-three; yet each county, notwithstanding it may not have a number of white inhabitants equal to the ratio fixed, shall have one representative.

## **Constitution of 1865**

Art. IV, § 6: The house of representatives shall consist of not more than one hundred members, who shall be apportioned by the General Assembly among the several counties of the State according to the number of white inhabitants in them respectively; and, to this end, the general assembly shall cause an enumeration of all the inhabitants of the State to be made in the year one thousand eight hundred and sixty-six, and again in the year one thousand eight hundred and seventy-five, and every ten years thereafter, and shall make an apportionment of the representatives among the several counties at the first regular session after each enumeration; which apportionment, when made, shall not be subject to alteration, until after the next census shall have been taken; Provided, That each county shall be entitled to at least one representative; Provided further, That where two or more adjoining counties shall each have a residuum or fraction over and above the ratio then fixed by law, which fractions, when added together, equal or exceed that ratio, in that case, the county having the largest fraction shall be entitled to one additional representative.

Art. IV, § 7: The whole number of senators shall be not less than one-fourth, nor more than one-third of the whole number of representatives; and it shall be the duty of the General Assembly, at its first session after the making of each enumeration, as provided by the last preceding section, to fix by law the number of senators, and to divide the State into as many senatorial districts as there are senators; which districts shall be as nearly equal to each other as may be in the number of white inhabitants, and each shall be entitled to one senator, and no more. Provided, That, in the formation of said districts, no county shall be divided, and no two or more counties, which are separated entirely by a county belonging to another district, shall be joined into one district; And provided further, That the senatorial districts, when formed, shall not be changed until after the next census shall have been taken.

## **Constitution of 1868**

Art. VIII, § 1: The House of Representatives shall consist of not more than one hundred members, who shall be apportioned by the General Assembly among the several counties of the State, according to the number of inhabitants in them respectively; and to this end the General Assembly shall cause an enumeration of all the inhabitants of the state to be made in the year 1875, and ever ten years thereafter, and shall make an apportionment of the representatives among the several counties at the first regular session after each enumeration; which apportionment, when made, shall not be subject to alteration until after the next census shall have been taken: Provided, That each county shall be entitled to at least one representative: And provided, further, That when two or more adjoining counties shall each have a residuum, or fraction over and above the ratio then fixed by law, which fractions, when added together, equal, or exceed that ratio, in that case the county having the largest fraction shall be entitled to one additional representative.

Art. VIII, § 3: The whole number of Senators shall be not less than one-fourth or more than one-third of the whole number of representatives; and it shall be the duty of the General Assembly, at its first session after the making of each enumeration, as provided by section first of this article, to fix by law the number of Senators, and to divide the State into as many senatorial districts as there are Senators; which districts shall be as nearly equal to each other as may be in the number of inhabitants, and each shall be entitled to one Senator, and no more: Provided, That no county shall be divided, and no two or more counties, which are separated entirely by a count V belonging to another district, shall be joined in one district: And provided, further, That the senatorial districts, when formed, shall not be changed until after the next enumeration shall have been taken.

## **Constitution of 1875**

Art. IX, § 2: The House of Representatives shall consist of not more than one hundred members, who shall be apportioned by the General Assembly among the several counties of the State according to the number of inhabitants in them, respectively, as ascertained by the decennial census of the United States for the year 1880; Which apportionment, when made, shall not be subject to alteration until the first session of the general assembly after the next decennial census of the United States shall have been taken.

Art. IX, § 3: It shall be the duty of the general assembly, at its first session after the taking of the decennial census of the United States in 1880, and after each subsequent decennial census, to fix by law the number of representatives, and apportion them among the several counties of the State: Provided, That each county shall be entitled to at least one representative.

Art. IX, § 4: It shall be the duty of the general assembly, at its first session after the taking of the decennial census of the United States in 1880, and after each subsequent decennial census, to fix by law the number of senators, and to divide the State into as many senatorial districts as there are senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one senator and no more; and which districts, when formed, shall not be changed until the next apportioning session of the general assembly after the next decennial census of the United States shall have been taken. No county shall be divided between two districts, and no district shall be made of two or more counties not contiguous to each other.

### **Constitution of 1901**

Art. IX, § 198: The House of Representatives shall consist of not more than one hundred and five members unless new counties shall be created, in which event each new county shall be entitled to one Representative, The members of the House of Representatives shall be apportioned by the Legislature among the several counties of the State, according to the number of inhabitants in them respectively, as ascertained by the decennial census of the United States, which apportionment when made shall not be subject to alteration until the next session of the Legislature after the next decennial census of the United States shall have been taken.

Art. IX, § 199: It shall be the duty of the Legislature at its first session after the taking of the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of Representatives, and apportion them among the several counties of the State, according to the number of inhabitants in them respectively; provided, that each county shall be entitled to at least one Representative.

Art. IX, § 200: It shall be the duty of the Legislature at its first session after taking the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of Senators and to divide the State into as many Senatorial districts as there are Senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one Senator, and no more; and such districts when formed, shall not be changed until the next apportioning session of the Legislature, after the next decennial census of the United States shall have been taken; provided, that counties created after the next preceding apportioning session of the Legislature may be attached to Senatorial districts. No county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous to each other.

## **ARIZONA**

### **Constitution of 1912**

Art. IV, pt. 2, § 1: Until otherwise provided by law, the Senate shall consist of 19 members, and the House of Representatives of 35 members, and Senators and Representatives shall be apportioned among the several counties as follows: Apache county, 1 Senator, 1 Representative; Cochise county, 2 Senators, 7 Representatives; Coconino county, 1 Senator, 1 Representative; Gila county, 2 Senators, 3 Representatives; Graham county, 1 Senator, 2 Representatives; Greenlee county, 1 Senator, 2 Representatives; Maricopa county, 2 Senators, 6 Representatives; Mohave county, 1 Senator, 1 Representative; Navajo county, 1 Senator, 1 Representative; Pima county, 2 Senators, 3 Representatives; Pinal county, 1 Senator, 1 Representative; Santa Cruz county, 1 Senator, 1 Representative; Yavapai county, 2 Senators, 4 Representatives; Yuma county, 1 Senator, 2 Representatives.

#### **1918 Amendment**

Art. IV, pt. 2, § 1: Until otherwise provided by law the Senate shall consist of nineteen members, apportioned among several counties, as follows: Apache County, one senator; Cochise County, two senators; Coconino County, one senator; Gila County, two senators; Graham County, one senator; Greenlee County, one senator; Maricopa County, two senators; Mohave County, one senator; Navajo County, one senator; Pima County, two senators; Pinal County, one senator; Santa Cruz County, one senator; Yavapai County, two senators; Yuma

County, one senator. There shall be elected from each County, at large, the number of senators to which such County is entitled, and there shall be elected from each County, in the manner hereinafter directed, one representative for each fifteen hundred votes or major fraction thereof cast in such County for the office of Governor at the last preceding general election, to be determined from the official canvass of all votes cast for all candidates for such office of Governor, and provided that no County shall have a smaller number of representatives than that to which it is now entitled. Within twelve months from the time this amendment is declared adopted, the Board of Supervisors of each County entitled to more than one representative shall divide such County into as many legislative districts as there may be representatives to be elected from such County and each of such districts shall be entitled to elect one representative. Such division shall be so made that the legislative districts within a County shall contain, as nearly as may be, the same voting population. Such districts shall be compact in form, and no such district shall include non-contiguous portions of any County. Before establishing such districts, the Board of Supervisors shall give at least thirty days, notice of their intention so to do, by publishing the same in two successive issues of some newspaper of general circulation published in such County. The order of the Board of Supervisors establishing such districts shall clearly and explicitly define the boundaries thereof, and shall be entered at large on the official records of the proceedings of such Board. Any such County shall be redistricted by such Board of Supervisors not less than six months prior to each regular election for representatives, when by reason of the number of votes therein cast for the office of Governor at the last preceding general election, it shall be entitled to a greater number of representatives, In Counties entitled to but one representative, such representative shall be elected from the County at large.

## ARKANSAS

### Constitution of 1836

Art. IV, §31: The State shall from time to time be divided into convenient districts, in such manner that the senate shall be based upon the free white male inhabitants of the State, each senator representing an equal number, as nearly as practicable . . .

Art. IV, §32: An enumeration of the inhabitants of the State shall be taken under the direction of the general assembly, on the first day of January, one thousand eight hundred and thirty-eight, and at the end of every four years thereafter; and the general assembly shall, at the first session after the return of every enumeration, so alter and arrange the senatorial districts that each district shall contain, as nearly as practicable, an equal number of free white male inhabitants: Provided, That Washington County, as long as its population shall justify the same, may, according to its numbers, elect more than one senator; and such districts shall then remain unaltered, until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a senatorial district.

Art. IV, §33: The ratio of representation in the senate, shall be fifteen hundred free white male inhabitants to each senator, until the senators amount to twenty-five in number; and then they shall be equally apportioned, upon the same basis, throughout the State, in such ratio as the increased numbers of free white male inhabitants may require, without increasing the senators to a greater number than twenty-five, until the population of the State amounts to five hundred thousand souls; and when an increase of senators takes place, they shall, from time to time, be divided by lot, and classed as prescribed above.

Art. IV, §34: The house of representatives shall consist of not less than fifty-four, nor more than one hundred representatives, to be apportioned among the several counties in this State, according to the number of free white male inhabitants therein, taking five hundred as the ratio, until the number of representatives amounts to seventy-five; and when they amount to seventy-five, they shall not be further increased until the population of the State amounts to five hundred thousand souls: Provided, That each county now organized shall, although its population may not give the existing ratio, always be entitled to one representative . . .

## **Constitution of 1864**

Art. IV, § 29: The State shall from time to time be divided into convenient districts, in such manner that the senate shall be based upon the free, white male inhabitants of the State, each senator representing an equal number as nearly as practicable; and the senate shall never consist of less than seventeen nor more than thirty-three members; and as soon as the senate shall meet after the first election to be held under this constitution, they shall cause the senators to be divided by lot into two classes, nine of the first class and eight of the second; and the seats of the first class shall be vacated at the end of two years from the time of their election; and the seats of the second class-at the end of four years from the time of their election, in order that one class of the senators may be elected every two years.

Art. IV, § 30: An enumeration of the inhabitants of the State shall be taken under the direction of the general assembly on the first day of January, one thousand eight hundred and sixty-five, and at the end of every ten years thereafter; and the general assembly shall, at the first session after the return of every enumeration, so alter and arrange the senatorial districts, that each district shall contain, as nearly as practicable, an equal number of free white male inhabitants.

Art. IV, § 31: The ratio of representation in the senate shall be fifteen hundred free white male inhabitants to each senator, until the senators amount to twenty-five in number, and then they shall be equally apportioned upon the same basis throughout the State, in such ratio as the increased number of free white male inhabitants may require, without increasing the senators to a greater number than twenty-five, until the population of the State amounts to five hundred thousand souls; and when an increase of senators takes place, they shall, from time to time, be divided by lot, and be classed as prescribed above.

Art. IV, § 32: The house of representatives shall consist of not less than fifty-four, nor more than one hundred representatives, to be apportioned among the several counties in this State, according to the number of free white male inhabitants therein, taking five hundred as the ratio, until the number of representatives amounts to seventy-five; and when they amount to seventy-five, they shall not be further increased until the population of the State amounts to five hundred thousand souls: Provided, That each county now organized, shall, although its population may not give the existing ratio, always be entitled to one representative; and at the first session of the general assembly, after the return of every enumeration, the representation shall be equally divided and re-apportioned among the several counties, according to the number of free white males in each county, as above prescribed.

## **Constitution of 1868**

Art. V, § 8: The general assembly shall provide by law for an enumeration of the inhabitants of this State in the year one thousand eight hundred and seventy-five, (1875) and every tenth year thereafter; and the first general assembly elected after each enumeration so made, and also after each enumeration made by the authority of the United States, may re-arrange the senatorial and representative districts according to the number of inhabitants as ascertained by such enumeration: Provided, That there shall be no apportionment other than that made in this constitution, until after the enumeration to be made In the year one thousand eight hundred and seventy-five, (1875.)

Art. V, § 9: Senators shall be chosen at the same time and in the same manner that members of the house of representatives are required to be. Senatorial districts shall be composed of convenient contiguous territory, and no representative district shall be divided in the formation of a senatorial one. The senatorial district shall be numbered in regular series, and the term of senators chosen for the districts designated by odd numbers shall expire in two (2) years, and the term of senators chosen for the districts designated by even numbers shall expire in four (4) years; but thereafter senators shall be chosen for the term of four years, excepting when an enumeration of the inhabitants of the State is made, in which case, if an arrangement of the senatorial districts is made, then the regulation above stated shall govern the term of office.

## **Constitution of 1874**

Art. VIII, § 1: The House of Representatives shall consist of not less than seventy-three, nor more than one hundred members. Each county now organized shall always be entitled to one Representative, the remainder to be apportioned among the several counties according to the number of adult male inhabitants, taking two thousand as the ratio, until the number of representatives amounts to one hundred, when they shall not be further increased; but the ratio of

representation shall, from time to time, be increased as hereinafter provided; so that the representatives shall never exceed that number . . .

Art. VIII, § 2: The legislature shall, from time to time, divide the State into convenient senatorial districts in such manner that the senate shall be based upon the adult male inhabitants of the State, each Senator representing an equal number as nearly as practicable . . .

## **CALIFORNIA**

### **Constitution of 1849**

Art. I, § 14: Representation shall be apportioned according to population.

Art. IV, § 29: The number of senators and members of assembly, shall, at the first session of the legislature holden after the enumeration-s herein provided for are made, be fixed by the legislature, and apportioned among the several counties and districts to be established by law, according to the number of white inhabitants.

### **Constitution of 1879**

Art. IV, § 6: For the purpose of choosing members of the Legislature, the State shall be divided into forty senatorial and eighty assembly districts, as nearly equal in population as may be, and composed of contiguous territory, to be called senatorial and assembly districts. Each senatorial district shall choose one Senator, and each assembly district shall choose one member of Assembly. The senatorial districts shall be numbered from one to forty, inclusive, in numerical order, and the assembly districts shall be numbered from one to eighty, in the same order, commencing at the northern boundary of the State, and ending at the southern boundary thereof. In the formation of such districts no county, or city and county, shall be divided, unless it contains sufficient population within itself to form two or more districts, nor shall a part of any county, or of any city and county, be united with any other county, or city and county in forming any district. The census taken under the direction of the Congress of the United States in the year one thousand eight hundred and eighty, and every ten years thereafter shall be the basis of fixing and adjusting the legislative districts; and the Legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as near equal in population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law.

## **COLORADO**

### **Constitution of 1876**

Art. V, § 45: The general assembly shall provide by law for an enumeration of the inhabitants of the State in the year of our Lord 1885, and every tenth year thereafter; and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for senators and representatives on the basis of such enumeration, according to ratios to be fixed by law.

Art. V, § 46: The senate shall consist of twenty-six, and the house of representatives of forty-nine members, which number shall not be increased until the year of our Lord one thousand eight hundred and ninety, after which time the general assembly may increase the number of senators and representatives, preserving, as near as may be, the present

proportion as to the number in each house: Provided, That the aggregate number of senators and representatives shall never exceed one hundred.

Art. V, § 47: Senatorial and representative districts may be altered from time to time, as public convenience may require. When a senatorial or representative district shall be composed of two or more counties, they shall be contiguous, and the district as compact as may be. No county shall be divided in the formation of a senatorial or representative district.

## CONNECTICUT

### Constitution of 1818

Art. III, § 3: The House of Representatives shall consist of electors residing in towns from which they are elected. The number of Representatives from each town shall be the same as at present practiced and allowed. In case a new town shall hereafter be incorporated, such new town shall be entitled to one representative only; and if such new town shall be made from one or more towns, the town or towns from which the same shall be made shall be entitled to the same number of Representatives as at present allowed, unless the number shall be reduced by the consent of such town or towns.

Art. III, § 4: The Senate shall consist of twelve members, to be chosen annually by the electors.

Art. III, § 5: At the meetings of the electors, held in the several towns in this State in April annually, after the election of Representatives, the electors present shall be called upon to bring in their written ballots for Senators. The presiding officer shall receive the votes of the electors, and count and declare them in open meeting. The presiding officer shall also make duplicate lists of the persons voted for, and of the number of votes for each, which shall be certified by the presiding officer; one of which lists shall be delivered to the Town Clerk, and the other, within ten days after said meeting, shall be delivered, under seal, either to the Secretary or to the sheriff of the county in which said town is situated; which list shall be directed to the Secretary, with a superscription expressing the purport of the contents thereof; and each sheriff who shall receive such votes shall, within fifteen days after said meeting, deliver, or cause them to be delivered, to the Secretary.

### 1828 Amendments

Art. II: The General Assembly, which shall be holden on the first Wednesday of May, in the year one thousand eight hundred and twenty-nine, shall divide the State into districts for the choice of Senators, and shall determine what number shall be elected in each; which districts shall not be less than eight nor more than twenty-four in number, and shall always be composed of contiguous territory, and in forming them no town shall be divided, nor shall the whole or part of one county be joined to the whole or part of another county to form a district: regard being had to the population in said apportionment, and in forming said districts, in such manner that no county shall have less than two senators. The districts, when established, shall continue the same until the session of the General Assembly next after the completion of the next census of the United States; which said Assembly shall have power to alter the same if found necessary, to preserve a proper equality between said districts, in respect to the number of inhabitants therein, according to the principles above recited; after which said districts shall not be altered, nor the number of Senators altered, except at any session of the General Assembly next after the completion of a census of the United States, and then only according to the principles above prescribed.

Art. III: At the meeting of the electors on the first Monday of April, in the year one thousand eight hundred and thirty, and annually thereafter, Immediately after the choice of Representatives, the electors qualified by law to vote in the choice of such Representatives shall be called upon by the presiding officer in such meeting, in the several towns within their districts, respectively, to bring in their ballots, for such person or number of persons to be Senator or Senators for such districts in the next General Assembly, as shall by law be allowed to such districts respectively; a which person or persons at the time of holding such meetings shall belong to and

reside in the respective districts in which they shall be so balloted for, as aforesaid; and each elector present at such meeting, qualified as aforesaid, may thereupon bring in his ballot or suffrage for such person or persons as he shall choose to be Senators for such district, not exceeding the number by law allowed to the same, with the name or names of such person or persons fairly written on one piece of paper, And the votes so given in shall be received, counted, canvassed, and declared in the same manner now provided by the Constitution for the choice of Senators. The person or persons, not exceeding the number by law allowed to the districts in which such votes shall be given in, having the highest number of votes, shall be declared to be duly elected for such districts; but in the event of an equality of votes between two or more of the persons so voted for, the House of Representatives shall, in the manner provided for by the Constitution, designate which of such person or persons shall be declared to be duly elected.

## **DELAWARE**

### **Constitution of 1776**

Art. III: One of the branches of the Legislature shall be called, "The House of Assembly," and shall consist of seven Representatives to be chosen for each county annually of such persons as are freeholders of the same.

Art. IV: The other branch shall be called "The council," and consist of nine members; three to be chosen for each county at the time of the first election of the assembly, who shall be freeholders of the county for which they are chosen, and be upwards of twenty-five years of age.

### **Constitution of 1792**

Art. II, § 2: The representatives shall be chosen annually by the citizens residing in the several counties, respectively, on the first Tuesday of October. No person shall be a representative who shall not have attained to the age of twenty-four years, and have a freehold in the county in which he shall be chosen, have been a citizen and inhabitant of the State three years next preceding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he shall be chosen, unless he shall have been absent on the public business of the United States, or of this State. There shall be seven representatives chosen in each county, until a greater number of representatives shall by the general assembly be judged necessary; and then, two-thirds of each branch of the legislature concurring, they may by law make provision for increasing their number.

Art. II, § 3: The senators shall be chosen for three years by the citizens residing in the several counties, respectively, having right to vote for representatives, at the same time when they shall vote for representatives, in the same manner, and at the same places. No person shall be a senator who shall not have attained to the age of twenty-seven years, and have in the county in which he shall be chosen a freehold estate in two hundred acres of land, or an estate in real and personal property, or in either, of the value of one thousand pounds at least, and have been a citizen and inhabitant of the State three years next preceding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he shall be chosen, unless he shall have been absent on the public business of the United States or of this State. There shall be three senators chosen in each county. When a greater number of senators shall by the general assembly be judged necessary, two-thirds of each branch concurring, they may, by law, make provision for increasing their number; but the number of senators shall never be greater than one-half, nor less than one-third, of the number of representatives.

### **Constitution of 1831**

Art. II, § 2: The representatives shall be chosen [for two years] by the citizens residing in the several counties. No person shall be a representative who shall not have attained the age of twenty-four years, and have been a citizen and inhabitant of the State three years next preceding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he shall be chosen, unless he shall have been absent on the public business of the

United States, or of this State. There shall be seven representatives chosen in each county, until a greater number of representatives shall by the general assembly be Judged necessary; and then, two-thirds of each branch of the legislature concurring, they may by law make provision for increasing their number.

Art. II, § 3: The senators shall be chosen for four years by the citizens residing in the several counties. No person shall be a senator who shall not have attained to the age of twenty-seven years, and have, in the county in which he shall be chosen, a freehold estate in two hundred acres of land, or an estate in real or personal property, or in either, of the value of one thousand pounds at least, and have been a citizen and inhabitant of the State three years next preceding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he shall be chosen; unless he shall have been absent on the public business of the United States, or of this State. There shall be three senators chosen in each county. When a greater number of senators shall by the general assembly be judged necessary, two-thirds of each branch concurring, they may by law make provision for increasing their number; but the number of senators shall never be greater than one-half nor less than one-third of the number of representatives.

### **Constitution of 1897**

Art. II, § 2: The House of Representatives shall be composed of thirty-five members, who shall be chosen for two years. The Senate shall be composed of seventeen members, who shall be chosen for four years. The state is hereby divided into thirty-five representative districts, from each of which shall be chosen, by the qualified electors thereof, one Representative. In New Castle County there shall be fifteen Representative Districts, numbered from one to fifteen inclusive; in Kent County, ten Representative Districts, numbered from one to ten inclusive; and in Sussex County, ten Representative Districts, numbered from one to ten inclusive. The State is also hereby divided into seventeen Senatorial Districts, from each of which shall be chosen, by the qualified electors thereof, one Senator. In New Castle County there shall be seven Senatorial Districts, numbered from one to seven inclusive; in Kent County, five Senatorial Districts, numbered from one to five inclusive; and in Sussex County, five Senatorial Districts, from one to five inclusive . . .

## **FLORIDA**

### **Constitution of 1838**

Art. IX, § 1: The general assembly shall, in the year 1845, and every tenth year thereafter, cause an enumeration to be made of all the inhabitants of the State, and to the whole number of free white inhabitants shall be added three-fifths of the number of slaves; and they shall then proceed to apportion the representation equally among the different counties, according to such enumeration, giving, however, one representative to every county, and increasing the number of representatives, on a uniform ratio of population, according to the foregoing basis; and which ratio shall not be changed until a new census shall have been taken.

Art. IX, § 2: The general assembly shall also, after every such enumeration, proceed to fix by law the number of senators which shall constitute the senate of the State of Florida, and which shall never be less than one-fourth nor more than one-half of the whole number of the house of representatives; and they shall lay off the State into the same number of senatorial districts, as nearly equal in the number of inhabitants as may be, according to the ratio of representation established in the preceding section; each of which districts shall be entitled to one senator.

### **Constitution of 1865**

Art. IX, § 1: The general assembly shall, in the year one thousand eight hundred and sixty-seven, and in the year one thousand eight hundred and seventy-five, and every tenth year thereafter, cause an enumeration to be made of all the inhabitants of the State; and to the whole number of white inhabitants shall be added three-fifths of the number of colored people; and they shall then proceed to apportion the representation equally among the different counties, according to such enumeration, giving, however, one representative to every county, and increasing the number of

representatives on a uniform ratio of population, according to the foregoing basis, and which ratio shall not be changed until a new census shall have been taken.

