



The Federal Role in Apportionment and Congressional Redistricting: CRS Resources

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This Insight is part of a series of podcast episodes and accompanying written products on elections and campaign finance policy. Congressional staff can access the podcast episode on this topic at [this link](#). For other episodes in the series, see CRS Insight IN12037, *Elections and Campaign Finance Policy: A CRS Podcast Series*, by Karen L. Shanton.

Most U.S. House districts are adjusted at least once every 10 years to reflect shifts in the population. New districts are a product of

- apportionment, or reallocation of House seats among states; and
- redistricting, or redrawing of House district boundaries within states.

This Insight explores the current, past, and possible future roles of the federal government in these processes. It briefly summarizes each role, with links to CRS products that contain more detailed information. For more on apportionment and redistricting in general, see CRS Report R45951, *Apportionment and Redistricting Process for the U.S. House of Representatives*, by Sarah J. Eckman.

Current Role

The federal government plays two main roles in the apportionment and redistricting processes: (1) providing population data for use in the processes through the Census Bureau, and (2) setting federal parameters for the processes through the Constitution, federal statutes, and federal court interpretations of constitutional and statutory provisions. The Department of Justice (DOJ) also [provides enforcement of certain federal parameters](#).

Census Bureau

The allocation of House seats among states is based on the [apportionment population](#), which includes [state resident and overseas population counts](#) collected by the Census Bureau in the [decennial census](#). The Census Bureau also [provides additional data for use in redistricting on state request](#).

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IN12038

Pocket Constitution



The Declaration of Independence
The Constitution of the United States
The Bill of Rights
Amendments XI–XXVII
Gettysburg Address



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- [“Population Equality”](#) in *Apportionment and Redistricting Process for the U.S. House of Representatives*.
- CRS Report R46237, *The 2020 Census: Frequently Asked Questions*, by Jennifer D. Williams.
- CRS Report R44788, *The Decennial Census: Issues for 2020*, by Jennifer D. Williams.
- CRS In Focus IF11015, *The 2020 Decennial Census: Overview and Issues*, by Jennifer D. Williams.

Constitution, Federal Law, and the Federal Courts

The decennial census is required by the [Constitution](#). The Constitution and federal statutes also set other parameters for the apportionment process and its inputs, such as the [number of seats in the House](#), the [timing and method of allocating seats among states](#), and the requirement to [use single-Member districts](#).

The Voting Rights Act of 1965, as amended, prohibits states from drawing redistricting maps that [deny or abridge the right to vote on the basis of race, color, or language minority status](#), with [enforcement by DOJ](#). Some court rulings have had the effect of setting additional federal parameters for redistricting, including the population equality standard and standards of equal protection under the Fourteenth Amendment. Other rulings have had the effect of removing federal constraints or classifying certain issues as the purview of state legislatures or Congress rather than the federal courts.

- [“Apportionment Process”](#) and [“Federal Requirements/Guidelines for Redistricting: History and Current Policy”](#) in *Apportionment and Redistricting Process for the U.S. House of Representatives*.
- CRS Report R44798, *Congressional Redistricting Law: Background and Recent Court Rulings*, by L. Paige Whitaker.
- CRS Legal Sidebar LSB10639, *Congressional Redistricting 2021: Legal Framework*, by L. Paige Whitaker.
- CRS Legal Sidebar LSB10324, *Partisan Gerrymandering Claims Not Subject to Federal Court Review: Considerations Going Forward*, by L. Paige Whitaker.
- CRS Legal Sidebar WSLG1752, *Supreme Court Rules Racial Gerrymandering Claims Do Not Require Conflict with Traditional Redistricting Criteria*, by L. Paige Whitaker.
- CRS Insight IN11547, *Size of the U.S. House of Representatives*, by Sarah J. Eckman.
- CRS Testimony TE10033, *History and Enforcement of the Voting Rights Act of 1965*, by L. Paige Whitaker.

Role of the States

Within the federal parameters described above, states determine *when* congressional district maps are drawn; *who* draws them, such as state legislatures or redistricting commissions; and *how* they are drawn, including which criteria to consider and whether or how to prioritize those criteria.

- [“State Processes for Redistricting”](#) and [“Other Redistricting Considerations”](#) in *Apportionment and Redistricting Process for the U.S. House of Representatives*.
 - CRS Insight IN11053, *Redistricting Commissions for Congressional Districts*, by Sarah J. Eckman.
 - CRS Insight IN11618, *Congressional Redistricting Criteria and Considerations*, by Sarah J. Eckman.
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Past Role

From the late 18th to the early 20th century, Congress [tended to pass new legislation for each apportionment cycle](#) that determined how seats would be allocated among the states and, in some cases, set specific criteria for redistricting. The apportionment acts of 1929 and 1941 largely established the more automated process used for apportionment today but, unlike some of the previous acts, did not set specifics for redistricting.

- [“Federal Requirements/Guidelines for Reapportionment: History and Current Policy”](#) and [“Federal Requirements/Guidelines for Redistricting: History and Current Policy”](#) in *Apportionment and Redistricting Process for the U.S. House of Representatives*.

Possible Options for Future Roles

The federal government currently plays a significant role in apportionment and a more limited role in redistricting. Congress might choose to keep that structure in place, maintaining the current kinds and levels of federal involvement.

Some have also proposed changing the federal role in apportionment or redistricting. Members have introduced legislation that would make changes to the apportionment population, for example, or require or encourage changes to the redistricting process, such as by requiring or funding redistricting commissions or requiring or prohibiting use of certain redistricting criteria.

A motivation some cite for proposing changes to redistricting is to try to ensure one of various measures of fairness or responsiveness in congressional representation. Some have suggested that such objectives might also be achieved by making broader changes to the structure of representation, such as [increasing the size of the House](#) or [using a proportional representation system with multi-Member districts](#).

- [“Congressional Options Regarding Redistricting”](#) in *Apportionment and Redistricting Process for the U.S. House of Representatives*.
- CRS In Focus IF11908, *Voting Rights Act and H.R. 4 (117th Congress): An Overview*, by L. Paige Whitaker and R. Sam Garrett.
- CRS Insight IN11053, *Redistricting Commissions for Congressional Districts*, by Sarah J. Eckman.
- CRS Insight IN11618, *Congressional Redistricting Criteria and Considerations*, by Sarah J. Eckman.
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