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MINNESOTA



LEGISLATIVE RESEARCH COMMITTEE

LEGISLATIVE REAPPORTIONMENT (Reissued)

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The Legislative Research Committee is a joint committee of the legislature, meeting quarterly at the State Capitol and giving advance consideration to problems expected to confront the next legislature.

The Committee (1) acts as a clearing house for current legislative problems by receiving proposals for research studies; (2) determines and directs the study and research necessary for proper consideration of all proposals; (3) disseminates advance information on these problems to other legislators, the governor and the public by means of committee and research reports; and (4) reports to the legislature one month in advance of the regular session.

The Research Department of the Legislative Research Committee is organized to provide an unbiased, factual source of information with regard to problems which may be acted upon by the legislature. This department is engaged in objective fact finding under the general supervision of members of the Committee.



MINNESOTA
LEGISLATIVE RESEARCH COMMITTEE

LEGISLATIVE REAPPORTIONMENT
(Reissued)

Research Report issued pursuant to Proposal No. 80.

A PROPOSAL that the Legislative Research Committee bring up to date and reissue its publication No. 36 entitled "Legislative Reapportionment."

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B R I E F L Y

The idea on which democratic government is based is that the people of a state should govern themselves. In order that each person may have an equal voice in his government, it is necessary that everyone have the opportunity to vote and that each person's vote have equal influence in the forming of government policy.

Each of the 48 states has a representative form of government, and generally speaking, the basis for determining the representation in each of the states' legislatures is established by constitutional provision in terms of population, or modification thereof.

Where there are two houses composing a legislative body, four concepts of representation are possible: 1) both houses apportioned on the basis of population alone; 2) one house based on population and the other on a combination of area and population or only area; 3) both houses based on some combination of area and population; 4) both houses based on area only. The last concept has not been adopted by any one of the 48 states.

Twenty-two states provide for apportionment of representation to their Senate on the basis of population alone with modifications and exceptions not concerned with consideration of area. Sixteen states provide for apportionment of representation to their lower house of the Legislature on the basis of population with no provisions for consideration of area.

The typical state constitution designates the legislature as the apportioning authority, but the failure of the legislature to perform its duty or general dissatisfaction with the results of legislative action has resulted in some states providing for alternatives. Ex officio agencies or permanent commissions have been delegated the apportionment function, either with original authority or with authority to act in case of default by the legislature.

Six states -- California, Florida, Michigan, Oregon, South Dakota and Texas -- have provided for alternative procedures in case the legislature fails to reapportion as required. Four states have provided for an agency other than the legislature to effect reapportionment in one or both houses -- Arizona, Arkansas, Missouri and Ohio.

Many state constitutions contain provisions for limiting the maximum or minimum size of one or both houses of the legislature. Six states have no restriction on the size of one house or the other, but Minnesota's is the only constitution which has no restrictions on the membership of both houses.

Thirty-three state constitutions (including Minnesota's) require reapportionment of both houses of the legislature after each federal census or every ten years. Reapportionments in the states have not been made as often as is required. Reapportionment is most effective in those states where an alternative apportioning authority is designated in the constitution or where reapportionment rests with an executive board which reapportions without any legislative direction.

Within the period 1931-40 only twenty-three states reapportioned their legislatures, twenty-one of which reapportioned both houses. In some states the last reapportionment dates back over 50 years. In Minnesota it has been 41 years since the Legislature has been reapportioned.

All nine states employing non-legislative boards or commissions authorized to perform the reapportionment function have reapportioned between 1951 and 1954. Of the thirty-nine states which do not have this provision, thirteen have reapportioned most recently in the 1950's, twelve in the 1940's, five in the 1930's, three in the 1920's, and four (including Minnesota) in the period from 1900 to 1920.

The Minnesota State Constitution provides that the Legislature "shall have the power" to apportion both houses of the Legislature on the basis of population, exclusive of Indians not taxed, at their first session after each census enumeration. Courts have construed this section of the Constitution as imposing a duty of reapportionment and that such duty so imposed continues until performed.

Bills for reapportionment of the Legislature have been introduced in past sessions in both houses but thus far with no success. House File 827 introduced in the 1949 session would have increased the size of the Legislature by adding to the representation from some districts in Hennepin and Ramsey Counties and from Dakota and Olmsted Counties. It received a favorable vote in both houses, but it failed to receive the necessary two-thirds majority vote in the Senate to place it on Special Orders. No other single bill has reached consideration by both houses.

The only restriction in the Constitution on the formation of legislative districts is that they must be of convenient contiguous territory and that no representative district be divided in the formation of a senate district. Census tracts which are defined by the Bureau of the Census for the purpose of population enumeration would provide a permanent accurate basis on which to establish legislative districts in the metropolitan areas. Their area would not be subject to the periodic changes of ward and precinct lines, the present basis used in determination of legislative districts.

Based on the present membership of 67, the population each Senator should represent is approximately 44,515; the present senatorial districts' populations range from a high of 153,455 to a low of 16,878. Representation in the metropolitan areas ranges from 153,455 in one district to a low of 27,575.

Each of the 131 members of the House should represent an average population of 22,767. The present range in district populations varies from a high of 107,246 to a low of 7,290. The most seriously over-represented district in the state is found to be in the metropolitan area although the greater number of the over-represented districts are in the out-state districts.

Twenty-two counties in the state have had population increases since 1910 of more than 43.7% -- the 1910-1950 increase of the state as a whole. Eleven counties had decreases in population during that same period of time.