Art. IX, § 2: The general assembly shall also, after every such enumeration, proceed to fix by law the number of senators which shall constitute the senate of the State of Florida, and which shall never be less than one-fourth nor more than one-half of the whole number of the house of representatives; and they shall layoff the State into the same number of senatorial districts, as nearly equal in the number of inhabitants as may be, according to the ratio of representation established in the preceding section, each of which districts shall be entitled to one senator.

### **Constitution of 1868**

Art. I, § 15: Representatives shall be apportioned according to population, as well as may be, but no county shall have more than four representatives and less than one representative in the assembly.

Art. XIV: The legislature shall, in the year one thousand eight hundred and seventy-five, and every tenth year thereafter, cause an enumeration to be made of all the inhabitants of the State; and they shall then proceed to apportion the representation among the different counties, giving to each county one representative at large, and one additional to every one thousand registered votes therein, but no county shall be entitled to more than four representatives. The legislature shall also, after every such enumeration, proceed to fix by law the number of senators which shall constitute the senate of Florida, and which shall never be less than one-fourth nor more than one-half of the whole number of the assembly. When any senatorial district shall be composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district, and no county shall be divided in forming a district, and all counties shall remain as now organized unless changed by a two-thirds vote of both houses of the legislature.

### **Constitution of 1885**

Art. II, § 2: The Legislatures that convene in the year 1889 and thereafter, shall consist of not more than thirty-two members of the Senate, and of not more than sixty-eight members of the House of Representatives. The members of the House of Representatives shall be elected for terms of two years, and the members of the Senate shall be elected for terms of four years, except as hereafter provided, the elections for members of the Senate and House of Representatives to be held at the same time and places. The terms of Senators elected in 1888 from districts designated by even numbers, shall expire at the end of two years from that date, and thereafter all Senators shall be elected for four years, so that one-half of the whole number shall be elected biennially.

Art. VII, § 3: The Legislature that shall meet A. D. 1887, and those that shall meet every ten years thereafter, shall apportion the representation in the Senate, the whole number of Senators not to exceed thirty-two members; and at the same time shall also apportion the representation in the House of Representatives, the whole number of Representatives not to exceed sixty-eight members. The representation in the House of Representatives shall be apportioned among the several counties as nearly as possible according to population; Provided, Each county shall have one representative at large in the House of Representatives, and no county shall have more than three Representatives.

Art. VII, § 4: When any Senatorial District is composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district. Any new county that may be created shall be entitled to one member in the House of Representatives until the next apportionment thereafter; and shall be assigned when created to one of the adjoining Senatorial Districts as shall be determined by the Legislature.

Art. VII, § 5: The Legislature shall provide for an enumeration of all the inhabitants of the State by counties for the year 1895, and every ten years thereafter.

# GEORGIA

## Constitution of 1777

Art. IV: The representation shall be divided in the following manner: ten members from each county, as is hereinafter directed, except the county of Liberty, which contains three parishes, and that shall be allowed fourteen . . . The port and town of Savannah shall be allowed four members to represent their trade. The port and town of Sunbury shall be allowed two members to represent their trade.

Art. V: The two counties of Glynn and Camden shall have one representative each, and also they, and all other counties that may hereafter be laid out by the house of assembly, shall be under the following regulations, viz: at their first institution each county shall have one member, provided the inhabitants of the said county shall have ten electors; and if thirty, they shall have two; if forty, three; if fifty, four; if eighty, six; if a hundred and upward, ten; at which time two executive councillors shall be chosen from them, as is directed for the other counties.

## Constitution of 1789

Art. I, § 2: The senate shall be elected on the first Monday in October in every third year, until such day of election be altered by law; and shall be composed of one member from each county, chosen by the electors thereof, and shall continue for the term of three years.

Art. I, § 6: The election of members, for the house of representatives shall be annual, on the first Monday in October, until such day of election be altered by law, and shall be composed of members from each county, in the following proportions: Camden, two; Glynn, two; Liberty, four; Chatham, five; Effingham, two; Burke, four; Richmond, four; Wilkes, five; Washington, two; Green, two; and Franklin, two.

## 1795 Amendments

Art I: The senate shall be elected annually on the first Monday in November until such day of election be altered by law; and shall be composed of one member from each county, to be chosen by the electors thereof.

Art. III: The election of members for the house of representatives shall be annual on the first Monday in November; and shall be composed of members from each county in the following proportions: Camden, two; Glynn, two; Liberty, four; McIntosh, two; Bryan, two; Chatham, four; Effingham, two; Scriven, two; Montgomery, two; Burke, three; Richmond, two; Columbia, two; Wilkes, three; Elbert, two; Franklin, two; Oglethorpe, three; Green, three; Hancock, three; Washington, three; Warren, three.

## Constitution of 1798

Art. I, § 3: The senate shall be elected annually, on the first Monday in November, until such day of election be altered by law; and shall be composed of one member from each county, to be chosen by the electors thereof.

Art. I, §7: The house of representatives shall be composed of members from all the counties which now are, or hereafter may be, included within this State, according to their respective numbers of free white persons, and including three-fifths of all the people of color. The actual enumeration shall be made within two years, and within every subsequent term of seven years thereafter, at such time and in such manner as this convention may direct. Each county containing three thousand persons, agreeably to the foregoing plan of enumeration, shall be entitled to two members; seven thousand, to three members; and twelve thousand, to four members; but each county shall have at least one and not more than four members . . .

## 1843 Amendments

Art. I, § 3: So altered and amended as to read: The senate shall be elected biennially on the first Monday in October, and shall consist of forty-seven members, and shall be composed of one member from each senatorial district, which district shall be composed of two contiguous counties, not including the county with the largest representative population, which shall constitute a separate district; which districts shall be arranged and organized by the general assembly, at the session when this shall be adopted, and if any new county shall be hereafter formed, it shall be annexed to one of the districts from which it was taken.

Art. I, § 7: So altered and amended as to read: The house of representatives shall be composed of one hundred and thirty members; each county shall have one representative, and no county shall have more than two representatives; thirty-seven counties having the greatest population, counting all free white persons, and three-fifths of the people of color, shall have two representatives; the said apportionment shall be made by the general assembly, at the session at which this section shall be adopted as an alteration of the constitution, by an act to be introduced after the adoption thereof, and a new apportionment shall be made at the session next after each future enumeration of the inhabitants of this State, made under the constitution and laws thereof, but at no other time.

## Constitution of 1865

Art. II, § 2(1): There shall be forty-four senatorial districts in the State of Georgia, each composed of three contiguous counties, from each of which districts one senator shall be chosen, until otherwise arranged, as hereinafter provided . . . If a new county be established, it shall be added to a district which it adjoins. The senatorial districts may be changed by the general assembly, but only at the first session after the taking of each new census by the United States Government, and their number shall never be increased.

Art. II, § 3(1): The house of representatives shall be composed as follows: The thirty-seven counties having the largest representative population shall have two representatives each. Every other county shall have one representative. The designation of the counties having two representatives shall be made by the general assembly immediately after the taking of each census.

## Constitution of 1868

Art. III, § 2(1): There shall be forty-four senatorial districts in this State, composed each of three contiguous counties, from each of which districts one senator shall be chosen . . . If a new county be established it shall be added to a district which it adjoins, and from which the larger portion of its territory is taken. The senatorial districts may be changed by the general assembly, but only at the first session after the publication of each census by the United States Government, and their number shall not be increased.

Art. III, § 3(1): The house of representatives shall consist of one hundred and seventy-five representatives, apportioned as follows: to the six largest counties, to wit, Chatham, Richmond, Fulton, Bibb, Houston, and Burke, three representatives each; to the thirty-one next largest, to wit, Bartow, Columbia, Cobb, Coweta, Clarke, Decatur, Dougherty, Floyd, Gwinnett, Greene, Hancock, Harris, Jefferson, Lee, Muscogee, Monroe, Meriwether, Morgan, Macon, Newton, Oglethorpe, Pulaski, Randolph, Sumter, Stewart, Troup, Thomas, Talbot, Washington, Wilkes, and Warren, two representatives each; and to the remaining ninety-five counties, one representative each.

Art. III, § 3(2): The above apportionment may be changed by the general assembly after each census by the United States Government, but in no event shall the aggregate number of representatives be increased.

## Constitution of 1877

Art. III, § 2, ¶ 1: The Senate shall consist of forty-four members. There shall be forty-four Senatorial Districts, as now arranged by counties. Each District shall have one Senator.

Art. III, § 2, ¶ 3: The General Assembly may change these districts after each census of the United States: Provided, That neither the number of Districts nor the number of Senators from each District shall be increased.

Art. III, § 3, ¶ 1: The House of Representatives shall consist of one hundred and seventy-five Representatives, apportioned among the several counties as follows, to-wit: To the six counties having the largest population, viz: Chatham, Richmond, Burke, Houston, Bibb and Fulton, three Representatives, each; to the twenty-six counties having the next largest population, viz: Bartow, Coweta, Decatur, Floyd, Greene, Gwinnett, Harris, Jefferson, Meriwether, Monroe, Muscogee, Newton, Stewart, Sumter, Thomas, Troup, Washington, Hancock, Carroll, Cobb, Jackson, Dougherty, Oglethorpe, Macon, Talbot and Wilkes, two Representatives, each; and to the remaining one hundred and five counties, one Representative each.

Art. III, § 3, ¶ 2: The above apportionment shall be changed by the General Assembly at its first session after each census taken by the United States Government, so as to give to the six counties having the largest population three Representatives, each; and to the twenty-six counties having the next largest population two Representatives, each; but in no event shall the aggregate number of Representatives be increased.

## **IDAHO**

### **Constitution of 1889**

Art. III, § 2: The senate shall consist of eighteen members and the house of representatives of thirty-six members. The Legislature may increase the number of senators and representatives: Provided, The number of senators shall never exceed twenty-four, and the house of representatives shall never exceed sixty members, The senators and representatives shall be chosen by the electors of the respective counties or districts into which the State may from time to time be divided by law.

Art. III, § 4: The members of the first legislature shall be apportioned to the several legislative districts of the State in proportion to the number of votes polled at the last general election for Delegate to Congress, and thereafter to be apportioned as may be provided by law: Provided, Each county shall be entitled to one representative.

Art. III, § 5: A senatorial or representative district, when more than one county shall constitute the same, shall be composed of contiguous counties and no county shall be divided in creating such districts.

## **ILLINOIS**

### **Constitution of 1818**

Art. II, § 5: The number of senators and representatives shall, at the first session of the general assembly holden after the returns herein provided for are made, be fixed by the general assembly, and apportioned among the several counties or districts to be established by law, according to the number of white inhabitants. The number of representatives shall not be less than twenty-seven, nor more than thirty-six until the number of inhabitants, within this State shall amount to one hundred thousand; and the number of senators shall never be less than one-third nor more than one-half of the number of representatives.

## Constitution of 1848

Art. III, §6: The senate shall consist of twenty-five members, and the house of representatives shall consist of seventy-five members, until the population of the State shall amount to one million of souls, when five members may be added to the house, and five additional members for every five hundred thousand inhabitants thereafter, until the whole number of representatives shall amount to one hundred; after which the number shall neither be increased nor diminished; to be apportioned among the several counties according to the number of white inhabitants. In all future apportionments, where more than one county shall be thrown into a representative district, all the representatives to which said counties may be entitled shall be elected by the entire district.

Art. III, § 8: In the year one thousand eight hundred and fifty-five, and ever tenth year thereafter, an enumeration of the inhabitants of this State shall be made in such manner as shall be directed by law; and in the year eighteen hundred and fifty, and every tenth year thereafter, the census taken by authority of the Government of the United States shall be adopted by the general assembly as the enumeration of this State; and the number of senators and representatives shall, at the first regular session holden after the returns herein provided for are made, be apportioned among the several counties or districts to be established by law, according to the number of white inhabitants.

Art. III, § 9: Senatorial and representative districts shall be composed of contiguous territory bounded by county lines; and only one senator allowed to each senatorial, and not more than three representatives to any representative district: Provided, That cities and towns, containing the requisite population, may be erected into separate districts.

Art. III, § 10: In forming senatorial and representative districts, counties containing a population of not more than one-fourth over the existing ratio, shall form separate districts, and the excess shall be given to the nearest county or counties not having a senator or representative, as the case may be, which has the largest white population.

## Constitution of 1870

Art. IV, § 6: The general assembly shall apportion the State every ten years, beginning with the year one thousand eight hundred and seventy-one, by dividing the population of the State, as ascertained by the federal census, by the number fifty-one, and the quotient shall be the ratio of representation in the senate. The State shall be divided into fifty-one senatorial districts, each of which shall elect one senator, whose term of office shall be four years. The senators elected in the year of our Lord one thousand eight hundred and seventy-two, in districts bearing odd numbers, shall vacate their offices at the end of two years, and those elected in districts bearing even numbers at the end of four years, and vacancies occurring by the expiration of term shall be filled by the election of senators for the full term. Senatorial districts shall be formed of contiguous and compact territory, bounded by county lines, and contain as near as practicable an equal number of inhabitants; but no district shall contain less than four-fifths of the senatorial ratio. Counties containing not less than the ratio and three-fourths may be divided into separate districts, and shall be entitled to two senators, and to one additional senator for each number of inhabitants equal to the ratio contained by such counties in excess of twice the number of said ratio.

Art. IV, § 7: The population of the State, as ascertained by the federal census, shall be divided by the number one hundred and fifty-three, and the quotient shall be the ratio of representation in the house of representatives. Every county or district shall be entitled to one representative, when its population is three-fifths of the ratio; if any county has less than three-fifths of the ratio, it shall be attached to the adjoining county having the least population, to which no other county has, for the same reason, been attached, and the two shall constitute a separate district. Every county or district having a population not less than the ratio and three-fifths, shall be entitled to two representatives, and for each additional number of inhabitants, equal to the ratio, one representative. Counties having over two hundred thousand inhabitants may be divided into districts, each entitled to not less than three nor more than five representatives. After the year one thousand eight hundred and eighty, the whole population shall be divided by the number one hundred and fifty-nine, and the quotient shall be the ratio of representation in the house of representatives for the ensuing ten years, and six additional representatives shall be added for every five hundred thousand increase of population at each decennial census thereafter, and be apportioned in the same manner as above provided.

Art. IV, § 8: When a county or district shall have a fraction of population above what shall entitle it to one representative, or more, according to the provisions of the foregoing section, amounting to one-fifth of the ratio, it shall

be entitled to one additional representative in the fifth term of each decennial period; when such fraction is two-fifths of the ratio, it shall be entitled to an additional representative in the fourth and fifth terms of said period; when the fraction is three fifths of the ratio, it shall be entitled to an additional representative in the first, second and third terms, respectively; when a fraction is four-fifths of the ratio, it shall be entitled to an additional representative in the first, second, third and fourth terms, respectively.

### **Amendments**

By the adoption of minority representation, §§ 7 and 8 of this article, above set forth, cease to be a part of the constitution. Under, § 12 of the schedule, and the vote of adoption, the following section relating to minority representation is substituted for said sections:

Art. IV, §§ 7 and 8: The house of representatives shall consist of three times the number of the members of the senate, and the term of office shall be two years. Three representatives shall be elected in each senatorial district at the general election in the year of our Lord one thousand eight hundred and seventy-two, and every two years thereafter. In all elections of representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates, as he shall see fit; and the candidates highest in votes shall be declared elected.

## **INDIANA**

### **Constitution of 1816**

Art. III, § 2: The General Assembly may, within two years after their first meeting, and shall, in the year eighteen hundred and twenty, and every subsequent term of five years, cause an enumeration to be made of all the white male inhabitants above the age of twenty-one years, The number of Representatives shall, at the several periods of making such enumeration, be fixed by the General Assembly, and apportioned among the several counties according to the number of white male inhabitants above twenty-one years of age in each; and shall never be less than twenty-five, nor greater than thirty-six, until the number of white male inhabitants above twenty-one years of age shall be twenty-two thousand; and after that event, at such ratio, that the whole number of Representatives shall never be less than thirty-six, nor exceed one hundred.

Art. III, § 6: The number of Senators shall, at the several periods of making the enumeration before mentioned, be fixed by the General Assembly, and apportioned among the several counties or districts, to be established by law, according to the number of white male inhabitants of the age of twenty-one years in each, and shall never be less than one-third, nor more than one-half of the number of Representatives.

### **Constitution of 1851**

Art. IV, § 2: The Senate shall not exceed fifty, nor the House of Representatives one hundred members; and they shall be chosen by the electors of the respective counties or districts into which the State may, from time to time, be divided.

Art. IV, § 4: The General Assembly shall, at its second session after the adoption of this Constitution, and every sixth year thereafter, cause an enumeration to be made of all the white male inhabitants over the age of twenty-one years.

Art. IV, § 5: The number of Senators and Representatives shall, at the session next following each period of making such enumeration, be fixed by law, and apportioned among the several counties, according to the number of white male inhabitants, above twenty-one years of age, in each: Provided, That the first and second elections of members of the General Assembly, under this Constitution, shall be according to the apportionment last made by the General Assembly before the adoption of this Constitution.

## 1881 Amendments

Art. IV, § 4: The General Assembly shall, at its second session after the adoption of this Constitution, and every six years thereafter, cause an enumeration to be made of all the male inhabitants over the age of twenty-one years.

Art. IV, § 5: The number of Senators and Representatives shall, at the session next following each period of making such enumeration, be fixed by law, and apportioned among the several counties, according to the number of male inhabitants, above twenty-one years of age, in each: Provided, That the first and second elections of members of the General Assembly, under this Constitution, shall be according to the apportionment last made by the General Assembly, before the adoption of this Constitution.

# IOWA

## Constitution of 1846

Art. III, § 31: Within one year after the ratification of this constitution, and within every subsequent term of two years, for the term of eight years, an enumeration of all the white inhabitants of this State shall be made, in such manner as shall be directed by law. The number of Senators and Representatives shall, at the first regular session of the General Assembly, after such enumeration, be fixed by law, and apportioned among the several counties according to the number of white inhabitants in each; and (The General Assembly) shall also, at every subsequent regular session, apportion the House of Representatives; and every other regular session the Senate, for eight years; and the House of Representatives shall never be less than twenty-six, nor greater than thirty-nine, until the number of white inhabitants shall be one hundred and seventy-five thousand; and after that event, at such ratio that the whole number of Representatives shall never be less than thirty-nine nor exceeding seventy-two.

## Constitution of 1857

Art. III, § 33: The General Assembly shall, in the years one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty three, one thousand eight hundred and sixty-five, one thousand eight hundred and sixty-seven, one thousand eight hundred sixty-nine, and one thousand eight hundred and seventy-five, and every ten years hereafter, cause an enumeration to be made of all the inhabitants of the State.

Art. III, § 34: The number of Senators shall, at the next session following each period of making such enumeration, and the next session following each United States census, be fixed by law, and apportioned among the several counties according to the number of inhabitants in each.

Art. III, § 35: The Senate shall not consist of more than fifty members nor the House of Representatives of more than one hundred; and they shall be apportioned among the several counties and representative districts in the State according to the number of inhabitants within each, upon ratios to be fixed by law; but no representative district shall contain more than four organized counties, and each district shall be entitled to at least one Representative. Every county and district which shall have a number of inhabitants equal to one-half of the ratio fixed by law, shall be entitled to one Representative; and any one county containing, in addition to the ratio fixed by law, one-half of that number, or more, shall be entitled to one additional Representative. No floating district shall hereafter be formed.

Art. III, § 36: At its first session under this Constitution, and at each subsequent regular session, the General Assembly shall fix the ratio of representation, and also form into representative districts those counties which will not be entitled singly to a Representative.

### **1868 Amendments**

Art. III, § 33: Amended by striking out the word "white" at the general election in 1868.

Art. III, § 34: Amended by striking out the word "white" at the general election in 1868.

Art. III, § 35: Amended by striking out the word "white" at the general election in 1868.

### **1904 Amendments**

That Sections thirty-four (34) thirty-five (35) and thirty-six (36) of Article (III) of the Constitution of the State of Iowa, be repealed and the following be adopted in lieu thereof.

Art. III, § 34: The Senate shall be composed of fifty members to be elected from the several senatorial districts, established by law and at the next session of the general assembly held following the taking of the state and national census, they shall be apportioned among the several counties or districts of the state, according to population as shown by the last preceding census.

Art. III, § 35: The House of Representatives shall consist of not more than one hundred and eight members. The Ratio of representation shall be determined by dividing the whole number of the population of the state as shown by the last preceding state or national census, by the whole number of counties then existing or organized, but each county shall constitute one representative district and be entitled to one representative, but each county having a population in excess of the ratio number, as herein provided of three fifths or more of such ratio number shall be entitled to one additional representative, but said addition shall extend only to the nine counties having the greatest population.

Art. III, § 36: The General Assembly shall, at the first regular session held following the adoption of this amendment, and at each succeeding regular session held next after the taking of such census, fix the ratio of representation, and apportion the additional representatives, as herein before required.

## **KANSAS**

### **Constitution of 1859**

Art X, § 1: In the future apportionments of the state, each organized county shall have at least one representative; and each county shall be divided into as many districts as it has representatives.

Art. X, § 2: It shall be the duty of the first legislature to make an apportionment, based upon the census ordered by the last legislative assembly of the territory; and a new apportionment shall be made in the year 1866, and every five years thereafter, based upon the census of the preceding year.

### **1873 Amendment**

Art. II, § 2: The number of representatives and senators shall be regulated by law, but shall never exceed one hundred and twenty-five representatives and forty senators. From and after the adoption of the amendment the house of representatives shall admit one member for each county in which at least two hundred and fifty legal votes were cast at the next preceding general election; and each organized county in which less than two hundred legal votes were cast at the next preceding general election shall be attached to an constitute a part of the representative district of the county lying next adjacent to it.

# KENTUCKY

## Constitution of 1792

Art. I, § 6: Within two years after the first meeting of the general assembly, and within every subsequent term of four years, an enumeration of the free male inhabitants above twenty-one years of age shall be made, in such manner as may be directed by law. The number of the representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the several counties, according to the number of free male inhabitants above the age of twenty-one years in each, and shall never be less than forty, nor greater than one hundred; but no county hereafter erected shall be entitled to a separate representation, until a sufficient number of free male inhabitants above the age of twenty-one years shall be contained within it, to entitle them to one representative, agreeable to the ratio which shall then be established.

Art. I, § 8: Until the first enumeration is made, the senate shall consist of eleven members, and thereafter for every four members added to the house of representatives, one member shall be added to the senate.

Art. I, § 9: In choosing the senate, one member at least shall be elected from each county, until the number of counties is equal to the number of senators; after which, when a new county is made, it shall, as to the choice of senators, be considered as being a part of the county or counties from which it shall have been taken,

## Constitution of 1799

Art. II, § 6: Representation shall be equal and uniform in this commonwealth; and shall be forever regulated and ascertained by the number of qualified electors therein. In the year eighteen hundred and three, and every fourth year thereafter, an enumeration of all the free male inhabitants of the State, above twenty-one years of age, shall be made, in such manner as shall be directed by law. The number of representatives shall, in the several years of making these enumerations, be so fixed as not to be less than fifty-eight, nor more than one hundred, and they shall be apportioned for the four years next following, as near as may be, among the several counties and towns, in proportion to the number of qualified electors; but, when a county not having a residuum or residuums, which, when added to the small county, would entitle it to a separate representation, it shall then be in the power of the legislature to join two or more together, for the purpose of sending a representative: Provided, That when there are two or more counties adjoining, which have residuums over and above the ratio when fixed by law, if said residuums when added together will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

Art. II, § 11: The senate shall consist of twenty-four members at least, and for every three members above fifty-eight, which shall be added to the house of representatives, one member shall be added to the senate.

Art. II, § 12: The same number of senatorial districts shall, from time to time, be established by the legislature, as there may then be senators allotted to the State; which shall be so formed as to contain, as near as may be, an equal number of free male inhabitants in each, above the age of twenty-one years, and so that no county shall be divided, or form more than one district; and where two or more counties compose a district, they shall be adjoining.

## Constitution of 1850

Art. II, § 5: That when it shall appear to the general assembly that any city or town hath a number of qualified voters equal to the ratio then fixed, such city or town shall be invested with the privilege of a separate representation, in either or both houses of the general assembly, which shall be retained so long as such city or town shall contain a number of qualified voters equal to the ratio which shall, from time to time, be fixed by law; and, thereafter, elections for the county in which such city or town is situated shall not be held therein; but such city or town shall not be entitled to a separate representation, unless such county, after the separation, shall also be entitled to one or more representatives. That whenever a city or town shall be entitled to a separate representation in either house of the general assembly, and by its numbers shall be entitled to more than one representative, such city or town shall be divided, by squares which are contiguous, so as to make the most compact form, into representative districts, as nearly equal as may be, equal to the

number of representatives to which such city or town may be entitled; and one representative shall be elected from each district. In like manner shall said city or town be divided into senatorial districts, when by the apportionment more than one senator shall be allotted to such city or town, and a senator shall be elected from each senatorial district, but no ward or municipal division shall be divided by such division of senatorial or representative districts, unless it be necessary to equalize the elective, senatorial, or representative districts.

Art. II, § 6: Representation shall be equal and uniform in this commonwealth, and shall be forever regulated and ascertained by the number of qualified voters therein. In the year 1870, again in the year 1857, and every eighth year thereafter, an enumeration of all the qualified voters of the State shall be made; and, to secure uniformity and equality of representation, the State is hereby laid off into ten districts . . . The number of representatives shall, at the several sessions of the general assembly next after the making of the enumerations, be apportioned among the ten several districts according to the number of qualified voters in each; and the representatives shall be apportioned, as near as may be, among the counties, towns, and cities in each district; and in making such apportionment the following rules shall govern, to wit: Every county, town, or city, having the ratio, shall have one representative; if double the ratio, two representatives, and so on. Next, the counties, towns, or cities having one or more representatives, and the largest number of qualified voters above the ratio, and counties having the largest number under the ratio, shall have a representative, regard being always had to the greatest number of qualified voters: Provided, That when a county may not have a sufficient number of qualified voters to entitle it to one representative, then such county may be joined to some adjacent county or counties, which counties shall send one representative. When a county shall be formed of territory belonging to more than one district, it shall form a part of that district having the least number of qualified voters.

Art. II, § 14: At every apportionment of representation, the State shall be laid off into thirty-eight senatorial districts, which shall be so formed as to contain, as near as may be, an equal number of qualified voters, and so that no county shall be divided in the formation of a senatorial district, except such county shall be entitled, under the enumeration, to two or more senators; and where two or more counties compose a district they shall be adjoining.

### **Constitution of 1891**

Art. II, § 33: The first General Assembly after the adoption of this Constitution shall divide the State into thirty-eight senatorial districts, and one hundred representative districts, as nearly equal in population as may be without dividing any county, except where a county may include more than one district, which districts shall constitute the Senatorial and Representative districts for ten years. Not more than two counties shall be joined together to form a representative district: Provided, in doing so the principle requiring every district to be as nearly equal in population as may be shall not be violated. At the expiration of that time, the General Assembly shall then, and every ten years thereafter, redistrict the State according to this rule, and for the purposes expressed in this section. If, in making said districts, inequality of population should be unavoidable, any advantage resulting therefrom shall be given to districts having the largest territory. No part of a county shall be added to another county to make a district, and the counties forming a district shall be contiguous.

## **LOUISIANA**

### **Constitution of 1812**

Art. II, § 6: Representation shall be equal and uniform in this state, and shall be forever regulated and ascertained by the number of qualified electors therein. In the year one thousand eight hundred and thirteen and every fourth year thereafter, an enumeration of all the electors shall be made in such manner as shall be directed by law. The number of Representatives shall, in the several years of making these enumerations be so fixed as not to be less than twenty five nor more than fifty.

Art. II, § 10: The State shall be divided in fourteen senatorial districts, which shall forever remain indivisible, as follows; the Parish of St. Bernard and Plaquemine including the country above as far as the land (Des PeCheurs) on the east of the Mississippi and on the west as far as Bernoudy's canal shall form one district. The city of New-Orleans beginning at the Nuns' Plantation above and extending below as far as the above mentioned canal (Des Pecheurs) including the inhabitants of the Bayou St. John, shall form the second district, the remainder of the county of Orleans shall form the third district. The counties of German Coast, Acadia, Lafourche, Iberville, Point Coupee, Concordia Attakapas, Opelousas, Rapides, Natchitoches and Ouachitta, shall each form one district, and each district shall elect a Senator.

### **Constitution of 1845**

Title II, art. 8: Representation in the house of representatives shall be equal and uniform, and shall be regulated and ascertained by the number of qualified electors, Each parish shall have at least one representative; no new parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a number of electors less than the full number entitling it to a representative, nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors. The first enumeration to be made by the State authorities under this constitution shall be made in the year 1847, the second in the year 1855; and the subsequent enumerations shall be made every tenth year thereafter, in such manner as shall be prescribed by law for the purpose of ascertaining the total population and the number of qualified electors in each parish and election-district. At the first regular session of the legislature after the making of each enumeration, the legislature shall apportion the representation amongst the several parishes and election-districts on the basis of qualified electors as aforesaid. A representative number shall be fixed, and each parish and election-district shall have as many representatives as the aggregate number of its electors will entitle it to, and an additional representative for any fraction exceeding one-half the representative number. The number of representatives shall not be more than one hundred nor less than seventy.

Title II, art. 15: The legislature, in every year in which they shall apportion representation in the house of representatives, shall divide the State into senatorial districts. No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted. And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of its territory was taken, or to another contiguous district, at the discretion of the legislature; but shall not be attached to more than one district. The number of senators shall be thirty-two, and they shall be apportioned among the senatorial districts according to the total population contained in the several districts: Provided, That no parish shall be entitled to more than one-eighth of the whole number of senators.

Title II, art. 16: In all apportionments of the senate, the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty-eight, and the result produced by this division shall be the senatorial ratio entitling a senatorial district to a senator. Single or contiguous parishes shall be formed into districts having a population the nearest possible to the number entitling it district to a senator; and if, in the apportionment to be made, a parish or district fall short of or exceed the ratio one-fifth, then a district may be formed having not more than two senators, but not otherwise. No new apportionment shall have the effect of abridging the term of service of any senator already elected at the time of making the apportionment. After an enumeration has been made as directed in the [eighth] article, the legislature shall not pass any law until an apportionment of representation in both houses of the general assembly be made.

### **Constitution of 1852**

Title II, art. 8: Representation in the house of representatives shall be equal and uniform, and shall be regulated and ascertained by the total population of each of the several parishes of the State. Each parish shall have at least one representative. No new parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a population less than the full number entitling it to a representative, nor when the creation of such new parish would leave any other parish without the said extent of territory and amount of population. The first enumeration by the State authorities under this constitution shall be made in the year 1853, the second in the year 1858, the third in the year 1865; after which time the general assembly shall direct in what manner the census shall be taken, so that it be made at least once in every period of ten years, for the purpose of ascertaining the total population in each parish and election-district. At the first regular session of the legislature after the making of each enumeration, the legislature shall apportion the representation among the several parishes and election-districts on the basis of the total population as aforesaid. A representative number shall be fixed, and each parish and election-district shall have as many representatives as its

aggregate population shall entitle it to, and an additional representative for any fraction exceeding one-half the representative number. The number of representatives shall not be more than one hundred nor less than seventy. Until an apportionment shall be made, and elections held under the same: in accordance with the first enumeration to be made as directed in this article, the representation in the senate and house of representatives shall be and remain as at present established by law.

Title II, art. 15: The legislature, in every year in which they shall apportion representation in the house of representatives, shall divide the State into senatorial districts. No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted. And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of its territory was taken, or to another contiguous district, at the discretion of the legislature] but shall not be attached to more than one district. The number of senators shall be thirty-two, and they shall be apportioned among the senatorial districts according to the total population contained in the several districts: Provided, That no parish shall be entitled to more than five senators.

Title II, art. 16: In all apportionments of the senate, the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty-seven and the result produced by this division shall be the senatorial ratio entitling a senatorial district to a senator. Single or contiguous parishes shall be formed into districts, having a population the nearest possible to the number entitling a district to a senator; and if, in the apportionment to be made, a parish or district fall short of or exceed the ratio one-fifth, then a district may be formed having not more than two senators, but not otherwise, No new apportionment shall have the effect of abridging the term of service of any senator already elected at the time of making the apportionment. After an enumeration has been made as directed in the eighth article, the legislature shall not pass any law until an apportionment of representation in both houses of the general assembly be made.

## **Constitution of 1864**

Title II, art. 10: Representation in the house of representatives shall be equal and uniform, and shall be regulated and ascertained by the number of qualified electors. Each parish shall have at least one representative. No new parish shall be created with a territory. Less than six hundred and twenty-five square miles, nor with a number of electors less than the full number entitling it to a representative; nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors. The first enumeration by the State authorities, under this constitution, shall be made in the year eighteen hundred and sixty-six; the second in the year eighteen hundred and seventy; the, third in the year eighteen hundred and seventy-six; after which time the general assembly shall direct in what manner the census shall be taken, so that. it be made at least once in every period of ten years for the purpose of ascertaining the total population, and the number of qualified electors in each parish and election-district; and in case of informality, omission, or error in the census-returns from any district, the legislature shall-order a new census taken in such parish or election-district.

Title II, art. 11: At the first session of the legislature after the making of each enumeration, the legislature shall apportion the representation amongst the several parishes and election-districts on the basis of qualified electors, as aforesaid. A representative number shall be fixed, and each parish and election-district shall have as many representatives as the aggregate number of its electors will entitle it to and an additional representative for any fraction exceeding one-half be representative number. The number of representatives shall not be more than one hundred and twenty, nor less than ninety.

Title II, art. 21: The legislature, in every year in which they apportion representation in the house of representatives, shall divide the State into senatorial districts.

Title II, art. 22: No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted. And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of its territory was taken, or to another contiguous district, at the discretion of the legislature, but shall not be attached to more than one district. The number of senators shall be thirty-six; and they shall be apportioned among the senatorial districts according to the electoral population contained in the several districts; Provided, That no parish be entitled to more than nine senators.

Title II, art. 23: In all apportionments of the senate, the electoral population of the whole State shall be divided by the number thirty-six, and the result produced by this division shall be the senatorial ratio entitling a senatorial district to a senator. Single or contiguous parishes shall be formed into districts, having a population the nearest possible to the number entitling a district to a senator; and if the apportionment to make a parish or district fall short of or exceed the ratio, then a district may be formed having not more than two senators, but not otherwise. No new apportionment shall have the effect of abridging the term of service of any senator already elected at the time of making the apportionment. After an enumeration has been made, as directed in the tenth article, the legislature shall not pass any law until an apportionment of representation in both houses of the general assembly be made.

### **Constitution of 1868**

Title II, art. 20: Representation in the house of representatives shall be equal and uniform; and, after the first general assembly elected under this constitution, shall be ascertained and regulated by the total population, each parish in the State being entitled to at least one representative. A census of the State by State authority shall be taken in the year eighteen hundred and seventy-five, and every ten years thereafter. In case of informality, omission, or error in the census-returns from any parish or election district, the general assembly may order a new census taken in such parish or election district; but, until the State census of eighteen hundred and seventy-five, the apportionment of the State shall be made on the basis of the census of the United States for the year eighteen hundred and seventy.

Title II, art. 21: The general assembly, at the first session after the making of each enumeration, shall apportion the representation amongst the several parishes and representative districts on the basis of the total population, as aforesaid. A representative number shall be fixed, and each parish and representative district shall have as many representatives as the number of its total population will entitle it to have, and an additional representative for any fraction exceeding one-half of the representative number. The number of representatives shall never exceed one hundred and twenty, nor be less than ninety.

Title II, art. 28: The general assembly shall divide the State into senatorial districts whenever it apportions representation in the house of representatives.

Title II, art. 29: No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted; and whenever a new parish shall be created, it shall be attached to the senatorial district from which most of its territory is taken, or to another contiguous district, at the discretion of the general assembly; but shall not be attached to more than one district. The number of senators shall be thirty-six, and they shall be apportioned among the senatorial districts according to the total population of said districts.

Title II, art. 30: In all apportionments of the senate, the total population of the State shall be divided by the number thirty-six, and the result produced by this division shall be the senatorial ratio entitling a senatorial district to a senator. Single or contiguous parishes shall be formed into districts having a population the nearest possible to the number entitling a district to a senator; and if the apportionment to make a parish or district fall short of, or exceed the ratio, then a district may be formed having not more than two senators; but not otherwise. No new apportionment shall have the effect of abridging the term of service of any senator already elected at the time of making the apportionment. After an enumeration has been made, as directed in the twentieth article, the general assembly shall not pass any law till an apportionment of representation in both houses of the general assembly be made.

### **Constitution of 1879**

Art. 16: Representation in the House of Representatives shall be equal and uniform, and shall be regulated and ascertained by the total population. Each parish shall have at least one Representative, The first enumeration to be made by the State authorities under this Constitution, shall be made in the year eighteen hundred and ninety, and subsequent enumerations shall be made every tenth year thereafter, in such manner as shall be prescribed by law, for the purpose of ascertaining the total population and the number of qualified electors in each parish and election district. At its first regular session after each enumeration, the General Assembly shall apportion the representation among the several parishes and election districts on the basis of the total population as aforesaid. A representative number shall be fixed, and each parish and election district shall have as many Representatives as the aggregate number of its population will

entitle it to, and an additional Representative for any fraction exceeding one-half the representative number. The number of Representatives shall not be more than ninety-eight, nor less than seventy.

Art. 17: The General Assembly, in every year in which they shall apportion representation in the House of Representatives, shall divide the State into senatorial districts. No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted. Whenever a new parish shall be created, it shall be attached to the senatorial district from which most of its territory was taken, or to another contiguous district, at the discretion of the General Assembly, but shall not be attached to more than one district. The number of Senators shall not be more than thirty-six nor less than twenty-four, and they shall be apportioned among the senatorial districts according to the total population contained in the several districts.

### **Constitution of 1898**

Art. 18: Representation in the House of Representatives shall be equal and uniform and shall be based upon population. Each parish and each ward of the City of New Orleans shall have at least one representative. At its first regular session after the United States census of 1900, and after each census thereafter, the General Assembly shall, and it is hereby directed to apportion the representation among the several parishes and Representative Districts on the basis of the total population shown by such census. A representative number shall be fixed, and each parish and Representative District shall have as many Representatives as such representative number is contained in the total number of the inhabitants of such parish or Representative district and one additional Representative for every fraction exceeding one-half the representative number. The number of Representatives shall not be more than one hundred and sixteen nor less than ninety-eight.

Art. 19: The General Assembly, in every year in which it shall apportion representation in the House of Representatives, shall divide the State into Senatorial Districts. No parish shall be divided in the formation of a Senatorial District, the Parish of Orleans excepted. Whenever a new parish is created, it shall be attached to the Senatorial District from which most of its territory is taken, or to another contiguous district, at the discretion of the General Assembly, but shall not be attached to more than one district. The number of Senators shall not be more than forty-one nor less than thirty-six, and they shall be apportioned among the Senatorial Districts according to the total population contained in the several districts.

### **Constitution of 1913**

Art. 18: Representation in the House of Representatives shall be equal and uniform, and shall be based upon population. Each parish and each ward of the City of New Orleans shall have at least one representative. At its first regular session after the adoption of this Constitution, and at its first regular session after each United States census thereafter, the General Assembly shall and it is hereby directed to reapportion the representation among the several parishes and wards of the City of New Orleans on the basis of the total population shown by such census. A representative number shall be fixed and each parish and ward of the City of New Orleans shall have as many representatives as such representative number is contained in the total number of inhabitants of such parish or ward of the City of New Orleans, as shown by the last preceding United States census, and one additional representative for every fraction exceeding one-half the representative number. The number of representatives shall not be more than one hundred and twenty (120), provided that when a new parish or parishes is or are created as authorized by this Constitution, and the maximum number of representatives has been previously apportioned to other parishes, then such new parish or parishes shall be assigned a representative each in addition to the maximum one hundred and twenty fixed herein, and to that extent the maximum shall be increased, until the next apportionment of representatives is made by the General Assembly at which time the maximum of one hundred and twenty shall be restored. That if there is more than one representative in a parish from which the larger portion of the territory is taken for the purpose of creating a new parish, one of such representatives may be apportioned to the new parish in the same act which creates the parish.

Art. 19: The General Assembly, in every year in which it shall apportion representation in the House of Representatives, shall divide the State into Senatorial Districts. No parish shall be divided in the formation of a Senatorial District, the Parish of Orleans excepted. Whenever a new parish is created, it shall be attached to the Senatorial District from which most of its territory is taken, or to another contiguous district, at the discretion of the General Assembly, but shall not

be attached to more than one district. The number of Senators shall not be more than forty-one nor less than thirty-six, and they shall be apportioned among the Senatorial Districts according to the total population contained in the several districts.

## MAINE

### Constitution of 1819

Art. IV, pt. 1, § 2: The House of Representatives shall consist of one hundred and fifty-one members, to be elected by the qualified electors, for one year from the day next preceding the annual meeting of the Legislature. The Legislature, which shall first be convened under this Constitution, shall, on or before the fifteenth day of August, in the year of our Lord, one thousand eight hundred and twenty-one, and the Legislature, within every subsequent period of at most ten years, and at least five, cause the number of the inhabitants of the State to be ascertained, exclusive of foreigners not naturalized and Indians not taxed. The number of Representatives shall, at the several periods of making such enumeration, be fixed and apportioned among the several counties as near as may be, according to the number of inhabitants, having regard to the relative increase of population. The number of representatives shall, on said first apportionment, be not less than one hundred nor more than one hundred and fifty.

Art. IV, pt. 1, § 3: Each town having fifteen hundred inhabitants may elect one representative; each town having three thousand seven hundred and fifty may elect two; each town having six thousand seven hundred and fifty may elect three; each town having ten thousand five hundred may elect four; each town having fifteen thousand may elect five; each town having twenty thousand two hundred and fifty may elect six; each town having twenty-six thousand two hundred and fifty may elect seven; but no town shall ever be entitled to more than seven representatives; and towns and plantations duly organized, not having fifteen hundred inhabitants, shall be classed, as conveniently as may be, into districts containing that number, and so as not to divide towns; and each such district may elect one representative; and, when on this apportionment the number of representatives shall be two hundred, a different apportionment shall take place upon the above principle, and, in case the fifteen hundred shall be too large or too small to apportion all the representatives to any county, it shall be so increased or diminished as to give the number of representatives according to the above rule and proportion; and whenever any town or towns, plantation or plantations not entitled to elect a representative shall determine against a classification with any other town or plantation, the Legislature may, at each apportionment of representatives, on the application of such town or plantation, authorize it to elect It representative for such portion of time and such periods, as shall be equal to its portion of representation; and the right of representation, so established, shall not be altered until the next general apportionment.

Art. IV, pt. 2, § 2: The Legislature, which shall be first convened under this Constitution, shall, on or before the fifteenth day of August in the year of our Lord one thousand eight hundred and twenty-one, and the Legislature at every subsequent period of ten years, cause the State to be divided into districts for the choice of senators. The districts shall conform, as near as may be, to county lines, and be apportioned according to the number of inhabitants. The number of senators shall not exceed twenty at the first apportionment, and shall at each apportionment be increased, until they shall amount to thirty-one, according to the increase in the House of Representatives.

## MARYLAND

### Constitution of 1776

Art. II: That the House of Delegates shall be chosen in the following manner: All freemen . . . when assembled, they shall proceed to elect, *viva vice*, four Delegates, for their respective counties . . .

Art. IV: That all persons qualified, by the charter of the city of Annapolis, to vote for Burgesses, shall, on the same . . . elect, *viva vice*, by a majority of votes, two Delegates, qualified agreeable to the said charter . . . but the inhabitants of the said city shall not be entitled to vote for Delegates for Anne-Arundel county, unless they have a freehold of fifty acres of land in the county distinct from the city.

Art. V: That all persons, inhabitants of Baltimore town, and having the same qualifications as electors in the county, shall . . . elect, *viva vice*, by a majority of votes, two Delegates, qualified as aforesaid: but if the said inhabitants of the town shall so decrease, as that a number of persons, having a right of suffrage therein, shall have been, for the space of seven years successively, less than one half the number of voters in some one county in this State, such town shall thenceforward cease to send two Delegates or Representatives to the House of Delegates, until the said town shall have one half of the number of voters in some one county in this State.

Art. XIV: That the Senate be chosen in the following manner: All persons, qualified as aforesaid to vote for county Delegates, shall . . . elect, *viva vice*, by a majority of votes, two persons for their respective counties (qualified as aforesaid to be elected county Delegates) to be electors of the Senate . . . And all persons, qualified as aforesaid, to vote for Delegates for the city of Annapolis and Baltimore town, shall . . . elect, *viva vice*, by a majority of votes, one person for the said city and town respectively, qualified as aforesaid to be elected a Delegate for the said city and town respectively . . . with respect to Baltimore town, to continue as long as the right to elect Delegates for the said town.

### **1799 Amendments**

Art. VI, § 1: That the several counties of this State, for the, purpose of holding all future elections for delegates, electors of the senate, and sheriffs of the several counties, shall be divided into separate districts, in the manner hereinafter directed, viz: Saint Mary's County shall be divided and laid off into separate districts; Kent County shall be divided and laid off into three separate districts; Calvert County shall be divided and laid off into three separate districts: Charles County shall be divided and laid off into four separate districts; Talbot County shall be divided and laid off into four separate districts; Somerset County shall be divided and laid off into three separate districts; Dorchester County shall be divided and laid off into three separate districts; Cecil County shall be divided and laid off into four separate districts; Prince George's County-shall be divided and laid off into five separate districts; Queen Anne's County shall be divided and laid off into three separate districts; Worcester County shall be divided and laid off into five separate districts; Frederick County shall be divided and laid off into separate districts; Harford County shall be divided and laid off into five separate districts; Caroline County shall be divided and laid off into three separate districts; Washington County shall be divided and laid off into five separate districts: Montgomery County shall be divided and laid off into five separate districts; Alleghany County shall be divided and laid off into six separate districts; Anne Arundel County, including the city of Annapolis, shall be divided and laid off into live separate districts; Baltimore County, out of the limits of the city of Baltimore, shall be divided and laid off into sewn districts; and that the city of Baltimore shall be laid off into eight districts.

### **1837 Amendments**

Art. VI, §3: At the time and place of holding elections in the several counties of this State, and in the city of Baltimore, for delegates to the general assembly for the December session of the year eighteen hundred and thirty-eight, and under the direction of the same Judges by whom such elections for delegates shall be held, an election shall also be held in each of the several counties of this State and in the city of Baltimore respectively, for the purpose of choosing a senator of the State of Maryland for and from such county or said city, as the case may be . . .

Art. VI, § 9: At the election for delegates to the general assembly for the December session of the year of our Lord eighteen hundred and thirty-eight, and at each succeeding election for delegates, until after the next census shall have been taken and officially promulged, five delegates shall be elected in and for Baltimore City and one delegate in and for the city of Annapolis, until the promulging of the census for the year eighteen hundred and forty, when the city of Annapolis shall be deemed and taken as a part of Anne Arundel County, and her right to a separate delegation shall cease; five delegates in and for Baltimore County; five delegates in and for Frederick County, and four delegates in and for Anne Arundel County, and four delegates in and for

each of the several counties respectively hereinafter mentioned, to wit: Dorchester, Somerset, Worcester, Prince George's, Harford, Montgomery, Carroll, and Washington, and three delegates in and for each of the several counties respectively hereinafter next mentioned, to wit: Cecil, Kent, Queen Anne's, Caroline, Talbot, Saint Mary's, Charles, Calvert, and Alleghany.

### **Constitution of 1851**

Art. III, § 2: Every county of the State, and the city of Baltimore, shall be entitled to elect one senator, who shall be elected by the qualified voters of the counties and city of Baltimore, respectively, and who shall serve for four years from the day of their election.

Art. III, § 3: The legislature at its first session after the returns of the national census of eighteen hundred and sixty are published, and in like manner after each subsequent census, shall apportion the members of the house of delegates among the several counties of the State, according to the population of each, and shall always allow to the city of Baltimore four more delegates than are allowed to the most populous county, but no county shall be entitled to less than two members, nor shall the whole number of delegates ever exceed eighty, or be less than sixty-five . . .

### **Constitution of 1864**

Art. III, § 2: Immediately after the adoption of this constitution, and before there shall have been held any general election under it, the mayor and city council of Baltimore shall proceed to layoff and divide the said city into three several districts, of equal population and contiguous territory, as near as may be; which said districts shall be called the first, second, and third legislative districts of Baltimore City.

Art. III, § 3: Every county in the State and each legislative district of Baltimore City, as hereinbefore provided for, shall be entitled to one senator, who shall be elected by the qualified voters of the counties and of the legislative districts of Baltimore City respectively, and shall serve for four years from the date of his election, subject to the classification of senators hereinafter provided for.

Art. III, § 4: The white population of the State shall constitute the basis of representation in the house of delegates, and the apportionment of the delegates among the several counties and legislative districts of the city of Baltimore shall be as follows: For every five thousand persons, or a fractional part thereof above one-half, one delegate shall be chosen, until the number of delegates in each county and legislative district of the city of Baltimore shall reach five; above that number, one delegate shall be chosen for the next twenty thousand persons, or a fractional portion over one-half thereof, in each county and legislative district of the city of Baltimore; above that number each county and legislative district of the said city shall elect one delegate for every eighty thousand persons, or fractional portion thereof above one-half. Upon this principle, and as soon as practicable after each national census, or State enumeration of inhabitants, the general assembly shall apportion the members of the house of delegates among the several counties and the several legislative districts of Baltimore City according to the white population of each . . .

### **Constitution of 1867**

Art. III, § 2: Each County in the State, and each of the three Legislative Districts of Baltimore City, as they are now, or may hereafter, be defined, shall be entitled to one Senator, who shall be elected by the qualified voters of the Counties, and of the Legislative Districts of Baltimore City, respectively, and shall serve for four years from the date of his election, subject to the classification of Senators hereafter provided for.

Art. III, § 4: As soon as may be after the taking and publishing of the next National Census, or after the enumeration of the population of this State, under the authority thereof, there shall be an apportionment of representation in the House of Delegates, to be made on the following basis, to wit: Each of the several Counties of the State having a population of eighteen thousand souls, or less, shall be entitled to two Delegates, and every County having a population of over eighteen thousand, and less than twenty-eight thousand souls, shall be entitled to three Delegates; and every County having a population of twenty-eight thousand, and less than forty thousand souls, shall be entitled to four Delegates; and every County having a population of forty thousand, and less than fifty-five thousand souls, shall be entitled to five

Delegates; and every County having a population of fifty-five thousand souls, and upwards, shall be entitled to six Delegates, and no more; and each of the three Legislative Districts of the City of Baltimore shall be entitled to the number of Delegates to which the largest County shall or may be entitled, under the foregoing apportionment. And the General Assembly shall have power to provide by law, from time to time, for altering and changing the boundaries of the three existing Legislative Districts of the City of Baltimore, so as to make them, as near as may be, of equal population; but said Districts shall always consist of contiguous territory.

Art. III, § 5: Immediately after the taking and publishing of the next National Census, or after any State enumeration of population, as aforesaid, it shall be the duty of the Governor, then being, to arrange the representation in said House of Delegates in accordance with the apportionment herein provided for; and to declare, by Proclamation, the number of Delegates to which each County and the City of Baltimore may be entitled under such apportionment; and after every National Census taken thereafter, or after any State enumeration of population thereafter made, it shall be the duty of the Governor, for the time being, to make similar adjustment of representation, and to declare the same by Proclamation, as aforesaid.

### **1900 Amendments**

Art. III, § 2: The City of Baltimore shall be divided into four legislative districts, as near as may be, of equal population and of contiguous territory, and each of said legislative districts of Baltimore City, as they may from time to time be laid out, in accordance with the provisions hereof, and each county in the State shall be entitled to one Senator, who shall be elected by the qualified voters of the said legislative districts of Baltimore City, and of the counties of the State, respectively, and shall serve for four years from the date of his election, subject to the classification of Senators hereafter provided for.

Art. III, § 4: As soon as may be, after the taking and publishing of the National Census of 1900, or after the enumeration of the population of this State, under the authority thereof, there shall be an apportionment of representation in the House of Delegates, to be made on the following basis, to wit: Each of the several counties of the State, having a population of eighteen thousand souls or less, shall be entitled to two delegates; and every county having a population of over eighteen thousand and less than twenty-eight thousand souls, shall be entitled to three delegates; and every county having a population of twenty-eight thousand and less than forty thousand souls, shall be entitled to four delegates; and every county having a population of forty thousand and less than fifty-five thousand souls, shall be entitled to five delegates; and every county having a population of fifty-five thousand souls and upwards, shall be entitled to six delegates and no more; and each of the Legislative Districts of the City of Baltimore shall be entitled to the number of delegates to which the largest county shall or may be entitled under the foregoing apportionment, and the General Assembly shall have the power to provide by law, from time to time, for altering and changing the boundaries of the existing legislative districts of the City of Baltimore, so as to make them as near as may be of equal population; but said district shall always consist of contiguous territory.

## **MASSACHUSETTS**

### **Constitution of 1780**

Ch. I, § 2, art. I: There shall be annually elected, by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators for the year ensuing their election; to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely: make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein; provided that the number of such districts shall never be less than thirteen; and that no district be so large as to entitle the same to choose more than six senators. And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the

choice of councillors and senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for councilors and senators, viz.: Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes County and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.

Ch. I, § 3, art. I: And in order to provide for a representation of the citizens of this commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty ratable polls may elect one representative; every corporate town containing three hundred and seventy-five ratable polls may elect two representatives; every corporate town containing six hundred ratable polls may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative. Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.

### **1836 Amendment**

Art. XII: In order to provide for a representation of the citizens of this commonwealth. Founded upon the principles of equality, a census of the ratable polls, in each city, town, and district of the commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid; and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls in addition to the first three hundred, one representative more. Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid. Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty, and such city or town may elect one additional representative as many years, Within the ten years, as four hundred and fifty is contained in the product aforesaid. Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative, or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls. The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives, which each city, town, and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town, and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years, thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls, shall determine the number of representatives, which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected by each city, town, or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

### **1840 Amendment**

Art. XIII: A census of the inhabitants of each city and town, on the first day of May, shall be taken, and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years. The several senatorial districts now existing shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth

year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district. The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative. Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times within ten years as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the commonwealth shall be settled. Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants. The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number which shall entitle a town or city to elect more than one, and also the number by which the population of towns not entitled to a representative every year is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned. In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town, and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith. Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation, or otherwise. No person shall be elected a councillor, who has not been an inhabitant of this commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from anyone senatorial district in the commonwealth.

## **1857 Amendments**

Art. XXI: A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each City and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census. The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three

representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for, which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth. The districts in each county shall be numbered by the board creating the number of legal voters therein, shall be returned by the board, to the secretary of the commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Art. XXI: A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: provided, however, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the commonwealth. Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

## **MICHIGAN**

### **Constitution of 1835**

Art. IV, § 3: The legislature shall provide by law for an enumeration of the inhabitants of this State in the years eighteen hundred and thirty-seven and eighteen hundred and forty-five, and every ten years after the said last-mentioned time; and at their first session after each enumeration so made as aforesaid, and also after each enumeration made by the authority of the United States, the legislature shall apportion anew the representatives and senators among the several counties and districts, according to the number of white inhabitants.

Art. IV, § 6: The State shall be divided, at each new apportionment, into a number of not less than four, nor more than eight, senatorial district, to be always composed of contiguous territory; so that each district shall elect an equal number of senators annually, as nearly as may be; and no county shall be divided in the formation of such districts.

### **Constitution of 1850**

Art. IV, §2: The senate shall consist of thirty-two members. Senators shall be elected for two years and by single districts. Such districts shall be numbered from one to thirty-two inclusive, each of which shall choose one senator. No county shall be divided in the formation of senate districts, except such county shall be equitably entitled to two or more senators.

Art. IV, §3: The house of representatives shall consist of not less than sixty-four nor more than one hundred members. Representatives shall be chosen for two years and by single districts. Each representative district shall contain, as nearly

as may be, an equal number of white inhabitants, exclusive of persons of Indian descent who are not civilized or are members of any tribe, and shall consist of convenient and contiguous territory. But no township or city shall be divided in the formation of a representative district. When any township or city shall contain a population which entitles it to more than one representative, then such township or city shall elect by general ticket the number of representatives to which it is entitled. Each county hereafter organized, with such territory as may be attached thereto shall be entitled to a separate representative when it has attained a population equal to a moiety of the ratio of representation. In every county entitled to more than one representative the board of supervisors shall assemble at such time and place as the legislature shall prescribe and divide the same into representative districts, equal to the number of representatives to which such county is entitled by law, and shall cause to be filed in the offices of the secretary of state and clerk of such county, a description of such representative districts, specifying the number of each district and population thereof, according to the last preceding enumeration.

Art. IV, § 4: The legislature shall provide by law for an enumeration of the white inhabitants in the year eighteen hundred and fifty-four and every ten years thereafter; and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the legislature shall rearrange the senate districts and apportion anew the representatives among the counties and districts, according to the number of white inhabitants, exclusive of persons of Indian descent who are not civilized or are members of any tribe. Each apportionment and the division into representative districts by any board of supervisors shall remain unaltered until the return of another enumeration.

Art. XIX, § 4: Such judicial district [the Upper Peninsula] shall be entitled at all times to at least one senator, and until entitled to more by its population, it shall have three members of the house of representatives, to be apportioned among the several counties by the legislature.

### **1870 Amendment**

Parts one and two of the 1870 amendment removed the word “white” from the apportionment standard and voter eligibility, respectively.

"Impartial suffrage." Under this head were three propositions: 1st. The apportionment of representatives. 2d. The qualification of electors, by which the word “white” was stricken from the constitution. 3d. Of whom the militia shall be composed. Adopted. For, 54,105; against, 50,598.

### **Constitution of 1908**

Art. V, § 2: The senate shall consist of 34 members. Senators shall be elected for 2 years and by single districts. Such districts shall be numbered from 1 to 34, inclusive, and shall consist of the territory within the boundary lines of the counties existing at the time of the adoption of this amendment, as follows: First through fifth, eighteenth, twenty-first, Wayne county; nineteenth, Lenawee and Monroe counties; tenth, Jackson and Hillsdale counties; ninth, Calhoun and Branch counties; sixth Kalamazoo and St. Joseph counties; seventh, Cass and Berrien counties; eighth, Van Buren, Allegan and Barry counties; fourteenth, Ingham and Livingston counties; twelfth, Oakland county; eleventh, county; fifteenth, Clinton, Shiawassee and Eaton counties; sixteenth and seventeenth, Kent county; twenty-third, Muskegon and Ottawa counties; twenty-fifth, Mecosta, Montcalm, Gratiot and Ionia counties; twenty-second, Saginaw county; twenty-fourth, Bay, Midland and Isabella counties; twenty-sixth, Newaygo, Oceana, Mason, Lake and Manistee counties; twenty-eighth, Osceola, Clare, Gladwin, Arenac, Iosco, Ogemaw, Roscommon, Crawford, Oscoda and Alcona counties; twenty-seventh, Missaukee, Wexford, Benzie, Grand Traverse, Kalkaska, Leelanau and Antrim counties; twenty-ninth, Charlevoix, Emmet, Cheboygan, Otsego, Montmorency, Alpena and Presque Isle counties; thirtieth, Chippewa, Mackinac, Luce, Schoolcraft, Alger, Menominee and Delta counties; thirty-first, Marquette, Dickinson, Iron and Gogebic counties; thirty-second, Baraga, Keweenaw, Houghton and Ontonagon counties; thirty-third Washtenaw county; thirty-fourth, Lapeer and Saint Clair counties. Each of the 34 districts shall elect 1 senator. Counties entitled to 2 or more senators shall be divided into senatorial districts as herein provided equal to the number of senators to be elected; said districts shall contain as nearly as may be an equal number of inhabitants and shall consist of convenient and contiguous territory; and said districts shall be arranged during the year 1953, by the board of supervisors in such counties assembled at such time and place as prescribed by law.

Art. V, § 3: The house of representatives shall consist of not more than 110 members. Representatives shall be chosen for 2 years and by single districts except as otherwise provided herein, which shall contain as nearly as may be an equal number of inhabitants and shall consist of convenient and contiguous territory. The ration of representation for representative districts shall be the quotient obtained by dividing the total population of the state as determined by the latest or each succeeding official federal decennial census by 100. Each county, or group of counties forming a representative district shall be entitled to a separate representative when it has attained a population equal to 50 per cent of the ratio of representation, and in addition thereto, shall be entitled to 1 additional representative for each additional full ratio of representation. In every county entitled to more than 1 representative, the board of supervisors shall assemble at such time and place as shall be prescribed by law, divide the same into representative districts, which shall contain as nearly as may be an equal number of inhabitants and shall consist of convenient and contiguous territory, equal to the number of representatives which such county is entitled by law, and shall cause to be filed in the offices of the secretary of state and clerk of such county a description of such representative districts, specifying the number of each district and the population thereof according to the latest or each succeeding official federal decennial census: Provided, That no township or city shall be divided in the formation of a representative district, except that when a city is composed of territory in more than 1 county, it may be divided at the county line or lines: Provided further, That in the case of cities hereafter organized or created or territory annexed to an existing city, the territory thereof shall remain in its present representative district until the next apportionment: And provided further, That when any township or city contains a population which entitles it to more than 1 representative, then such township or city shall elect by general ticket the number of representatives to which it is entitled; except that when such city shall be divided into representative districts containing as near as may be an equal number of inhabitants and consisting of convenient and contiguous territory, but with not less than 2 nor more than 3 representatives in any 1 district: Provided, That the average number of inhabitants per representative in such districts shall be as nearly equal as possible.

Art. V, § 4: Within the first 180 days after the convening of the first regular session, or after the convening of any special session called for that purpose, following January 1, 1953, and each tenth year thereafter, the legislature shall apportion anew the representatives among the counties and districts in accordance with section 3 of this article, using as the basis for such apportionment the last United States decennial census of this state: Provided, however, That should the legislature within the first 180 days after the convening of the first regular session, or after the convening of any special session called for that purpose, following January 1, 1953, and each tenth year thereafter, fail to apportion anew the representatives in accordance with the mandate of this article, the board of state canvassers, within 90 days after the expiration of said 180 days, shall apportion anew such districts in accordance with the provisions of this article and such apportionment shall be effective for the next succeeding Fall elections.

## MINNESOTA

### Constitution of 1857

Art. IV, § 2: The number of members who compose the Senate and House of Representatives shall be prescribed by law, but the representatives in the Senate shall never exceed one member for every 5,000 inhabitants, and in the House of Representatives one member for every 2,000 inhabitants. The representation in both houses shall be apportioned equally throughout the different sections of the State, in proportion to the population thereof, exclusive of Indians not taxable under the provisions of law.

Art. IV, § 23: The legislature shall provide by law for an enumeration of the inhabitants of this State in the year one thousand eight hundred and sixty-five, and every tenth year thereafter. At their first session after each enumeration so made, and also at their first session after each enumeration made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional, senatorial and representative districts, and to apportion anew the senators and representatives among the several districts according to the provisions of section second of this article.

# MISSISSIPPI

## Constitution of 1817

Art. III, § 8: Elections for representatives for the several counties shall be held at the places of holding their respective courts, or in the several election districts into which the legislature may divide any county: Provided, That when it shall appear to the legislature that any city or town hath a number of free white inhabitants equal to the ratio then fixed, such city or town shall have a separate representation, according to the number of free white inhabitants therein, which shall be retained so long as such city or town shall contain a number of free white inhabitants equal to the existing ratio; and thereafter, and during the existence of the right of separate representation in such city or town, elections for the county in which such city or town entitled to a separate representation is situated shall not be held in such city or town: And provided, That if the residuum or fraction of any city or town entitled to separate representation shall, when added to the residuum in the county in which it may lie, be equal to the ratio fixed by law for one representative, then the aforesaid county, city, or town having the largest residuum shall be entitled to such representation: And, provided also, That when there are two or more counties adjoining, which have residuums over and above the ratio then fixed by law, if said residuums, when added together, will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

Art. III, § 9: the general assembly shall, at their first meeting, and in the year one thousand eight hundred and twenty, and in not less than every three nor more than every five years thereafter, cause an enumeration to be made of all the free white inhabitants of the State: and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the general assembly, and apportioned among the several counties, cities, or towns entitled to separate representation according to the number of free white inhabitants in each; and shall not be less than twenty-four, nor greater than thirty-six, until the number of free white inhabitants shall be eighty thousand; and after that event, at such ratio that the whole number of representatives shall never be less than thirty-six nor more than one hundred: Provided, however, That each county shall always be entitled to at least one representative.

Art. III, § 10: The whole number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the general assembly, and apportioned among the several districts to be established by law, according to the number of free white taxable inhabitants in each, and shall never be less than one-fourth nor more than one-third of the whole number of representatives.

## Constitution of 1832

Art. III, § 8: Elections for representatives for the several counties shall be held at the places of holding their respective courts, or in the several election-districts into which the county may be divided: Provided, That when it shall appear to the legislature that any city or town hath a number of free white inhabitants equal to the ratio than fixed, such city or town shall have a separate representation, according to the number of free white inhabitants therein, which shall be retained so long as such city or town shall contain a number of free white inhabitants equal to the existing ratio; and thereafter and during the existence of the right of separate representation in such city or town, elections for the county in which such city or town entitled to a separate representation is situated shall not be held in such city or town: And provided, That if the residuum or fraction of any city or town entitled to separate representation shall, when added to the residuum in the county in which it may lie, be equal to the ratio fixed by law for one representative, then the aforesaid county, city, or town having the largest residuum shall be entitled to such representation: And provided also, That when there are two or more counties adjoining, which have residuums over and above the ratio then fixed by law: if said residuums, when added together, will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

Art. III, § 9: The legislature shall at their first session, and at periods of not less than every four, nor more than every six years, until the year 1845, and thereafter at periods of not less than every four, nor more than every eight years, cause an enumeration to be made of all the free white inhabitants of this State, and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the several counties, cities, or towns entitled to separate representation, according to the number of free white inhabitants in each, and shall

not be less than thirty-six nor more than one hundred: Provided, however, That each county shall always be entitled to at least one representative.

Art. III, § 10: The whole number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the several districts to be established by law, according to the number of free white inhabitants in each, and shall never be less than one-fourth nor more than one-third of the whole number of representatives.

### **Constitution of 1869**

Art. IV, § 33: The legislature shall provide for the enumeration of the whole number of inhabitants, and of the qualified electors of the State, once in every ten years; and the first enumeration shall be ordered at the first meeting of the legislature under this constitution.

Art. IV, § 34: The number of representatives shall, at the several periods of making such enumeration, be apportioned among the several counties or districts, according to the number of qualified electors in each, and shall not be less than one hundred nor more than one hundred and twenty.

Art. IV, § 35: The number of senators shall, upon each enumeration made, be apportioned according to the number of qualified electors in the several districts, and shall never be less than one-fourth nor more than one-third the whole number of representatives

### **Constitution of 1890**

Art. XIII, § 254: The number of representatives in the lower house of the legislature shall be one hundred and thirty-three, to be apportioned as follows: First-The counties of Choctaw, Covington, Greene, Hancock, Issaquena, Jones, Lawrence, Leflore, Marion, Neshoba, Pearl River, Perry, Quitman, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tishomingo, Tunica, Wayne and Webster, each shall have one representative. Second-The counties of Alcorn, Amite, Attala, Bolivar, Calhoun, Carroll, Chickasaw, Clay, Coahoma, DeSoto, Kemper, Lafayette, Madison, Newton, Pike, Pontotoc, Prentiss, Rankin, Tate, Union, Wilkinson and Yalobusha, each shall have two representatives. Third-The counties of Copiah, Holmes, Marshall, Monroe, Noxubee, Panola, Warren and Washington, each shall have three representatives. Fourth-The counties of Franklin and Lincoln each shall have one representative and a floater between them. Fifth-The counties of Tippah and Benton each shall have one representative and a floater between them. Sixth-The counties of Claiborne and Jefferson each shall have one representative and a floater between them. Seventh-The counties of Clarke and Jasper each shall have one representative and a floater between them. Eighth-The counties of Grenada and Montgomery, each shall have one representative and a floater between them. Ninth-The counties of Leake and Winston, each shall have one representative and a floater between them. Tenth-The counties of Harrison and Jackson, each shall have one representative and a floater between them. Eleventh-The county of Yazoo shall have three representatives and the county of Hinds shall have three representatives, and they shall have a floater between them. Twelfth-The county of Lauderdale shall have three representatives, one to be elected by the city of Meridian, one by the county outside the city limits, and one by the whole county including Meridian. Thirteenth-The county of Adams outside of the city of Natchez shall have one representative and the city of Natchez one representative. Fourteenth-The county of Lowndes shall have three representatives, two of whom shall be elected by that part of the county east of the Tombigbee river, and one by that portion of the county west of said river. Fifteenth-The county of Oktibbeha shall have two representatives, one of whom shall be elected by that portion of the county east of the line running north and south between ranges thirteen and fourteen, and the other by that portion of the county west of said line. Sixteenth-The county of Lee shall have two representatives, the county of Itawamba one, and a floater between them. Seventeenth-In counties divided into legislative districts, any citizen of the county eligible for election to the House of Representatives shall be eligible to represent any district thereof.

Art. XIII, § 255: The number of senators shall be forty-five and are apportioned as follows: First-The counties of Hancock, Harrison and Jackson shall constitute the first district, and elect one senator. Second-The counties of Wayne, Jones, Perry and Greene the second district, and elect one senator. Third-The counties of Jasper and Clarke the third district, and elect one senator. Fourth-The counties of Simpson, Covington, Marion and Pearl River, the fourth district,

and elect one senator. Fifth-The counties of Rankin and Smith the fifth district and elect one senator. Sixth-The counties of Pike and Franklin the sixth district, and elect one senator. Seventh-The counties of Amite and Wilkinson the seventh district, and elect one senator. Eighth-The counties of Lincoln and Lawrence the eighth district, and elect one senator. Ninth-The county of Adams the ninth district, and elect one senator. Tenth-The counties of Claiborne and Jefferson the tenth district. and elect one senator. Eleventh-The county of Copiah the eleventh district, and elect one senator. Twelfth-The counties of Hinds and Warren the twelfth district. and elect one senator each and a senator between them, to be chosen from the counties alternately, beginning with Hinds. Thirteenth-The counties of Scott and Newton the thirteenth district, and elect one senator. Fourteenth-The county of Lauderdale, the fourteenth district, and elect one senator. Fifteenth-The counties of Kemper and Winston the fifteenth district, and elect one senator. Sixteenth-The county of Noxubee the sixteenth district, and elect one senator. Seventeenth-The counties of Leake and Neshoba the seventeenth district, and elect one senator. Eighteenth-The county of Madison the eighteenth district, and elect one senator. Nineteenth-The county of Yazoo the nineteenth district, and elect one senator. Twentieth-The counties of Sharkey and Issaquena the twentieth district, and elect one senator. Twenty-first-The county of Holmes the twenty-first district, and elect one senator. Twenty-second-The county of Attala the twenty-second district and elect one senator. Twenty-third-The counties of Oktibbeha and Choctaw the twenty-third district, and elect one senator. Twenty-fourth-The counties of Clay and Webster the twenty-fourth district, and elect one senator. Twenty-fifth-The county of Lowndes the twenty-fifth district, and elect one senator. Twenty-sixth-The counties of Carroll and Montgomery the twenty-sixth district, and elect one senator. Twenty-seventh-The counties of Leflore and Tallahatchie the twenty-seventh district, and elect one senator. Twenty-eighth-The counties of Yalobusha and Grenada the twenty-eighth district, and elect one senator. Twenty-ninth-The counties of Washington and Sunflower the twenty-ninth district; the county of Washington shall elect one senator, and the counties of Washington and Sunflower a senator between them. Thirtieth-The county of Bolivar the thirtieth district, and elect one senator. Thirty-first-The counties of Chickasaw, Calhoun and Pontotoc the thirty-first district, and elect two senators; both senators shall at no time be chosen from the same county. Thirty-second-The county of Lafayette the thirty-second district, and elect one senator. Thirty-third-the county of Panola the thirty-third district, and elect one senator. Thirty-fourth-The counties of Coahoma, Tunica and Quitman the thirty-fourth district, and elect one senator. Thirty-fifth-The county of DeSoto the thirty-fifth district, and elect one senator. Thirty-sixth-The counties of Union, Tippah, Benton, Marshall and Tate the thirty-sixth district, and elect three senators. The counties of Tate and Benton shall be entitled to one; the counties of Union and Tippah one; and the county of Marshall one. Thirty-seventh-The counties of Tishomingo, Alcorn and Prentiss the thirty-seventh district, and elect one senator. Thirty-eighth-The counties of Monroe, Lee and Itawamba the thirty-eighth district, and elect two senators, one of whom shall be a resident of the county of Monroe and the other a resident of Lee or Itawamba counties.

Art. XIII, § 256: The Legislature may at the first session after the State census of 1895 and decennially thereafter, make a new apportionment of Senators and Representatives. At each apportionment, each county then organized shall have at least one Representative. New counties afterwards created shall be represented as may be provided by law, until the next succeeding apportionment. The counties of Tishomingo, Alcorn, Prentiss, Lee, Itawamba, Tippah, Union, Benton, Marshall, Lafayette, Pontotoc, Monroe, Chickasaw, Calhoun, Yalobusha, Grenada, Carroll, Montgomery, Choctaw, Webster, Clay, Lowndes and Oktibbeha, or the territory now composing them, shall together never have less than forty-four representatives. The counties of Attala, Winston, Noxubee, Kemper, Leake, Neshoba, Lauderdale, Newton, Scott, Rankin, Clarke, Jasper, Smith, Simpson, Copiah, Franklin, Lincoln, Lawrence, Covington, Jones, Wayne, Greene, Perry, Marion, Pike, Pearl River, Hancock, Harrison and Jackson, or the territory now composing them, shall together never have less than forty-four representatives; nor shall the remaining counties of the State, or the territory now composing them, ever have less than forty-four representatives. A reduction in the number of senators and representatives may be made by the legislature if the same be uniform in each of the three said divisions; but the number of representatives shall not be less than one hundred, nor more than one hundred and thirty-three; nor the number of senators less than thirty, nor more than forty-five.

# MISSOURI

## Constitution of 1820

Art. III, §2: The house of representatives shall consist of members to be chosen every second year, by the qualified electors of the several counties. Each county shall have at least one representative; but the whole number of representatives shall never exceed one hundred.

Art. III, §4. The general assembly at their first session, and in the years one thousand eight hundred and twenty-two and one thousand eight hundred and twenty-four, respectively, and every fourth year thereafter, shall cause an enumeration of the inhabitants of this State to be made; and at the first session after such enumeration shall apportion the number of representatives among the several counties, according to the number of free white male inhabitants therein.

Art. III, § 6: The senate shall consist of not less than fourteen nor more than thirty-three members; for the election of whom the State shall be divided into convenient districts, which may be altered from time to time, and new districts established, as public convenience may require, and the senators shall be apportioned among the several districts according to the number of free white male inhabitants in each: Provided, That when a senatorial district shall be composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a district,

## 1849 Amendment

Art. III: The house of representatives shall consist of members to be chosen every second year, by the qualified electors of the several counties, apportioned in the following manner, to wit: The ratio of representation shall be ascertained at each apportioning session of the legislature by dividing the whole number or permanent free white inhabitants of the State by the number of one hundred and forty; each county having said ratio, or less, shall be entitled to one representative; each county having said ratio and a fraction over equal to three-fourths, shall be entitled to two representatives; each county having three times said ratio, shall be entitled to three representatives; each county having four times said ratio and a fraction over equal to one-half, shall be entitled to four representatives; each county having six times said ratio, shall be entitled to five representatives; each county having eight times said ratio, shall be entitled to six representatives; each county having ten times said ratio, shall be entitled to seven representatives; each county having thirteen times said ratio, shall be entitled to eight representatives; each county having fifteen times said ratio, shall be entitled to nine representatives; each county having eighteen times said ratio shall be entitled to ten representatives; each county having twenty-two times said ratio, shall be entitled to eleven representatives; each county having twenty-four times said ratio, shall be entitled to twelve representatives; any county having more than twenty-four times said ratio, shall be represented in the same proportion. And the general assembly which shall meet II the year eighteen hundred and forty-eight, and every fourth year thereafter, shall apportion the number of representatives among the several counties as herein directed. And the members of the general assembly shall receive, as compensation for their services, not to exceed three dollars per day for the first sixty days; and after that time not to exceed one dollar per day for the remainder of the session; except at a revising session, they may receive a compensation not to exceed three dollars per day for the first one hundred days, and one dollar per day for the remainder of the session; but the general assembly may allow a greater compensation to the presiding officer of each house, No county now established by law shall ever be reduced, by the establishment of new counties, to less than twenty miles square nor to less than five hundred square miles, nor below the ratio of representation then required; nor shall any county be hereafter established containing less than five hundred square miles; nor shall any county hereafter established be entitled to separate representation, unless the number of permanent free white inhabitants therein shall at the time be equal to three-fourths of the ratio of representation then being, but may be organized with a smaller number for all other purposes, civil and military. The second, fourth, twenty-fourth, and thirty-fourth sections of the third article of the constitution are hereby abolished.

## **Constitution of 1865**

Art. IV, § 2: The house of representatives shall consist of members to be chosen every second year by the qualified voters of the several counties, and apportioned in the following manner: The ratio of representation shall be ascertained at each apportioning session of the general assembly, by dividing the whole number of permanent inhabitants of the State by the number two hundred, Each county having one ratio, or less, shall be entitled to one representative; each county having three times said ratio shall be entitled to two representatives; each county having six time said ratio shall be entitled to three representatives; and so on above that number, giving one additional member for every three additional ratios. When any county shall be entitled to more than one representative, the county court shall cause such county to be subdivided into as many compact and convenient districts as such county may be entitled to representatives; which districts shall be, as near as may be, of equal population; and the qualified voters of each of such districts shall elect one representative, who shall be a resident of such district.

Art. IV, § 4: The senate shall consist of thirty-four members, to be chosen by the qualified voters for four years; for the election of whom the State shall be divided into convenient districts.

Art. IV, § 6: Senators shall be apportioned among their respective districts, as nearly as may be, according to the number of permanent inhabitants in each.

## **Constitution of 1875**

Art. IV, § 2: The House of Representatives shall consist of members to be chosen every second year by the qualified voters of the several counties, and apportioned in the following manner: The ratio of representation shall be ascertained at each apportioning session of the General Assembly, by dividing the whole number of inhabitants of the State, as ascertained by the last decennial census of the United States, by the number two hundred. Each county having one ratio, or less, shall be entitled to one Representative; each county having two and a half times said ratio shall be entitled to two Representatives; each county having four times said ratio shall be entitled to three Representatives; each county having six times such ratio shall be entitled to four representatives, and so on above that number, giving one additional member for every two and a half additional ratios.

Art. IV, § 3: Then any county shall be entitled to more than one Representative, the county court shall cause such county to be subdivided into districts of compact and contiguous territory, corresponding in number to the Representatives to which such county is entitled, and population as nearly equal as may be, in each of which the qualified voters shall elect one Representative, who shall be a resident of such district: Provided, that when any county shall be entitled to more than ten Representatives, the circuit court shall cause such county to be subdivided into districts, so as to give each district not less than two nor more than four Representatives, who shall be residents of such district-the population of the districts to be proportioned to the number of Representatives to be elected therefrom.

Art. IV, § 5: The Senate shall consist of thirty-four members, to be chosen by the qualified voters of their respective districts for four years. For the election of Senators the State shall be divided into convenient districts, as nearly equal in population as may be, the same to be ascertained by the last decennial census taken by the United States.

# **MONTANA**

## **Constitution of 1889**

Art. VI, § 2: The Legislative Assembly shall provide by law for an enumeration of the inhabitants of the State in the year 1895 and every tenth year thereafter; and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for Representatives on the basis of such enumeration according to ratios to be fixed by law.

Art. VI, § 3: Representative districts may be altered from time to time, as public convenience may require. Then a Representative district shall be composed of two or more counties, they shall be contiguous, and the districts as compact as may be. No county shall be divided in the formation of Representative districts.

Art. VI, § 4: Whenever new counties are created, each of said counties shall be entitled to one Senator, but in no case shall a Senatorial district consist of more than one county.

Art. VI, § 5: The Senatorial districts of the State shall be constituted and numbered as follows: The county of Beaverhead shall constitute the First district, and be entitled to one Senator. The county of Madison shall constitute the Second district, and be entitled to one Senator. The county of Gallatin shall constitute the Third district, and be entitled to one Senator. The county of Jefferson shall constitute the Fourth district, and be entitled to one Senator. The county of Deer Lodge shall constitute the Fifth district, and be entitled to one Senator. The county of Missoula shall constitute the Sixth district, and be entitled to one Senator. The county of Lewis and Clarke shall constitute the Seventh district, and be entitled to one Senator. The county of Choteau shall constitute the Eighth district, and be entitled to one Senator. The county of Meagher shall constitute the Ninth district, and be entitled to one Senator. The county of Silver Bow shall constitute the Tenth district, and be entitled to one Senator. The county of Custer shall constitute the Eleventh district, and be entitled to one Senator. The county of Yellowstone shall constitute the Twelfth district, and be entitled to one Senator. The county of Dawson shall constitute the Thirteenth district, and be entitled to one Senator. The county of Fergus shall constitute the Fourteenth district, and be entitled to one Senator. The county of Park shall constitute the Fifteenth district, and be entitled to one Senator. The county of Cascade shall constitute the Sixteenth district, and be entitled to one Senator.

## **NEBRASKA**

### **Constitution of 1867**

Art. II, § 3: The legislature shall provide by law for an enumeration of the inhabitants of the State in the year one thousand eight hundred and seventy-five, and at the end of every ten years thereafter; and at their first session after such enumeration, and also after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and house of representatives, according to the number of inhabitants, excluding Indians not taxed, and Soldiers and officers of the United States Army and Navy.

### **Constitution of 1875**

Art. III, § 2: The legislature shall provide by law for an enumeration of the inhabitants of the State in the year eighteen hundred and eighty-five, and every ten years thereafter; and at its first regular session after each enumeration, and also after each enumeration made by the authority of the United States, but at no other time, the legislature shall apportion the senators and representatives according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States Army and Navy.

### **1920 Amendment**

Art. III, § 5: At the regular session of the legislature held in the year nineteen hundred and twenty-one the legislature shall by law divide the state into senatorial and representative districts. In the creation of senatorial and representative districts, any county that contains population sufficient to entitle it to two or more senators or representatives, shall be divided into separate and distinct senatorial and representative districts, as nearly equal in population as may be and composed of contiguous and compact territory. After the creation of such districts, one senator shall be elected from each senatorial district and one representative from each representative district. The basis of apportionment shall be the population, excluding aliens, as shown by next preceding federal census. In like manner, when necessary to a correction of inequalities in the population of such districts, the state may be redistricted from time to time, but not oftener than once in ten years.

## NEVADA

### Constitution of 1864

Art. I, § 13: Representation shall be apportioned according to population.

Art. XVII, § 6: Until otherwise provided by law, the apportionment of Senators and Assemblymen in the different counties shall be as follows, to wit: Storey county, four Senators and twelve Assemblymen; Douglas county, one Senator and two Assemblymen; Esmeralda county, two Senators and four Assemblymen; Humboldt county, two Senators and three Assemblymen; Lander county, two Senators and four Assemblymen; Lyon county, one Senator and three Assemblymen; Lyon and Churchill counties, one Senator jointly; Churchill county, one Assemblyman; Nye county, one Senator and one Assemblyman; Ormsby county, two Senators and three Assemblymen; Washoe and Hoop counties, two Senators and three Assemblymen.

## NEW HAMPSHIRE

### Constitution of 1776

¶ 4: Accordingly pursuant to the trust reposed in us, we do resolve, that this Congress assume the name, power and authority of a house of Representatives or Assembly for the Colony of New Hampshire. And that said House then proceed to choose twelve persons, being reputable freeholders and inhabitants within this colony; in the following manner, viz. five in the county of Rockingham, two in the county of Strafford, two in the county of Hillsborough, two in the county of Cheshire, and one in the county of Grafton, to be a distinct and separate branch of the Legislature by the name of a Council for this colony, to continue as such until the third Wednesday in December next; any seven of whom to be a quorum to do business. That such Council appoint their President, and in his absence that the senior counsellor preside; that a Secretary be appointed by both branches, who may be a counselor, or otherwise, as they shall choose.

### Constitution of 1784

Pt. II, Senate: There shall be annually elected by the freeholders and other inhabitants of this state, qualified as in this constitution is provided, twelve persons to be senators for the year ensuing their election; to be chosen in and by the inhabitants of the districts, into which this state may from time to time be divided by the general court, for that purpose; and the general court in assigning the number to be elected by the respective districts, shall govern themselves by the proportion of public taxes paid by the said districts; and timely make known to the inhabitants of the state, the limits of each district, and the number of senators to be elected therein; provided the number of such districts shall never be more than ten, nor less than five. And the several counties in this state, shall, until the general court shall order otherwise, be districts for the election of senators, and shall elect the following number, viz. Rockingham, five. Strafford, two. Hillsborough, two. Cheshire, two. Grafton, one.

Pt. II, House of Representatives: There shall be in the legislature of this state a representation of the people annually elected and founded upon principles of equality: and in order that such representation may be as equal as circumstances will admit, every town, parish or place intitled to town privileges, having one hundred and fifty rateable male polls, of twenty-one years of age, and upwards, may, elect one representative; if four hundred and fifty rateable polls, may elect two representatives; and so proceeding in that proportion, making three hundred such rateable polls the mean increasing number, for every additional representative.

## **Constitution of 1792**

Pt. II, § IX: There shall be in the legislature of this State a representation of the people annually elected, and founded upon principles of equality; and in order that such representation may be equal as circumstances will admit, every town, parish, or place entitled to town privileges, having one hundred and fifty ratable male polls, of twenty-one years of age and upward, may elect one representative; if four hundred and fifty, ratable polls, may elect two representatives; and so proceeding in that proportion, making three hundred such ratable polls the mean increasing number of every additional representative.

Pt. II, § XXVI: And that the State may be equally represented in the senate, the legislature shall, from time to time, divide the State into twelve districts, as nearly equal as may be, without dividing towns and unincorporated places; and in making this division they shall govern themselves by the proportion of direct taxes paid by the: said district; and timely make known to the inhabitants of the State the limits of each district.

## **1877 Amendments**

Pt. II, §9: There shall be in the legislature of the State a representation of the people, biennially elected, and founded upon the principles of equality; and in order that such representation may be as equal as circumstances will admit, every town or place entitled to town privileges, and wards of cities having six hundred inhabitants by the last general census of the State, taken by authority of the United States or of this State, may elect one representative; if eighteen hundred such inhabitants, may elect two representatives; and so proceeding in that proportion, making twelve hundred such inhabitants the mean increasing number for any additional representative: Provided, That no town shall be divided, or the boundaries of the wars of any city so altered, as to Increase the number of representatives to which such town or city may be entitled by the next preceding census: And provided further, That to those towns and cities which since the last census have been divided, or had their boundaries or ward lines changed, the general court, in session next before these amendments shall take effect, shall equitably apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made.

## **Constitution of 1902**

Pt. II, art. 9: There shall be, in the legislature of this state, a representation of the people, biennially elected, and founded upon principles of equality, and, in order that such representation may be us equal as circumstances will admit, every town, or place entitled to town privileges, and wards of cities having six hundred inhabitants by the last general census of the state, taken by authority of. the United States or of this state, may elect one representative; it eighteen hundred such inhabitants, may elect two representatives; and so proceeding in that proportion, making twelve hundred such inhabitants the mean increasing number for any additional representative: provided, that no town shall be divided or the boundaries of the wards of any city so altered as to increase the number of representatives to which such town or city may be entitled by the next preceding census; and provided further, that, to those towns and cities which since the last census have been divided or had their boundaries or ward lines changed, the general court, in session next before these amendments shall take effect, shall equitably apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made.

Pt. II, art. 25: And, that the state may be equally represented in the senate, the legislature shall, from time-to-time, divide-the state into twenty-four districts, as nearly equal as may be without dividing towns and unincorporated places; and, in making this division, they shall govern themselves by the proportion of direct taxes paid by the said districts, and timely make known to the inhabitants of the state the limits of each district

## NEW JERSEY

### Constitution of 1776

Art. III: That on the second Tuesday in October yearly, and every year forever (with the privilege of adjourning from day to day as occasion may require) the counties shall severally choose one person, to be a member of the Legislative Council of this Colony, who shall be, and have been, for one whole year next before the election, an inhabitant and freeholder in the county in which he is chosen, worth at least one thousand pounds proclamation money, of real and personal estate, within the same county; that, at the same time, each county shall also choose three members of Assembly; provided that no person shall be entitled to a seat in the said Assembly unless he be, and have been, for one whole year next before the election, an inhabitant of the county he is to represent, and worth five hundred pounds proclamation money, in real and personal estate, in the same county: that on the second Tuesday next after the day of election, the Council and Assembly shall separately meet; and that the consent of both Houses shall be necessary to every law; provided, that seven shall be a quorum of the Council, for doing business, and that no law shall pass, unless there be a majority of all the Representatives of each body personally present, and agreeing thereto. Provided always that if a majority of the all representatives of this Province, in Council and General Assembly convened, shall, at any time or times hereafter, judge it equitable and proper, to add to or diminish the number or proportion of the members of Assembly for any county or counties in this Colony, then, and in such case, the same may, on the principles of more equal representation, be lawfully done; anything in this Charter to the contrary notwithstanding: so that the whole number of Representatives in Assembly shall not, at any time be less than thirty-nine

### Constitution of 1844

Art. IV, § 2, 1: The senate shall be composed of one senator from each county in the State, elected by the legal voters of the counties, respectively, for three years.

Art. IV, § III, 1: The general assembly shall be composed of members annually elected by the legal voters of the counties, respectively, who shall be apportioned among the said counties as nearly as maybe according to the number of their inhabitants. The present apportionment shall continue until the next census of the United States shall have been taken, and an apportionment of members of the general assembly shall be made by the legislature at its first session after the next and every subsequent enumeration or census, and when made shall remain unaltered until another enumeration shall have been taken; provided, that each county shall at all times be entitled to one member; and the whole number of members shall never exceed sixty

## NEW MEXICO

### Constitution of 1910

Art. IV, Apportionment: At its first session after the publication of the census of the United States in the year nineteen hundred and twenty and at the first session after each United States census thereafter, the legislature may reapportion the legislative districts in the State upon the basis of population; provided that each county included in each district shall be contiguous to some other county therein.

# NEW YORK

## Constitution of 1777

Art. IV: That the assembly shall consist of at least seventy members, to be annually chosen in the several counties, in the proportions following, viz: For the city and county of New York, nine. The city and county of Albany, ten. The county of Dutchess, seven. The county of Westchester, six. The county of Ulster, six. The county of Suffolk, five. The county of Queens, four. The county of Orange, four, The county of Kings, two, The county of Richmond, two. Tryon County, six. Charlotte County, four. Cumberland County, three, Gloucester County, two

Art. V: That as soon after the expiration of seven years (subsequent to the termination of the present war) as may be a census of the electors and inhabitants in this State be taken, under the direction of the legislature. And if, on such census, it shall appear that the number of representatives in assembly from the said counties is not justly proportioned to the number of electors in the said counties respectively, that the legislature do adjust and apportion the same by that rule. And further, that once in ever seven years, after the taking of the said first census, It just account of the electors resident in each county shall be taken, and if it shall thereupon appear that the number of electors in any county shall have increased or diminished one or more seventieth parts of the whole number of electors, which, on the said first census, shall be found in this State, the number of representatives for such county shall be increased or diminished accordingly, that is to say, one representative for every seventieth part as aforesaid.

Art. XII: That the election of senators shall be after this manner: That so much of this State as is now parceled into counties be divided into four great districts; the southern district to comprehend the city and county of New York, Suffolk, Westchester, Kings, Queens, and Richmond Counties; the middle district to comprehend the counties of Dutchess, Ulster, and Orange; the western district, the city and county of Albany, and Tryon County; and the eastern district, the counties of Charlotte, Cumberland, and Gloucester, That the senators shall be elected by the freeholders of the said districts, qualified as aforesaid, in the proportions following, to wit: in the southern district, nine; in the middle district, six; in the western district, six; and in the eastern district, three. And be it ordained, that a census shall be taken, as soon as may be after the expiration of seven years from the termination of the present war, under the direction of the legislature; and if, on such census, it shall appear that the number of senators is not justly proportioned to the several districts, that the legislature adjust the proportion, as near as may be, to the number of freeholders, qualified as aforesaid, in each district. That when the number of electors, within any of the said districts, shall have increased one twenty-fourth part of the whole number of electors, which, by the said census, shall be found to be in this State, an additional senator shall be chosen by the electors of such district. That a majority of the number of senators to be chosen aforesaid shall be necessary to constitute a senate sufficient to proceed upon business; and that the senate shall, in like manner with the assembly, be the judges of its own members. And be it ordained, that it shall be in the power of the future legislatures of this State, for the convenience and advantage of the good people thereof, to divide the same into such further and other counties and districts as shall to them appear necessary.

## 1801 Amendments

Art. II: That the legislature at their next session shall apportion the said one hundred members of the assembly among the several counties of this State, as nearly as may be, according to the number of electors which shall be found to be in each county by the census directed to be taken in the present year.

Art. III: That from the first Monday in July next, the number of the senators shall be permanently thirty-two, and that the present number of senators shall be reduced to thirty-two in the following manner, that is to say: The seats of the eleven Senators composing the first class, whose time of service will expire on the first Monday in July next, shall not be filled up; and out of the second class the seats of one senator from the middle district and of one senator from the southern district shall be vacated. the senators of those districts, belonging to that class casting lots among themselves; out of the third class, the seats of two senators from the middle district and of one senator from the eastern district, shall be vacated in the same manner; out of the fourth class, the seats of one senator from the middle district, of one senator from the eastern district, and of one senator from the western district shall be vacated in the same manner; und if any of the said classes shall neglect to cast lots, the senate shall in such case proceed to cast lots for such class or classes so neglecting. And

that eight senators shall be chosen at the next election in such districts as the legislature shall direct, for the purpose of apportioning the whole number of senators amongst the four great districts of this State, as nearly as may be, according to the number of electors qualified to vote for senators, which shall be found to be in each of the said districts by the census above mentioned; which eight senators so to be chosen shall form the first class.

Art. IV: That from the first Monday in July next, and on the return of every census thereafter, the number of the assembly shall be increased at the rate of two members for every year, until the whole number shall amount to one hundred and fifty: and that upon the return of every such census, the legislature shall apportion the senators and members of the assembly amongst the great districts and counties of this State, as nearly as may be, according to the number of their respective electors: Provided, That the legislature shall not be prohibited by anything herein contained from allowing one member of assembly to each county heretofore erected within this State.

### **Constitution of 1821**

Art. I, § 5: The State shall be divided into eight districts, to be called senate districts, each of which shall choose four senators . . .

Art. I, § 6: An enumeration of the inhabitants of the State shall be taken, under the direction of the legislature, in the year one thousand eight hundred and twenty-five, and at the end of every ten years thereafter; and the said districts shall be so altered by the legislature, at the first session after the return of every enumeration, that each senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens, paupers, and persons of color not taxed; and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a senate district.

Art. I, § 7: The members of the assembly shall be chosen by counties, and shall be apportioned among the several counties of this State, as nearly as may be, according to the numbers of their respective inhabitants, excluding aliens, paupers, and persons of color not taxed. An apportionment of members of assembly shall be made by the legislature, at its first session after the return of every enumeration; and when made, shall remain unaltered until another enumeration shall have been taken. But an apportionment of members of the assembly shall be made by the present legislature, according to the last enumeration taken under the authority of the United States, as nearly as may be. Every county heretofore established, and separately organized, shall always be entitled to one member of the assembly; and no new county shall hereafter be erected, unless its population shall entitle it to a member.

### **Constitution of 1846**

Art. III, § 2: The Senate shall consist of thirty-two members, and the Senators shall be chosen for two years. The Assembly shall consist of one hundred and twenty-eight members, who shall be annually elected.

Art. III, § 3: The State shall be divided into thirty-two districts, to be called Senate districts, each of which shall choose one Senator. The districts shall be numbered from one to thirty-two inclusive . . .

Art. III, § 4: An enumeration of the inhabitants of the State shall be taken, under the direction of the Legislature, in the year one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and the said districts shall be so altered by the Legislature, at the first session after the return of every enumeration, that each Senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens, and persons of color not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate district, except such county shall be equitably entitled to two or more Senators.

Art. III, § 5: The members of Assembly shall be apportioned among the several counties of this State, by the Legislature, as nearly as may be, according to the number of their respective inhabitants, excluding aliens and persons of color not taxed, and shall be chosen by single districts . . .

## 1874 Amendment

Art. II, § 5: The Assembly shall consist of one hundred and twenty-eight members, elected for one year. The members of Assembly shall be apportioned among the several counties of the State, by the Legislature, as nearly as may be, according to the number of their respective inhabitants, excluding aliens, and shall be chosen by single districts . . .

## Constitution of 1894

Art. III, § 3: The state shall be divided into fifty districts to be called senate districts, each of which shall choose one senator. The districts shall be numbered from one to fifty, inclusive . . .

Art. III, § 4: An enumeration of the inhabitants of this State shall be taken under the direction of the Secretary of State, during the months of May and June, in the year one thousand nine hundred and five, and in the same months every tenth year thereafter; and the said districts shall be so altered by the Legislature at the first regular session after the return of every enumeration, that each senate district shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable, and shall remain unaltered until the return of another enumeration, and shall, at all times, consist of contiguous territory, and no county shall be divided in the formation of a senate district except to make two or more senate districts wholly in such county. No town, and no block in a city inclosed by streets or public ways, shall be divided in the formation of senate districts; nor shall any district contain a greater excess in population over an adjoining district in the same county, than the population of a town or block therein adjoining such district. Counties, towns or blocks of which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens. No county shall have four or more senators unless it shall have a full ratio for each senator. No county shall have more than one-third of all the senators; and no two counties or the territory thereof as now organized, which are adjoining counties, or which are separated only by public waters, shall have more than one-half of all the senators. The ratio for apportioning the senators shall always be obtained by dividing the number of inhabitants, excluding aliens, by fifty, and the senate shall always be composed of fifty members, except that if any county having three or more senators at the time of any apportionment shall be entitled on such ratio to an additional senator or senators, such additional senator or senators shall be given to such county in addition to the fifty senators, and the whole number of senators shall be increased to that extent.

Art. III, § 5: The members of the Assembly shall be chosen by single districts and shall be apportioned by the Legislature at the first regular session after the return of every enumeration among the several counties of the State, as nearly as may be according to the number of their respective inhabitants, excluding aliens. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled, to one member of Assembly, and no county shall hereafter be erected unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, entitle it to a member. But the Legislature may abolish the said county of Hamilton and annex the territory thereof to some other county or counties. The quotient obtained by dividing the whole number of inhabitants of the State, excluding aliens, by the number of members of assembly, shall be the ratio for apportionment, which shall be made as follows: One member of assembly shall be apportioned to every county, including Fulton and Hamilton as one county, containing less than the ratio and one-half over. Two members shall be apportioned to every other county. The remaining members of assembly shall be apportioned to the counties having more than two ratios according to the number of inhabitants, excluding aliens. Members apportioned on remainders shall be apportioned to the counties having the highest remainders on the order thereof respectively. No county shall have more members of assembly than a county having a greater number of inhabitants, excluding aliens.

# NORTH CAROLINA

## Constitution of 1776

Art. II: That the Senate shall be composed of Representatives, annually chosen by ballot, one for each county in the State.

Art. III: That the House of Commons shall be composed of Representatives, annually chosen by ballot, two for each county, and one for each of the towns of Edenton, Newbern, Wilmington, Salisbury, Hillsborough, and Halifax.

## 1835 Amendment

Art. 1, § 1(1): The senate of this State shall consist of fifty representatives, biennially chosen by ballot, and to be elected by districts; which districts shall be laid off by the general assembly, at its first session after the year one thousand eight hundred and forty one; and afterwards, at its first session after the year one thousand eight hundred and fifty-one; and then every twenty years thereafter in proportion to the public taxes paid into the treasury of the State, by the citizens thereof; and the average of the public taxes paid by each county into the treasury of the State, for the five years preceding the laying off of the districts, shall be considered as its proportion of the public taxes, and constitute the basis of apportionment: Provided, That no county shall be divided in the formation of a senatorial district. And when there are one or more counties having an excess of taxation above the ratio to form a senatorial district, adjoining a county or counties deficient in such ratio, the excess or excesses aforesaid shall be added to the taxation of the county or counties deficient; and if, with such addition, the county or counties receiving it shall have the requisite ratio, such county and counties shall constitute a senatorial district.

Art. 1, § 1(2): The house of commons shall be composed of one hundred and twenty representatives, biennially chosen by ballot, to be elected by counties according to their Federal population, that is according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons; and each county shall have at least one member in the house of commons, although it may not contain the requisite ratio of population.

## Constitution of 1868

Art. II, § 5: An enumeration of the inhabitants of the State shall be taken under the direction of the general assembly in the year one thousand eight hundred and fifty-seven, and at the end of every ten years thereafter; and the said senate districts shall be so altered by the general assembly, at the first session after the return of every enumeration taken as aforesaid, or by order of Congress, that each senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a senate district, unless such county shall be equitably entitled to two or more senators

Art. II, § 6: The house of representatives shall be composed of one hundred and twenty representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one representative in the house of representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the general assembly at the respective times and periods when the districts for the senate are hereinbefore directed to be laid off.

## Constitution of 1876

Art. II, § 4: The Senate Districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate District shall contain, as equal as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration,

and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate District, unless such county shall be equitably entitled to two or more Senators.

Art. II, § 5: The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the Districts of the Senate are hereinbefore directed to be laid off.

## **NORTH DAKOTA**

### **Constitution of 1889**

Art. II, § 29: The legislative assembly shall fix the number of senators, and divide the state into as many senatorial districts as there are senators, which districts as nearly as may be shall be equal to each other in the number of inhabitants entitled to representation. Each district shall be entitled to one senator and no more, and shall be composed of compact and contiguous territory; and no portion of any county shall be attached to any other county, or part thereof, so as to form a district. The districts as thus ascertained and determined shall continue until changed by law

Art. II, § 35: The members of the house of representatives shall be apportioned to and elected at large from each senatorial district. The legislative assembly shall, in the year 1895, and every tenth year, cause an enumeration to be made of all the inhabitants of this state, and shall at its first regular session after each enumeration, and also after our each federal census, proceed to fix by law the number of senators, which shall constitute the senate of North Dakota, and the number of representatives, which shall constitute the house of representatives of North Dakota, within the limits prescribed by this constitution and at the same session shall proceed to reapportion the state into senatorial districts, as prescribed by this constitution, and to fix the number of members of the house of representatives to be elected from the several senatorial districts: provided, that the legislative assembly may at any regular session redistrict the state into senatorial districts, and apportion the senators and representatives respectively.

## **OHIO**

### **Constitution of 1802**

Art. I, § 2: Within one year after the first meeting of the general assembly, and within every subsequent term of four years, an enumeration of all the white male inhabitants above twenty-one years of age shall be made, in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration be fixed by the legislature, and apportioned among the several counties according to the number of white male inhabitants above twenty-one years of age in each; and shall never be less than twenty-four, nor greater than thirty-six, until the number of white male inhabitants of above twenty-one years of age shall be twenty-two thousand; and after that event, at such ratio that the whole number of representatives shall never be less than thirty-six, nor exceed seventy-two.

Art. I, § 6: The numbers of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the several counties or districts to be established by law according to the number of white male inhabitants of the age of twenty-one years in each, and shall never be less than one-third, nor more than one-half of the number of representatives.

## **Constitution of 1857**

Art. XI, § 1: The apportionment of this state for members of the General Assembly shall be made every ten years, after the year one thousand eight hundred and fifty-one, in the following manner: The whole population of the state, as ascertained by the federal census, or in such other mode as the General Assembly may direct, shall be divided by the number “one hundred,” and the quotient shall be the ratio of representation in the house of representatives, for ten years next succeeding such apportionment.

Art. XI, § 2: Every county having a population equal to one-half of said ratio, shall be entitled to one Representative; every county, containing said ratio, and three-fourths over, shall be entitled to two Representatives; every county, containing three times said ratio, shall be entitled to three Representatives, and so on, requiring after the first two, an entire ratio for each additional representative.

Art. XI, § 6: The ratio for a senator shall forever, hereafter, be ascertained by dividing the whole population of the state by the number thirty-five.

## **1903 Amendment**

Art. XI, § 2: Every county having a population equal to one-half of said ratio, shall be entitled to one representative; every county, containing said ratio, and three-fourths over, shall be entitled to two representatives; every county, containing three times said ratio, shall be entitled to three representatives: and so on, requiring after the first two, an entire ratio for each additional representative. Provided, however, that each county shall have one representative.

# **OKLAHOMA**

## **Constitution of 1907**

Art. V, § 9(a): At the time each senatorial apportionment is made after the year nineteen hundred and ten the State shall be divided into forty-four districts, to be called senatorial districts, each of which shall elect one senator; and the Senate shall always be composed of forty-four senators, except that in event any county shall be entitled to three or more senators at the time of any apportionment such additional senator or senators shall be given such county in addition to the forty-four senators and the whole number to that extend. Said districts shall be numbered from one to forty-four inclusive, and each of said districts shall contain as near as may be an equal number of inhabitants, such population to be ascertained by the next preceding Federal census, or in such manner as the Legislature may direct, and shall be in as compact form as practicable and shall remain unaltered until the next decennial period, and shall at all times consist of contiguous territory.

Art. V, § 10(a): The whole population of the State as ascertained by the Federal census, or in such manner as the Legislature may direct, shall be divided by the number one hundred and the quotient shall be the ratio of representation in the House of Representatives for the next ten years succeeding such apportionment.

# **OREGON**

## **Constitution of 1857**

Art. IV, § 5: The legislative assembly shall, in the year eight hundred and sixty-five, and every ten years after, cause an enumeration to be made of all the white population of the State.

Art. IV, § 6: The number of senators and representatives shall, at the session next following an enumeration of the inhabitants by the United States, or this State, be fixed by law, and apportioned among the several counties according to the number of white population in each. And the ratio of senators and representatives shall be determined by dividing the whole number of white population of such county or district, by such respective ratios; and when a fraction shall result from the division, which shall exceed one-half of said ratio, such county or district shall be entitled to a member for such fraction. And in case any county shall not have the requisite population to entitle such county to a member, then such county shall be attached to some adjoining county for senatorial or representative purposes.

## **PENNSYLVANIA**

### **Constitution of 1776**

Art. II, § 17: The city of Philadelphia and each county of this commonwealth respectively, shall on the first Tuesday of November in this present year, and on the second Tuesday of October annually for the two next succeeding years, viz, the year one thousand seven hundred and seventy-seven, and the year one thousand seven hundred and seventy-eight, choose six persons to represent them in general assembly. But as representation in proportion to the number of taxable inhabitants is the only principle which can at all times secure liberty, and make the voice of a majority of the people the law of the land; therefore the general assembly shall cause complete lists of the taxable inhabitants in the city and each county in the commonwealth respectively to be taken and returned to them, on or before the last meeting of the assembly elected in the year one thousand seven hundred and seventy-eight, who shall appoint a representation to each, in proportion to the number of taxables in such returns; which representation shall continue for the next seven years afterwards at the end of which, a new return of the taxable inhabitants shall be made and a representation agreeable thereto appointed by the said assembly, and so on septennially forever. The wages of the representatives in general assembly and all other state charges shall be paid out of the state treasury.

### **Constitution of 1790**

Art. I, § 4: Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made, in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the city of Philadelphia and the several counties, according to the number of taxable inhabitants in each; and shall never be less than sixty, nor greater than one hundred. Each county shall have, at least, one representative; but no county, hereafter erected, shall be entitled to a separate representation, until a sufficient number of taxable inhabitants shall be contained within it, to entitle them to one representative, agreeably to the ratio which shall then be established.

Art. I, § 6: The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature and apportioned among the districts, formed as hereinafter directed, according to the number of taxable inhabitants in each; and shall never be less than one-fourth, nor greater than one-third, of the number of representatives.

### **Constitution of 1838**

Art. I, § 4: Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed and the several counties, according to the number of taxable inhabitants in each; and shall never be less than sixty nor greater than one hundred. Each county shall have at least one representative, but no county hereafter erected shall be entitled to a separate representation until a sufficient number of taxable inhabitants shall be contained within it to entitle them to one representative, agreeably to the ratio of which shall then be established.

Art. I, § 6: The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature and apportioned among the districts formed as hereinafter directed according to the number of taxable inhabitants in each; and shall never be less than one-fourth, nor greater than one-third, of the number of representatives.

### **1857 Amendment**

Art. I, § 4: In the year one thousand eight hundred and sixty-four, and in every seventh year thereafter, representatives to the number of one hundred shall be apportioned and distributed equally throughout the State by districts in proportion to the number of taxable inhabitants in the several parts thereof; except that any county containing at least three thousand five hundred taxable may be allowed a separate representation; but no more than three counties shall be joined, and no county shall be divided in the formation of a district. Any city containing a sufficient number of taxable to entitle it to at least two representatives, shall have a separate representation assigned it, and shall be divided into convenient districts of contiguous territory, of equal taxable population as near as may be, each of which districts shall elect one representative.

### **Constitution of 1873**

Art. II, § 16: The State shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio; and no county shall be divided unless entitled to two or more Senators. No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

Art. II, § 17: The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the State as ascertained by the most recent United States census by two hundred. Every county containing less than five ratios shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have at least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located. Every city entitled to more than four representatives, and every county having over one hundred thousand inhabitants shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives, according to its population, but no district shall elect more than four representatives.

## **RHODE ISLAND**

### **Constitution of 1843**

Art. V, § 1: The house of representatives shall never exceed seventy-two members, and shall be constituted on the basis of population, always allowing one representative for a fraction exceeding half the ratio; but each town or city shall always be entitled to at least one member; and no town or city shall have more than one sixth of the whole number of members to which the house is hereby limited. The present ratio shall be one representative to every fifteen hundred and thirty inhabitants, and the general assembly may, after any new census taken by the authority of the United States or of this state, reapportion the representation by altering the ratio; but no town or city shall be divided into districts for the choice of representatives.

Art. VI, § 1: The senate shall consist of the lieutenant-governor and of one senator from each town or city in the state.

## 1909 Amendment

Art. XIII, § 1: The house of representatives shall never exceed one hundred members, and shall be constituted on the basis of population, always allowing one representative for fraction exceeding half the ratio; but each town and city shall always be entitled to at least one member; and no town or city shall have more than one-fourth of the whole number of members. The general assembly may, after any new census taken by the authority of the United States or this state, re-apportion the representation in conformity with the foregoing provisions. As soon as this amendment goes into effect, the general assembly shall divide each town and city into as many districts as it is entitled to representatives, and after each census, or as occasion may require, the general assembly may so divide each town and city, and one representative shall be elected from each district by the qualified electors thereof. Such districts shall be as nearly equal in population and as compact in territory as possible.

Art. XIII, § 2: This amendment shall take, in the constitution of the state, the place of Section of Article V, "Of the house of representatives," which said section and all other provisions of the constitution inconsistent herewith are hereby annulled.

## SOUTH CAROLINA

### Constitution of 1776

Art. XI: That on the last Monday in October next, and the day following, and on the same days of every second year thereafter, members of the general assembly shall be chosen, to meet on the first Monday in December then next, and continue for two years from the said last Monday in October. The general assembly to consist of the same number of members as this congress does, each parish and district having the same representation as at present, viz: the parish of Saint Philip and Saint Michael, Charlestown, thirty members; the parish of Christ Church, six members; the parish of Saint John, in Berkely County, six members; the parish of Saint Andrew, six members; the parish of Saint George Dorchester, six members; the parish of Saint James Goose Creek, six members; the parish of Saint Thomas and Saint Dennis, six members; the parish of Saint Paul, six members; the parish of Saint Bartholemew, six members; the parish of Saint Helena, six members; the parish of Saint James Santee, six members; the parish of Prince George, Winyaw, six members; the parish of Prince Frederick, six members; the parish of Saint John, in Colleton County, six members; the parish of Saint Peter, six members; the parish of Prince William, six members; the parish of Saint Stephen, six members; the district to the eastward of Wateree River, ten members; the district of Ninety-six, ten members; the district of Saxe Gotha, six members; the district between Broad and Saluda Rivers, in three divisions, viz: the Lower district, four members; the Little River district, four members; the Upper or Spartan district, four members; the district between Broad and Catawba Rivers, ten members; the district called the New Acquisition, ten members; the parish of Saint Mathew, six members; the parish of Saint David, six members; the district between Savannah River and the North Fork of Edisto, six members.

### Constitution of 1778

Art. XII: That each parish and district throughout this State shall on the last Monday in November next and the day following, and on the same days of every succeeding year thereafter, elect by ballot one member of the senate, except the district of Saint Philip and Saint Michael's parishes; Charleston, which shall elect two members; and except also the district between Broad and Saluda Rivers, in three divisions, viz: the Lower district, the Little River district, and the Upper or Spartan district, each of which said divisions shall elect one member; and except the parishes of Saint Matthew and Orange, which shall elect one member; and also except the parishes of Prince George and All Saints, which shall elect one member . . .

Art. XIII: That on the last Monday in November next and the day following, and on the same days of every second year thereafter, members of the house of representatives shall be chosen, to meet on the first Monday in January then next, at the seat of Government, unless the casualties of war or contagious disorders should render it unsafe to meet there, in

which case the governor and commander-in chief for the time being may, by proclamation, with the advice and consent of the privy council, appoint a more secure and convenient place of meeting, and to continue for two years from the said last Monday in November. Each parish and district within this State shall send members to the general assembly in the following proportions; that is to say, the parish of Saint Philip and Saint Michael's, Charleston, thirty members; the parish of Christ Church, six members; the parish of Saint John's, in Berkely County, six members; the parish of Saint Andrew, six members; the parish of Saint George, Dorchester, six members; the parish of Saint James, Goose Creek, six members; the parish of Saint Thomas and Saint Dennis, six members; the parish of Saint Paul, six members; the parish of Saint Bartholomew, six members; the parish of Saint Helena, six members; the parish of Saint James, Santee, six members; the parish of Prince George, Winyaw, four members; the parish of All Saints, two members; the parish of Prince Frederick, six members; the parish of Saint John, in Colleton County, six members; the parish of Saint Peter, six members; the parish of Prince William, six members; the parish of Saint Stephen, six members; the district to the eastward of Wateree River, ten members; the district of Ninety-six, ten members; the district of Saxe Gotha, six members; the district between Broad and Saluda Rivers, in three divisions, viz: the lower district, four members; the Little River district, four members; the Upper or Spartan district, four members; the district between Broad and Catawba Rivers, ten members; the district called the New Acquisition, ten members; the parish of Saint. Matthew, three members; the parish of Orange, three members; the parish of Saint David, six members; the district between the Savannah River and the North Fork of Edisto, six members . . .

Art. XV: That at the expiration of seven years after the passing of this constitution, and at the end of every fourteen years thereafter, the representation of the whole State shall be proportioned in the most equal and just manner according to the particular and comparative strength and taxable property of the different parts of the same, regard being always had to the number of white inhabitants and such taxable property.

### **Constitution of 1790**

Art. I, § 3: The several election districts in this State shall elect the following number for Representatives, viz: Charleston, (including Saint Philip and Saint Michael) fifteen members; Christ Church, three members; Saint John, Berkley, three members; Saint Andrew, three members; Saint George, Dorchester, three members; Saint James, Goose Creek, three members; Saint Thomas and Saint Dennis, three members; Saint Paul, three members; Saint Bartholomew, three members; Saint James, Santee, three members; Saint John, Colleton, three members; Saint Stephen, three members; Saint Helena, three members; Saint Luke, three members; Prince William, three members; Saint Peter, three members; All Saints, (including its ancient boundaries.) one member; Winyaw, (not including any part of All Saints.) three members; Kingston, (not including any part of All Saints,) two members; Williamsburgh, two members; Liberty, two members; Marlborough, two members; Chesterfield, two members; Darlington, two members; York, three members; Chester, two members; Fairfield, two members; Richland, two members; Lancaster, two members; Kershaw, two members; Claremont, two members; Clarendon, two members; Abbeville, three members; Edgefield, three members; Newbury, (including the fork between Broad and Saluda Rivers.) three members; Laurens, three members; Union, two members; Spartan, two members; Greenville, two members; Pendleton, three members; Saint Matthew, two members; Orange, two members; Winton, (including the district between Savannah River and the

Art. I, § 7: The senate shall be composed of members to be chosen for four years, in the following proportions, by the citizens of this State qualified to elect members to the house of representatives, at the same time, and in the same manner, and at the same places where they shall vote for representatives, viz: Charleston, (including Saint Philip and Saint Michael) two members; Christ Church, one member; Saint John, Berkley, one member; Saint Andrew, one member; Saint George, one member; Saint James, Goose Creek, one member; Saint Thomas and Saint Dennis, one member; Saint Paul, one member; Saint Bartholomew, one member; Saint James, Santee, one member; Saint John, Colleton, one member; Saint Stephen, one member; Saint Helena, one member; Saint Luke, one member; Prince William, one member; Saint Peter, one member; All Saints, one member; Winyaw and Williamsburgh, one member; Liberty and Kingston, one member; Marlborough, Chesterfield, and Darlington, two members; York, one member; Fairfield, Richland, and Chester, one member; Lancaster and Kershaw, one member; Claremont and Clarendon, one member; Abbeville, one member; Edgefield, one member; Newbury, (including the Fork between Broad and Saluda Rivers.) one member; Lourens, one member; Union, one member; Spartan, one member; Greenville, one member; Pendleton, one member; Saint Matthew and Orange, one member; Winton, (including the district between Savannah River and the North Fork of Edisto,) one member; Saxe Gotha, one member,

## 1808 Amendments

Art. I, §§ 3, 7, 9: The following sections in amendment of the third, seventh, and ninth sections of the first article of the constitution of this State shall be, and they are hereby declared to be, valid parts of the said constitution; and the said third, seventh, and ninth sections, or such parts thereof as are repugnant to such amendments, are hereby repealed and made void. The house of representatives shall consist of one hundred and twenty-four members, to be apportioned among the several election districts of the State, according to the number of white inhabitants contained, and the amount of all taxes raised by the legislature, whether direct or indirect, or of whatever species, paid in each, deducting therefrom all taxes paid on account of property held in any other district, and adding thereto all taxes elsewhere paid on account of property held in such district. An enumeration of the white inhabitants, for this purpose, shall be made in the year one thousand eight hundred and nine, and in the course of every tenth year thereafter, in such manner as shall be by law directed; and representatives shall be assigned to the different districts in the above-mentioned proportion, by act of the legislature, at the session immediately succeeding the above enumeration. If the enumeration herein directed should not be made in the course of the year appointed for the purpose by these amendments, it shall be the duty of the governor to have it effected as soon thereafter as shall be practicable. In assigning representatives to the several districts of the State, the legislature shall allow one representative for every sixty-second part of the whole number of white inhabitants in the State; and one representative also for every sixty-second part of the whole taxes raised by the legislature of the State. The legislature shall further allow one representative for such fractions of the sixty-second part of the white inhabitants of the State, and of the sixty-second part of the taxes raised by the legislature of the State, as, when added together, form a unit. In every apportionment of representation under these amendments, which shall take place after the first apportionment, the amount of taxes shall be estimated from the average of the ten preceding years; but the first apportionment shall be founded upon the tax of the preceding year, excluding from the amount thereof the whole produce of the tax on sales at public auction. If, in the apportionment of representatives under these amendments, any election district shall appear not to be entitled, from its population and its taxes, to a representative, such election district shall, nevertheless, send one representative; and, if there should be still a deficiency of the number of representatives required by these amendments, such deficiency shall be supplied by assigning representatives to those election districts having the largest surplus fractions, whether those fractions consist of a combination of population and of taxes, or of population or of taxes separately, until the number of one hundred and twenty-four members be provided. No apportionment under these amendments shall be construed to take effect, in any manner, until the general election which shall succeed such apportionment. The election districts for members of the house of representatives shall be and remain as heretofore established, except Saxe Gotha and Newberry; in which the boundaries shall be altered, as follows, viz: That part of Lexington in the fork of Broad and Saluda Rivers shall no longer compose a part of the election district of Newberry, but shall be henceforth attached to, and form a part of, Saxe Gotha. And also, except Orange and Barnwell, or Winton, in which the boundaries shall be altered, as follows, viz: That part of Orange in the fork freehold or town lot, hath been a resident in the election district in Barnwell, or Winton, but shall be henceforth attached to, and form a part of, Orange election district. The senate shall be composed of one member from each election district, as now established for the election of members of the house of representatives, except the district formed by the parishes of Saint Philip and Saint Michael, to which shall be allowed two senators, as heretofore. The seats of those senators who under the constitution shall represent two or more election districts, on the day preceding the second Monday of October, which will be in the year one thousand eight hundred and ten, shall be vacated on that day, and the new senators who shall represent such districts under these amendments shall, immediately after they shall have been assembled under the first election, be divided by lot into two classes; the seats of the senators of the first class shall be vacated at the expiration of the second year, and of the second class, at the expiration of the fourth year; and the number in these classes shall be so proportioned that one-half of the whole number of senators may, as nearly as possible, continue to be chosen thereafter every second year. None of these amendments becoming parts of the constitution of this State shall be altered, unless a bill to alter the same shall have been read on three several days in the house of representatives, and on three several days in the senate, and agreed to at the second and third reading by two-thirds of the whole representation in each branch of the legislature; neither shall any alteration take place until the bill so agreed to be published three months previous to a new election for members to the house of representatives; and if the alteration proposed by the legislature shall be agreed to in their first session, by two-thirds of the whole representation, in each branch of the legislature, after the same shall have been read on three several days in each house, then, and not otherwise, the same shall become a part of the constitution.

## **Constitution of 1865**

Art. I, § 5: The house of representatives shall consist of one hundred and twenty-four members, to be apportioned among the several election districts of the State, according to the number of white inhabitants contained in each, and the amount of all taxes raised by the general assembly, whether direct or indirect, or of whatever species, paid in each, deducting therefrom all taxes paid on account of property held in any other district, and adding thereto all taxes elsewhere paid on account of property held in such district. An enumeration of the white inhabitants, for this purpose, was made, in the year one thousand eight hundred and fifty-nine, and shall be made in the course of every tenth year thereafter, in such manner as shall be by law directed; and representatives shall be assigned to the different districts in the above-mentioned proportion by act of the general assembly at the session immediately succeeding every enumeration . . .

Art. I, § 7: In assigning representatives to the several districts, the general assembly shall allow one representative for every sixty-second part of the whole number of white inhabitants in the State, and one representative, also, for every sixty-second part of the whole taxes raised by the general assembly. There shall be further allowed one representative for such fractions of the sixty-second part of the white inhabitants, and of the sixty-second part of the taxes, as, when added together, form a unit.

Art. I, § 9: If, in the apportionment of representatives, any election district shall appear not to be entitled, from its population and its taxes, to a representative, such election district shall nevertheless send one representative; and if there be still a deficiency of the number of representatives required by section fifth, such deficiency shall be supplied by assigning representatives to those election districts having the largest surplus fractions, whether those fractions consist of a combination of population and taxes, or of population or taxes separately, until the number of one hundred and twenty-four members are made up: Provided, however, That not more than twelve representatives shall in any apportionment be assigned to anyone election district.

Art. I, § 11: The senate shall be composed of one member from each election district, except the election district of Charleston, to which shall be allowed two senators.

## **Constitution of 1868**

Art. I, § 34: Representation shall be apportioned according to population, and no person in this State shall be disfranchised, or deprived of any-of the rights or privileges now enjoyed, except by the law of the land or the Judgment of his peers.

Art. II, § 4: The house of representatives shall consist of one hundred and twenty-four members, to be apportioned among the several counties according to the number of inhabitants contained in each. An enumeration of the inhabitants, for this purpose, shall be made in eighteen hundred and sixty-nine, and again in eighteen hundred and seventy-five and shall be made in the course of every tenth year thereafter, in such manner as shall be by law directed; and representatives shall be assigned to the different counties in the above-mentioned proportion, by act of the general assembly, at the session immediately succeeding every enumeration . . .

Art. II, § 6: In assigning representatives to the several counties, the general assembly shall allow one representative to everyone hundred and twenty-fourth part of the whole number of inhabitants in the State: Provided, That if in the apportionment of representatives any county shall appear not to be entitled, from its population, to a representative, such county shall nevertheless send one representative; and if there be still a deficiency of the number of representatives required by section fourth of this article, such deficiency shall be supplied by assigning representatives to those counties having the largest surplus fractions.

Art. II, § 8: The senate shall be composed of one member from each county, to be elected, for the term of four years, by the qualified voters of the State, in the same manner in which members of the house of representatives are chosen; except the county of Charleston, which shall be allowed two senators.

## **Constitution of 1895**

Art. I, § 2: Representation in the House of Representatives shall be apportioned according to population.

Art. III, § 3: The House of Representatives shall consist of one hundred and twenty-four members, to be apportioned among the several Counties according to the number of inhabitants contained in each. Each County shall constitute one Election District. An enumeration of the inhabitants for this purpose shall be made in the year nineteen hundred and one, and shall be made in the course of every tenth year thereafter, in such manner as shall be by law directed: Provided, That the General Assembly may at any time, in its discretion, adopt the immediately preceding United States Census as a true and correct enumeration of the inhabitants of the several Counties, and make the apportionment of Representatives among the several Counties according to said enumeration . . .

Art. III, § 4: In assigning Representatives to the several Counties, the General Assembly shall allow one Representative to everyone hundred and twenty-fourth part of the whole number of inhabitants in the State: Provided, That if in the apportionment of Representatives any County shall appear not to be entitled, from its population, to a Representative, such County shall, nevertheless, send one Representative; and if there be still a deficiency in the number of Representatives required by Section third of this Article, such deficiency shall, be supplied by assigning Representatives to those Counties having the largest surplus fractions.

Art. II, § 6: The Senate shall be composed of one member from each County, to be elected for the term of four years by the qualified electors in each County, in the, same manner in which members of the House of Representatives are chosen.

## **SOUTH DAKOTA**

### **Constitution of 1889**

Art. III, § 5: The legislature shall provide by law for the enumeration of the inhabitants of the state in the year one thousand eight hundred and, ninety-five and every ten years thereafter, and at its first regular session after each enumeration, and also after each enumeration made by authority of the United States, but at no other time, the legislature shall apportion the senators and representatives according to the number of inhabitants, excluding Indians not taxed and, soldiers and officers of the United States army and navy; Provided, that the legislature may make an apportionment at its first session after the admission of South Dakota as a State.

## **TENNESSEE**

### **Constitution of 1796**

Art. I, § 2: Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made in such manner as shall be directed by law; the number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the several counties according to the number of taxable inhabitants in each, and shall never be less than twenty-two nor greater than twenty-six until the number of taxable inhabitants shall be forty thousand, and after that event at such ratio that the whole number of representatives shall never exceed forty.

Art. I, § 3: The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature and apportioned among the districts formed as hereinafter directed, according to the number of taxable inhabitants in each, and shall never be less than one-third nor more than one-half of the number of representatives.

## **Constitution of 1834**

Art. II, § 4: An enumeration of the qualified voters and an apportionment of the representatives in the general assembly shall be made in the year one thousand eight hundred and forty-one, and within every subsequent term of ten years.

Art. II, § 5: The number of representatives shall, at the several periods of making the enumeration, be apportioned among the several counties or districts according to the number of qualified voters in each; and shall not exceed seventy-five, until the population of the State shall be one million and a half; and shall never thereafter exceed ninety-nine: Provided, That any county having two-thirds of the ratio shall be entitled to one member.

Art. II, § 6: The number of senators shall, at the several periods of making the enumeration, be apportioned among the several counties or districts, according to the number of qualified electors in each, and shall not exceed one-third the number of representatives. In apportioning the senators among the different counties, the fraction that may be lost by any county or counties, in the apportionment of members to the house of representatives, shall be made up to such county or counties in the senate as near as may be practicable. When a district is composed of two or more counties, they shall be adjoining; and no county shall be divided in forming a district.

## **Constitution of 1870**

Art. II, § 5: The number of Representatives shall, at the several periods of making the enumeration, be apportioned among the several counties or districts, according to the number of qualified voters in each; and shall not exceed seventy-five until the population of the State shall be one million and a half, and shall never ["thereafter" in Constitution of 1834] exceed ninety-nine; Provided, that any county having two-thirds of the ratio shall be entitled to one member.

Art. II, § 6: The number of Senators shall, at the several periods of making the enumeration, be apportioned among the several counties or districts, according to the number of qualified voters in each, and shall not exceed one-third the number of representatives. In apportioning the Senators among the different counties the fraction that may be lost by any county or counties, in the apportionment of members to the House of Representatives, shall be made up to such county or counties in the Senate, as near as may be practicable. When a district is composed of two or more counties, they shall be adjoining; and no county shall be divided in forming a district.

# **TEXAS**

## **Constitution of 1845**

Art. III, § 29: The legislature shall at their first meeting, and in the year one thousand eight hundred and forty-eight and fifty, and every eight years thereafter, cause an enumeration to be made of all the free inhabitants (Indians not taxed, Africans and descendants of Africans excepted) of the State, designating particularly the number of qualified electors; and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the several counties, cities, or towns, according to the number of free population in each; and shall not be less than forty-five, nor more than ninety.

Art. III, § 31: The whole number of senators shall, at the next session after the several periods of making the enumeration, be fixed by the legislature, and apportioned among the several districts to be established by law, according to the number of qualified electors, and shall never be less than nineteen, nor more than thirty-three.

## **Constitution of 1865**

Art. III, § 28: The legislature shall cause an enumeration to be made every ten years, commencing on the sixth day of February, A. D. 1875, of all the inhabitants (including Indians taxed) of the State, designating particularly the number of qualified electors and the age, sex, and color of all others, herein following the classification of the United States census,

and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the several counties, cities, or towns, according to the number of white population of each; and shall not be less than forty-five, nor more than ninety: Provided, That there shall be an enumeration and an apportionment made in the year 1870, in the manner here indicated.

Art. III, § 30: The whole number of senators shall, at the next session after the several periods of making the enumeration, be fixed by the legislature, and apportioned among the several districts to be established by law, according to the number of qualified electors, and shall never be less than nineteen, nor more than thirty-three.

### **Constitution of 1868**

Art. III, § 11: A new apportionment for representative and senatorial districts shall be made by the first legislature in session, after the official publication of the United States census, every ten years.

Art. III, § 34: The whole number of senators shall, at the next session after the several periods of making the enumeration, be fixed by the legislature, and apportioned among the several districts to be established by law, according to the number of qualified electors, and shall never be less than nineteen nor more than thirty.

Art. III, § 40: The senators and representatives shall be apportioned among the several senatorial and representative districts as follows, to wit: First district, one senator and three representatives. Second district, one senator and three - representatives, Third district, one senator and three representatives. Fourth district, one senator and three representatives. Fifth district, one senator and three representatives. Sixth district, one senator and three representatives. Seventh district, one senator and two representatives. Eighth district, one senator and three representatives. Ninth district, one senator and three representatives. Tenth district, one senator and three representatives. Eleventh district, one senator and three representatives. Twelfth district, one senator and three representatives. Thirteenth district, one senator and three representatives. Fourteenth district, one senator and two representatives. Fifteenth district, one senator and three representatives. Sixteenth district, one senator and two representatives. Seventeenth district, one senator and three representatives. Eighteenth district, one senator and three representatives. Nineteenth district, one senator and three representatives. Twentieth district, one senator and three representatives. Twenty-first district, one senator and three representatives. Twenty-second district, one senator and three representatives. Twenty-third district, one senator and three representatives. Twenty-fourth district, one senator and three representatives. Twenty-fifth district, one senator and three representatives. Twenty-sixth district, one senator and three representatives. Twenty-seventh district, one senator and three representatives. Twenty-eighth district, one senator and four representatives. Twenty-ninth district, one senator and four representatives. Thirtieth district, one senator and three representatives.

### **Constitution of 1876**

Art. III, § 25: The State shall be divided into senatorial districts of contiguous territory, according to the number of qualified electors, as nearly as may be, and each district shall be entitled to elect one senator, and no single county shall be entitled to more than one senator.

Art. III, § 26: The members of the house of representatives shall be apportioned among the several counties, according to the number of population in each, as nearly as may be, on a ratio obtained by dividing the population of the State, as ascertained by the most recent United States census, by the number of members of which the house is composed: Provided, That whenever a single county has sufficient population to be entitled to a representative, such county shall be formed into a separate representative district, and when two or more counties are required to make up the ratio of representation such counties shall be contiguous to each other; and when anyone county has more than sufficient population to be entitled to one or more representatives, such representative or representatives shall be apportioned to such county, and for any surplus of population it may be joined in a representative district with any other contiguous county or counties.

# UTAH

## Constitution of 1895

Art. IX, § 2: The legislature shall provide by law for an enumeration of the inhabitants of the State A. D. 1905, and every tenth year thereafter, and at the-session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for senators and representatives on the basis of such enumeration, accord to ratios to be fixed by law.

# VERMONT

## Constitution of 1777

Chapter II, § XVI: In order that the Freemen of this State might enjoy the benefit of election, as equally as may be, each town within this State, that consists, or may consist, of eighty taxable inhabitants, within one septenary or seven years, next after the establishing this constitution, may hold elections therein, and choose each, two representatives; and each other inhabited town in this State may, in like manner, choose each, one representative, to represent them in General Assembly, during the said septenary or seven years; and after that, each inhabited town may, in like manner, hold such election, and choose each, one representative, forever thereafter.

## Constitution of 1786

Chapter II, § VII: In order that the freemen of this State may enjoy the benefit of election, as equally as may be, each town within this State, that consists or may consist of eighty taxable inhabitants, within one septenary or seven years next after the establishing this Constitution, may hold elections therein, and choose each two representatives ; and each other inhabited town in this State may, in like manner, choose each one representative to represent them in General Assembly, during the said septenary or seven years; and after that, each inhabited town may, in like manner, hold such election, and choose each one representative forever thereafter.

## Constitution of 1793

Chapter II, § 7: In order that the freemen of this State might enjoy the benefit of election as equally as may be, each town within this State, that consists, or may consist of eighty taxable inhabitants, within one septenary or seven years next after the establishing this Constitution, may hold elections therein, and choose each two Representatives; and each other inhabited town in this State, may, in like manner, choose each one Representative to represent them in General Assembly, during the said septenary, or seven years, and after that, each inhabited town may, in like manner hold such election, and choose each one Representative forever thereafter.

## 1836 Amendments

Art. 4: The Senate shall be composed of thirty Senators, to be of the freemen of the County for which they are ejected, respectively, who are thirty years of age or upwards, and to be annually elected by the freemen of each County respectively. Each County shall be entitled to one Senator, at least, and the remainder of the Senators shall be apportioned to the several Counties according to their population, as the same was ascertained by the last Census, taken under the authority of the United States, regard being always had, in such apportionment, to the Counties having the greatest fraction. But the several Counties shall, until after the next Census of the United States, be entitled to elect, and have their Senators, in the following proportion, to wit: Bennington County, two; Windham County, three; Rutland County, three; Windsor County, four; Addison County, three; Orange County, three; Washington County, two; Chittenden County, two; Caledonia County, two; Franklin

County, three; Orleans County, one; Essex County, one; Grand Isle County, one. The Legislature shall make a new apportionment of the Senators, to the several Counties, after the taking of each Census of the United States, or Census taken, for the purpose of such apportionment, by order of the Government of this State—always regarding the above provisions in this article.

Art. 5: The freemen of the several towns in each County shall annually, give their votes for the Senators, apportioned to such County, at the same time, and under the same regulations, as are now provided for the election of Councillors. And the person or persons, equal in number to the number of Senators, apportioned to such County, having the greatest number of legal votes, in such County respectively, shall be the Senator or Senators, of such County. At every election of Senators, after the votes shall have been taken the Constable or presiding officer, assisted by the Selectmen and civil authority present, shall sort and count tile said votes, and make two lists of the names of each person, with the number of votes given for each annexed to his name, a record of which shall be made in the Town Clerk's office, and shall seal up said lists, separately, and write on each the name of the town, and these words, "Votes for Senator," or " Votes for Senators," as the case may be, one of which lists shall be delivered, by the presiding officer, to the Representative of said town, (if any) and if none be chosen, to the Representative of an adjoining town, to be transmitted to the President of the Senate; the other list, the said presiding officer, shall within ten days, deliver to the Clerk of the County Court, for the same County,-and the Clerk of each County Court, respectively, or in case of his absence, or disability, to the Sheriff of such County, or in case of the absence or disability of both, to the High Bailiff of such County, on the tenth day after such election, shall publicly, open, sort, and count said votes; and make a record of the same in the office of the Clerk of such County Court, a copy of which he shall transmit to the Senate: and shall also within ten days thereafter, transmit to the person, or persons elected, a certificate of his or their election. Prodded, However, that the General Assembly shall have power to regulate by Law the mode of balloting for Senators, within the several Counties, and to prescribe the means, and the manner by which the result of the balloting shall be ascertained, and through which the Senators chosen shall be certified of their election, and for filling all vacancies in the Senate, which shall happen by death, resignation or otherwise. But they shall not have power to apportion the Senators to the several Counties, otherwise, than according to the population thereof agreeably to the provisions herein before ordained.

### **1850 Amendment**

Art. 23: The Senate shall be composed of thirty Senators: to be of the Freemen of the County for which they are elected, respectively, who shall have attained the age of thirty years, and they shall be elected annually by the Freemen of each County respectively. The Senators shall be apportioned to the several Counties, according to the population, as ascertained by the census taken under the authority of Congress in the year. 1840, regard being always had, in such apportionment to the Counties having the largest fraction, and giving to each County at least one Senator. The Legislature shall make a new apportionment of the Senators to the several Counties, after the taking of each census of the United States, or after a census taken for the purpose of such apportionment, under the authority of this State, always regarding the above provisions of this article.

## **VIRGINIA**

### **Constitution of 1776**

Art. II, ¶ 19: The legislative shall be formed of two distinct branches, who, together, shall be a complete Legislature. They shall meet once, or oftener, every year, and shall be called, The General Assembly of Virginia. One of these shall be called, The House of Delegates, and consist of two Representatives, to be chosen for each county, and for the district of West-Augusta, annually, of such men as actually reside in, and are freeholders of the same, or duly qualified according to law, and also of one Delegate or Representative, to be chosen annually for the city of Williamsburgh, and one for the borough of Norfolk, and a Representative for each of such other cities and boroughs, as may hereafter be allowed particular representation by the legislature; but when any city or borough shall so decrease, as that the number of persons, having right of suffrage therein, shall have been, for the space of seven years successively less than half the

number of voters in some one county in Virginia, such city or borough thenceforward shall cease to send a Delegate or Representative to the Assembly.

Art. II, ¶ 20: The other shall be called The Senate, and consist of twenty-four members, of whom thirteen shall constitute a House to proceed on business; for whose election, the different counties shall be divided into twenty-four districts; and each county of the respective district, at the time of the election of its Delegates, shall vote for one Senator, who is actually a resident and freeholder within the district, or duly qualified according to law, and is upwards of twenty-five years of age; and the Sheriffs of each county, within five days at farthest, after the last county election in the district, shall meet at some convenient place, and from the poll, so taken in their respective counties, return, as a Senator, the man who shall have the greatest number of votes in the whole district. To keep up this Assembly by rotation, the districts shall be equally divided into four classes and numbered by lot. At the end of one year after the general election the six members, elected by the first division, shall be displaced; and the vacancies thereby occasioned supplied from such class or division, by new election, in the manner aforesaid. This rotation shall be applied to each division, according to its number, and continued in due order annually.

### **Constitution of 1830**

Art. III, § 2: One of these shall be called the house of delegates, and shall consist of one hundred and thirty-four members, to be chosen, annually, for and by the several counties, cities, towns, and boroughs of the commonwealth; whereof thirty-one delegates shall be chosen for and by the twenty-six counties lying west of the Alleghany Mountains; twenty-five for and by the fourteen counties lying between the Alleghany and Blue Ridge of mountains; forty-two for and by the twenty-nine counties lying east of the Blue Ridge of mountains and above tide-water and thirty-six for and by the counties, cities, towns, and boroughs lying upon tide-water, that is to say: Of the twenty-six counties lying west of the Alleghany, the counties of Harrison, Montgomery, Monongalia, Ohio, and Washington shall each elect two delegates; and the counties of Brooke, Cabell, Grayson, Greenbrier, Giles, Kanawha, Lee, Lewis, Logan, Mason, Monroe, Nicholas, Pocahontas, Preston, Randolph, Russell, Scott, Tazewell, Tyler, Wood, and Wythe shall each elect one delegate. Of the fourteen counties lying between the Alleghany and Blue Ridge, the counties of Frederick and Shenandoah shall each elect three delegates; the counties of Augusta, Berkeley, Botetourt, Hampshire, Jefferson, Rockingham, and Rockbridge shall each elect two delegates; and the counties of Alleghany, Bath, Hardy, Morgan, and Pendleton shall each elect one delegate. Of the twenty-nine counties lying east of the Blue Ridge and above tide-water, the county of Loudoun shall elect three delegates; the counties of Albemarle, Bedford, Brunswick, Buckingham, Campbell, Culpeper, Fauquier, Franklin, Halifax, Mecklenburg, and Pittsylvania shall each elect two delegates; and the counties of Amelia, Amherst, Charlotte, Cumberland, Dinwiddie, Fluvanna, Goochland, Henry, Louisa, Lunenburg, Madison Nelson, Nottoway, Orange, Patrick, Powhatan, and Prince Edward shall each elect one delegate. And of the counties, cities, towns, and boroughs lying on tide-water, the counties of Accomack and Norfolk shall each elect two delegates; the counties of Caroline, Chesterfield, Essex, Fairfax, Greensville, Gloucester, Hanover, Henrico, Isle of Wight, King and Queen, King William, King George, Nansemond, Northumberland, Northampton, Princess Anne, Prince George, Prince William, Southampton, Spottsylvania, Stafford, Sussex, Surry, and Westmoreland, and the city of Richmond, the borough or Norfolk, and the town of Petersburg, shall each elect one delegate; the counties of Lancaster and Richmond shall together elect one delegate; the counties of Matthews and Middlesex shall together elect one delegate; the counties of Elizabeth City and Warwick shall together elect one delegate; the counties of James City and York, and the city of Williamsburg, shall together elect one delegate; and the counties of New Kent and Charles City shall together elect one delegate.

Art. III, § 3: The other house of the general assembly shall be called the senate, and shall consist of thirty-two members, of whom thirteen shall be chosen for and by the counties lying west of the Blue Ridge of mountains, and nineteen for and by the counties, cities, towns, and boroughs lying east thereof; and for the election of whom the counties, Cities, towns, and boroughs shall be divided into thirty-two districts, as hereinafter provided. Each county of the respective districts, at the time of the first election of its delegate or delegates under this constitution, shall vote for one senator; and the sheriffs or other officers holding the election for each county, city, town, or borough within five days at farthest after the last county, city, town, or borough election in the district, shall meet at some convenient place, and from the polls so taken in their respective counties, cities, towns, or boroughs, return as a senator the person who shall have the greatest number of votes in the whole district. To keep up this assembly by rotation, the districts shall be equally divided into four classes, and numbered by lot. At the end of one year after the first general election, the eight members elected by the first division shall be displaced, and the vacancies thereby occasioned supplied from such class or division by new

election in the manner aforesaid. This rotation shall be applied to each division according to its number, and continued in due order annually. And for the election of senators, the counties of Brooke, Ohio, and Tyler shall form one district; the counties of Monongalia, Preston, and Randolph shall form another district; the counties of Harrison, Lewis, and Wood shall form another district; the counties of Kanawha, Mason, Cabell, Logan, and Nicholas shall form another district; the counties of Greenbrier, Monroe, Giles, and Montgomery shall form another district; the counties of Tazewell, Wythe, and Grayson shall form another district; the counties of Washington, Russell, Scott, and Lee shall form another district; the counties of Berkeley, Morgan, and Hampshire, shall form another district; the counties of Frederick and Jefferson shall form another district; the counties of Shenandoah and Hardy shall form another district; the counties of Rockingham and Pendleton shall form another district; the counties of Augusta and Rockbridge shall form another district; the counties of Alleghany, Bath, Pocahontas, and Botetourt shall form another district; the counties of Loudoun and Fairfax shall form another district; the counties of Fauquier and Prince William shall form another district; the counties of Stafford, King George, Westmoreland, Richmond, Lancaster, and Northumberland shall form another district; the counties of Culpeper, Madison, and Orange shall form another district; the counties of Albemarle, Nelson, and Amherst shall form another district; the counties of Fluvanna, Goochland, Louisa, and Hanover shall form another district; the counties of Spottsylvania, Caroline, and Essex shall form another district; the counties of King and Queen, King William, Gloucester, Matthews, and Middlesex shall form another district; the counties of Accomack, Northampton, Elizabeth City, York, and Warwick, and the city of Williamsburg, shall form another district; the counties of Charles City, James City, New Kent, and Henrico, and the city of Richmond, shall form another district; the counties of Bedford and Franklin shall form another district; the counties of Buckingham, Campbell, and Cumberland shall form another district; the counties of Patrick, Henry, and Pittsylvania shall form another district; the counties of Halifax and Mecklenburg shall form another district; the counties of Charlotte, Lunenburg, Nottoway, and Prince Edward shall form another district ; the counties of Amelia, Powhatan, and Chesterfield, and the town of Petersburg, shall form another district; the counties of Brunswick; Dinwiddie, and Greensville shall form another district; the counties of Isle of Wight, Prince George, Southampton, Surry, and Sussex shall form another district; and the counties of Norfolk, Nansemond, and Princess Anne, and the borough of Norfolk, shall form another district.

Art. III, § 4: It shall be the duty of the legislature to reapportion, once in ten years, to wit, in the year 1841, and every ten years thereafter, the representation of the counties, cities, towns, and boroughs of this commonwealth, in both of the legislative bodies: Provided, however, That the number of delegates from the aforesaid great districts, and the number of senators from the aforesaid two great divisions, respectively, shall neither be increased nor diminished by such reapportionment. And when a new county shall hereafter be created, or any city, town, or borough, not now entitled to separate representation in the house of delegates, shall have so increased in population as to be entitled, in the opinion of the general assembly, to such representation, it shall be the duty of the general assembly to make provision by law for securing to the people of such new county, or such city, town, or borough, an adequate representation. And if the object cannot otherwise be effected, it shall be competent to the general assembly to reapportion the whole representation of the great district containing such new county, or such city, town, or borough, within its limits; which reapportionment shall continue in force till the next regular decennial reapportionment:

Art. III, § 5: The general assembly, after the year 1841, and at intervals thereafter of not less than ten years, shall have authority, two-thirds of each house concurring, to make reapportionments of delegates and senators throughout the commonwealth, so that the number of delegates shall not at any time exceed one hundred and fifty, nor of senators thirty-six.

## **Constitution of 1850**

Art. IV, § 2: One lot these shall be called the house of delegates, and shall consist of one hundred and fifty-two members to be chosen biennially for and by the several counties, cities, and towns of the commonwealth, and distributed and apportioned as follows: The counties of Augusta and Rockingham and the city of Richmond shall each elect three delegates; the counties of Albemarle, Bedford, Berkeley, Campbell, Fauquier, Franklin, Frederick, Halifax, Hampshire, Harrison; Jefferson, Kanawha, Loudoun, Marion, Monongalia, Monroe, Norfolk, Pittsylvania, Preston, Rockbridge, Shenandoah, and Washington shall each elect two delegates; the counties of Botetourt and Craig shall together elect two delegates. The counties of Accomack, Alexandria, Amherst, Appomattox, Barbour, Brunswick, Buckingham, Cabell, Caroline, Carroll, Charlotte, Chesterfield, Clarke, Culpeper, Dinwiddie, Fairfax, Floyd, Fluvanna, Giles, Gloucester, Goochland, Grayson, Greenbrier, Hanover, Hardy, Henrico, Henry, Highland, Isle of Wight, Jackson, King, William, Lee, Lewis, Louisa, Lunenburg, Madison, .Marshall, Mason, Mercer, Mecklenburg, Montgomery, .Morgan, Nansemond,

Nelson, Northampton, Page, Patrick, Pendleton, Pocahontas, Princess Anne, Prince Edward, Prince William, Pulaski, Putnam, Randolph, Rappahannock, Roanoke, Scott, Smyth, Southampton, Spotsylvania, Taylor, Upshur, Warren, Wayne, Wetzel, Wood, and Wythe, and the cities of Norfolk and Petersburg, shall each elect one delegate. The counties of Lee and Scott, in addition to the delegate to be elected by each, shall together elect one delegate. The following counties and cities shall compose election districts: Alleghany and Bath; Amelia and Nottoway; Boone, Wyoming, and Logan; Braxton and Nicholas; Charles City, James City, and New Kent; Cumberland and Powhatan; Doddridge and Tyler; Elizabeth City, Warwick, York, and the city of Williamsburg; Essex and King and Queen; Fayette and Raleigh; Gilmer and Wirt; Greene and Orange; Greensville and Sussex; King George and Stafford; Lancaster and Northumberland; Matthews and Middlesex; Pleasants and Ritchie; Prince George and Surrey; and Richmond and Westmoreland; each of which districts shall elect one delegate. At the first general election under this constitution, the county of Ohio shall elect three delegates, and the counties of Brooke and Hancock shall together elect one delegate; at the second general election, the county of Ohio shall elect two delegates, and the counties of Brooke and Hancock shall each elect one delegate; and so on, alternately, at succeeding general elections. At the first general election the county of Russell shall elect two delegates, and the county of Tazewell shall elect one delegate; at the second general election, the county of Tazewell shall elect two delegates, and the county of Russell shall elect one delegate; and so on, alternately, at succeeding general elections. The general assembly shall have power, upon application of a majority of the voters of the county of Campbell, to provide, that instead of the two delegates to be elected by said county, the town of Lynchburg shall elect one delegate, and the residue of the county of Campbell shall elect one delegate.

Art. IV, § 3: The other house of the general assembly shall be called the senate, and shall consist of fifty members, to be elected for the term of four years; for the election of whom the counties, cities, and towns shall be divided into fifty districts. Each county, city, and town of the respective districts, at the time of the first election of its delegate or delegates under this constitution, shall vote for one senator; and the sheriffs or other officers holding the election for each county, city, and town, within five days at farthest after the last election in the district, shall meet at the court-house of the county or city first named in the district, and from the polls so taken in their respective counties, cities, and towns, return as senator the person who has received the greatest number of votes in the whole district. Upon the assembling of the senators so elected, they shall be divided in two equal classes, to be numbered by lot. The term of service of the senators of the first class shall expire with that of the delegates first elected under this constitution, and of the senators of the second class at the expiration of two years thereafter; and this alternation shall be continued, so that one-half of the senators may be chosen every second year.

Art. IV, § 5: It shall be the duty of the general assembly, in the year one thousand eight hundred and sixty-five, and in every tenth year thereafter, in case it can agree upon a principle of representation, to reapportion representation in the senate and house of delegates in accordance therewith; and in the event the general assembly, at the first or any subsequent period of reapportionment, shall fail to agree upon a principle of representation and to reapportion representation in accordance therewith, each house shall separately propose a scheme of representation, containing a principle or rule for the house of delegates, in connection with a principle or rule for the senate. And It shall be the duty of the general assembly, at the same session, to certify to the governor the principles or rules of representation which the respective houses may separately propose, to be applied in making reapportionments in the senate and in the house of delegates; and the governor shall, as soon thereafter as may be, by proclamation, make known the propositions. of the respective houses, and require the voters of the commonwealth to assemble at such time as he shall appoint, at their lawful places of voting, and decide by their votes between the propositions thus presented. In the event the general assembly shall fail, in the year one thousand eight hundred and sixty-five, or in any tenth year thereafter, to make such reapportionment or certificate, the governor shall, immediately after the adjournment of the general assembly, by proclamation, require the voters of the commonwealth to assemble, at such time as he shall appoint, at their lawful places of voting, and to declare by their votes. First, whether representation in the senate and house of delegates shall be apportioned on the "suffrage basis;" that is, according to the number of voters in the several counties, cities, towns, and senatorial districts of the commonwealth; Or, second, whether representation in both houses shall be apportioned on the "mixed basis;" that is, according to the number of white inhabitants, contained, and the amount of all State taxes paid, in the several counties, cities, and towns of the commonwealth, deducting therefrom all taxes paid on licenses and law process, and any capitation tax on free negroes, allowing one delegate for every seventy-sixth part of said inhabitants, and one delegate for every seventy-sixth part of said taxes, and distributing the senators in like manner; Or, third, whether representation shall be apportioned in the senate on taxation; that is, according to the amount of all State taxes paid in the several counties, cities, and towns of the commonwealth, deducting therefrom all taxes paid on licenses and law process, and any capitation-tax on free negroes, and in the house of delegates on the "suffrage basis" as aforesaid; Or, fourth, whether representation shall be apportioned in the senate on the "mixed basis" as aforesaid, and in the house

of delegates on the "suffrage basis" as aforesaid; and each voter shall cast his vote in favor of one of said schemes of apportionment, and no more.

### **Constitution of 1864**

Art. IV, § 3: The house of delegates shall be elected biennially, by the voters of the cities of Norfolk and Richmond, and the several counties, on the fourth Thursday in May.

Art. IV, § 4: The counties of Augusta and Rockingham, and the city of Richmond, shall each elect three delegates; the counties of Accomac, Albemarle, Bedford, Berkeley, Campbell, Fauquier, Franklin, Frederick, Halifax, Henrico, Jefferson, Loudoun, Norfolk, Pittsylvania, Rockbridge, Scott, Shenandoah, and Washington, shall each elect two delegates; the county of Dinwiddie and the city of Petersburg shall together elect two delegates, and the city of Norfolk shall elect two delegates. The counties of Alleghany, Amherst, Bottetourt, Caroline, Carroll, Chesterfield, Floyd, Giles, Grayson, Hanover, Henry, Lee, Louisa, Mecklenburg, Montgomery, Nansemond, Nelson, Northampton, Page, Patrick, Prince William, Princess Anne, Rappahannock, Russell, Smyth, Southampton, Spottsylvania, Tazewell, and Wythe shall each elect one delegate. The following counties and cities shall compose election districts: Appomattox and Prince Edward, Amelia, Powhatan, and Nottoway, Bath and Highland, Brunswick and Greenville, Bland and Pulaski, Buchanan and Wise, Buckingham and Cumberland, Charlotte and Lunenburg, Charles City, James City, and New Kent, Clarke and Warren, Craig and Roanoke, Culpepper and Orange, Elizabeth City, York, Warwick, and city of Williamsburg, Essex and Middlesex, Fluvanna and Goochland, Gloucester and Matthews, Greene and Madison, Isle of Wight and Surrey, King George and Stafford, King and Queen and King William; Lancaster and Northumberland, Prince George and Sussex, Richmond and Westmoreland, each of which districts shall elect one delegate. At the first general election under this constitution the county of Alexandria shall elect two delegates and the county of Fairfax one delegate. At the second general election the county of Fairfax shall elect two delegates and the county of Alexandria shall elect one delegate, and so on alternately at succeeding elections.

Art. IV, § 5: The senators shall be elected for the term of four years, for the election of whom the counties, cities, and towns shall be divided into thirty-four districts. Each county, city, and town of the respective districts at the time of the first election of its delegate or delegates under this constitution, shall vote for one senator, and the sheriffs or other officers holding the election for each county, city, or town within ten days at the farthest after the last election in the district, and from the polls so taken in their respective counties, cities, and towns, return as senator the person who has received the greatest number of votes in the whole district . . .

Art. IV, § 6: It shall be the duty of the general assembly, in the year one thousand eight hundred and seventy, and in every tenth year thereafter, to reapportion representation in the senate and house of delegates among the cities of Norfolk and Richmond, and the several counties, from an enumeration of the inhabitants of the State.

### **Constitution of 1870**

Art. V, § 2: The house of delegates shall be elected biennially by the voters of the several cities and counties on the Tuesday succeeding the first Monday in November, and shall be distributed and apportioned as follows: Accomac shall have two delegates, Albemarle shall have three delegates, Amelia shall have one delegate, Alexandria shall have two delegates, Amherst shall have two delegates, Appomattox shall have one delegate, Alleghany and Craig shall have one delegate, Augusta shall have three delegates, Bath and Highland shall have one delegate, Bedford shall have three delegates, Bland shall have one delegate, Botetourt shall have one delegate, Brunswick shall have one delegate, Buckingham shall have two delegates, Buchanan and Wise shall have one delegate, Campbell shall have three delegates, Caroline shall have two delegates, Carroll shall have one delegate, Charles City shall have one delegate, Charlotte shall have two delegates, Chesterfield and Powhatan shall have three delegates, Cumberland shall have one delegate, Culpeper shall have one delegate, Clarke shall have one delegate, Dinwiddie shall have one delegate, Elizabeth City and Warwick shall have two delegates, Essex shall have one delegate, Fauquier shall have two delegates, Fairfax shall have one delegate, Floyd shall have one delegate, Franklin shall have two delegates, Fluvanna shall have one delegate, Frederick shall have one delegate, Giles shall have one delegate, Goochland shall have one delegate, Greensville shall have one delegate, Greene shall have one delegate, Gloucester shall have one delegate, Grayson shall have one delegate, Halifax shall have three delegates, Hanover shall have two delegates, Henrico and Richmond City shall have eight delegates,

Henry shall have one delegate, Isle of Wight shall have one delegate, James City and city of Williamsburg shall have one delegate, King and Queen shall have one delegate, King William shall have one delegate, King George shall have one delegate, Lancaster shall have one delegate, Lee shall have one delegate, Louisa shall have two delegates, Lunenburg shall have one delegate, Loudoun shall have two delegates, Mathews shall have one delegate, Madison shall have one delegate, Mecklenburg shall have two delegates, Middlesex shall have one delegate, Montgomery shall have one delegate, Nansemond shall have one delegate, New Kent shall have one delegate, Norfolk county and the city of Portsmouth shall have three delegates, Norfolk City shall have two delegates, Nelson shall have one delegate, Nottoway shall have one delegate, Northampton shall have one delegate, Northumberland shall have one delegate, Orange shall have one delegate, Patrick shall have one delegate, Page shall have one delegate, Pittsylvania shall have four delegates, Petersburg City shall have two delegates, Prince Edward shall have one delegate, Prince George shall have one delegate, Prince William shall have one delegate, Pulaski shall have one delegate. , Princess Anne shall have one delegate, Rappahannock shall have one delegate, Richmond County shall have one delegate, Rockingham shaft have two delegates, Rockbridge shall have two delegates, Roanoke shall have one delegate, Russell shall have one delegate, Shenandoah shall have one delegate, Smyth shall have one delegate, Southampton shall have delegate, Scott shall have one delegate, Surry shall have one delegate, Stafford shall have one delegate, Sussex shall have one delegate, Spotsylvania shall have one delegate, Tazewell shall have one delegate, Washington shall have two delegates, Warren shall have one delegate, Westmoreland shall have one delegate, Wythe shall have one delegate, York shall have one delegate.

Art. V, § 3: The senators shall be elected for the term of four years, for the election of whom the counties, cities, and towns shall be divided into not more than forty districts. Each county, city, and town of the respective districts, at the time of the first election of its delegates or delegates under this constitution, shall vote for one or more senate respective districts, at the time of the first election of its delegate bearing odd numbers shall vacate their offices at the end of two years, and those elected in districts bearing even numbers, at the end of four years; and vacancies occurring by expiration of term shall be filled by the election of senators for the full term . . .

Art. V, § 4: At the first session of the general assembly after the enumeration of the inhabitants of the State by the United States, a reapportionment of senators and members of the house of delegates, and every tenth year thereafter shall be made.

### **1876 Amendment**

Art. V, § 4: An apportionment of senators and members of the house of delegates shall be made at the regular session of the general assembly next preceding the Tuesday after the first Monday in November, eighteen hundred and seventy-nine, or sooner. A reapportionment shall be made in the year eighteen hundred and ninety-one, and every tenth year thereafter.

### **Constitution of 1902**

Art. IV, § 43: The apportionment of the State into senatorial and house districts, made by the acts of the General Assembly, approved April the second, nineteen hundred and two, is hereby adopted; but a reapportionment may be made in the year nineteen hundred and six, and shall be made In the year nineteen hundred and twelve, and every tenth year thereafter.

## **WASHINGTON**

### **Constitution of 1889**

Art. II, § 3: The legislature shall provide by law for an enumeration of the inhabitants of the state in the year one thousand eight hundred and ninety-five, and every ten years thereafter; and at the first session after such enumeration, and also after each enumeration made by the authority of the United States, the legislature shall apportion and district

anew the members of the senate and house of representatives, according to the number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of the United States army and navy in active service.

## **WEST VIRGINIA**

### **Constitution of 1863**

Art. IV, § 4: For the election of senators, the State shall be divided into nine senatorial districts which number shall not be diminished, but may be increased as hereinafter provided. Every district shall choose two senators, but after the first election both shall not be chosen from the same county. The districts shall be equal, as nearly as practicable, in white population, according to the returns of the United States census. They shall be compact, formed of contiguous territory, and bounded by county lines. After every such census the legislature shall alter the senatorial districts, so far as may be necessary to make them conform to the foregoing provisions.

Art. IV, § 5: Any senatorial district may at any time be divided by county lines or otherwise, into two sections, which shall be equal, as nearly as practicable, in white population. If such division be made, each section shall elect one of the senators for the district; and the senators so elected shall be classified in such manner as the senate may determine.

Art. IV, § 7: For the election of delegates, every county containing a white population of less than half the ratio of representation for the house of delegates, shall, at each apportionment, be attached to some contiguous county or counties, to form a delegate district.

Art. IV, § 8: When two or more counties are formed into a delegate district, the legislature shall provide by law that the delegates to be chosen by the voters of the district shall be in rotation, residents of each county, for a greater or less number of terms, proportioned as nearly as can be conveniently done to the white population of the several counties in the district.

Art. IV, § 9: After every census the delegates shall be apportioned as follows: The ratio of representation for the house of delegates shall be ascertained by dividing the whole white population of the State by the number of which the house is to consist and rejecting the fraction of a unit, if any, resulting from such division. Dividing the white population of every delegate district, and of every county not included in a delegate district, by the ratio thus ascertained, there shall be assigned to each a number of delegates equal to the quotient obtained by this division, excluding the fractional remainder. The additional delegates necessary to make up the number of which the house is to consist shall then be assigned to those delegate districts and counties not included in a delegate district, which would otherwise have the largest fractions unrepresented. But every delegate district and county not included in a delegate district shall be entitled to at least one delegate.

### **Constitution of 1872**

Art. II, § 4: Every citizen shall be entitled to equal representation in the government, and, in all apportionments, of representation, equality of numbers of those entitled thereto, shall as far as practicable, be preserved.

Art. VI, § 4: For the election of Senators, the State shall be divided into twelve Senatorial Districts, which number shall not be diminished but may be increased as hereinafter provided. Every district shall elect two Senators, but where the district is composed of more than one county, both shall not be chosen from the same county. The districts shall be compact, formed of contiguous territory, bounded by county lines, and, as nearly as practicable, equal in population, to be ascertained by the census of the United States. After every such census, the Legislature shall alter the Senatorial Districts, so far as may be necessary to make them conform to the foregoing provision.

Art. VI, § 6: For the election of Delegates, every county containing a population of not less than three-fifths of the ratio of representation for the House of Delegates, shall, at each apportionment, be attached to some contiguous county or counties, to form a Delegate District.

Art. VI, § 7: After every census the Delegates shall be apportioned as follows: The ratio of Representation for the House of Delegates shall be ascertained by dividing the whole population of the State by the number of which the House is to consist and rejecting the fraction of a unit, if any, resulting from such division. Dividing the population of every Delegate District, and of every county not included in a Delegate District, by the ratio thus ascertained, there shall be assigned to each number of Delegates equal to the quotient obtained by this division, excluding the fractional remainder. The additional Delegates necessary to make up the number of which the House is to consist, shall then be assigned to those Delegate Districts, and counties not included in a Delegate District, which would otherwise have the largest fractions unrepresented; but every Delegate District and county not included in a Delegate District shall be entitled to at least one Delegate.

## WISCONSIN

### Constitution of 1848

Art. IV, § 3: The legislature shall provide by law for an enumeration of the inhabitants of the State in the year one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and at their first session after such enumeration, and also after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the Senate and Assembly, according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States Army and Navy.

### 1910 Amendment

Art. IV, § 3: At their first session after each enumeration, made by the authority of the United States, the legislature shall apportion and district anew the members of the Senate and Assembly, according to the number of inhabitants, excluding Indians not taxes, and soldiers and officers of the United States Army and Navy.

## WYOMING

### Constitution of 1889

Art. III, § 3: Each county shall constitute a senatorial and representative district; the senate and house of representatives shall be composed of members elected by the legal voters of the counties respectively, every two (2) years. They shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. Each country shall have at least one senator and one representative; but at no time shall the number of members of the house of representatives be less than twice nor greater than three times the number of members of the senate.