Redistricting of Congressional apportionment is a function of the state legislatures, but the number of Congressmen from each state is calculated by the Census Bureau subject to Congressional approval. Based on the 1950 census figures and the tabulation prepared by the Census Bureau on congressional reapportionment, Minnesota did not gain or lose seats in Congress. At present there are nine Congressional districts in the state, the same number as were created in the 1933 redistricting when the delegation was decreased from ten to nine.

The 1933 redistricting was based on the 1930 census, and the range in population of the districts ranged from a high of 303,000 to a low of 253,000. The present range, on the basis of the 1950 census, is from a high of 434,000 to a low of 273,000.

INTRODUCTION

The idea on which democratic government is based is that the people of a state should govern themselves. As a society becomes more and more complex, it becomes necessary to secure the working of this principle through a system of representation in which the people through an electoral process choose from among themselves representatives to make decisions for them in accord with their intentions. In order that each person may have an equal voice in his government, it is necessary that everyone have the opportunity to vote and that each person's vote have equal influence in the forming of government policy.

When it has been established that the people from each of certain fixed areas are to select representatives and when it is seen that the population of those areas changes from time to time in relation to the whole population, rearrangement of the electoral process will be necessary to preserve the equality of representation. The readjustment of representation areas to compensate for changes in population is referred to as reapportionment -- the process of redistributing representation to compensate for changes in population proportions between areas from which representatives are chosen.

Each of the 48 states has a representative form of government, and generally speaking, the basis for determining the representation in each of the states' legislatures is established by constitutional provision in terms of population (some exceptions being made for modification of the population to provide for conformity with local governmental units, primarily for convenience in election administration). Many states' provisions, however, recognize the existence of local units of government and introduce the area concept of representation by requiring that each of certain local units be equally represented regardless of population.

Probably every state in the Union at some time or other has been faced with the problem of legislative reapportionment. Minnesota is no exception. It is recognized that a representative body, to command and retain the respect of the whole electorate, must provide a standard for the distribution of its membership among that electorate according to a fair and equitable standard. The rapid growth of our population and its characteristic of mobility bring about the recurrent need for reapportionment of our representation to maintain a fair standard of participation in the process of government.

Various bills for reapportionment of the Legislature have been introduced in past sessions in both houses but thus far with no success. The bill which came the closest to passage was House File 827 introduced in

the 1949 session. It passed the House but was lost in the Senate on a vote to put it on Special Orders. The vote in the Senate was 38-27 -- a favorable majority vote but seven short of the necessary two-thirds to put it on Special Orders. House File 827 did not call for complete reapportionment but would have increased the size of the Legislature by adding to the representation from some districts in Hennepin and Ramsey Counties and the districts composed of Dakota County and of Olmsted County.

No other single bill of either house has in recent years been considered by both houses, the bills in most cases having been lost in committee or re-referred to committee on second reading.

It is the purpose of this report to investigate and report the inequalities in representation resulting from the growth of population in different parts of the state since the last apportionment in 1913, and to present briefly the provisions for apportionment and apportionment adjustments in other states of the Union.

The terms "apportionment," "reapportionment" and "redistricting" are often used interchangeably, but strictly speaking, apportionment means the assigning of a certain number of representatives to whatever areas are provided for. Reapportionment would be the reassignment to those areas of a new quota of representatives on the basis of a new ratio of representation. Redistricting, on the other hand, would consist of the laying out anew of areas of representation. Discussion of the problem of reapportionment in Minnesota has developed the usage of including redistricting, so in this report the technical distinction between the two terms will not be followed; reapportionment will be used to include the redistricting process.

LEGISLATIVE REAPPORTIONMENT

The most important aspect of any apportionment system is the selection of a representation base. There are generally four schemes: 1) population or modification thereof; 2) area; 3) voting participation; and 4) functional, according to occupational or economic groupings. The last scheme has not been adopted in any of the 48 states, and only one state (Arizona) bases its apportionment on voting participation.

Popular representation is generally thought of as the natural base of legislative apportionment in the states, but in practice it is found to be modified in many states by devices which place a ceiling on the representation from populous areas or which guarantee minimum representation to all counties or similar political subdivisions.

Two concepts of legislative representation thus come into practice among the various states: that of representation on the basis of population only and second, some combination of area and population considerations. When there are two houses composing a legislative body, four fundamental possibilities are seen: 1) both houses are apportioned on the basis of population alone; 2) one house based on population and the other on a combination of area and population or only area; 3) both houses are based on some combination of population and area; and 4) both houses based on area only. (This concept has not been followed.)

Reapportionment Provisions in the Various States

Appendix Table A presents the constitutional provisions for reapportionment in the 48 states and the agency which is responsible in the state for carrying out reapportionment. That table is summarized below.

Basis for Apportionment -- There is no uniform pattern among the state constitutions for determination of the basis for the apportionment of legislatures. Many of the states may require population as the basis for the determination of representation, but they include limitations and exceptions to the population factor which vary from state to state.

In thirteen states¹ (including Minnesota) the constitution specifies

¹ Colorado, Illinois, Indiana, Massachusetts, Minnesota, Nebraska, North Dakota, Oregon, South Dakota, Tennessee, Virginia, Washington and Wisconsin. In Indiana the count is restricted to males over 21 years of age, and in Tennessee it is restricted to qualified voters.

that legislative districts of both houses be constructed on the basis of population alone (with minor exclusions such as Indians not taxed, soldiers and sailors on active duty, etc.).

Because of the variation in the provisions for apportionment of representation to each house of the legislature in the several states, the apportionment provisions for each house will be considered separately. The Nebraska unicameral legislature which is apportioned on the basis of population is excluded from listings below.

1. Apportionment of the state Senates

Twenty-two states provide for apportionment of representation to their Senate on the basis of population alone with modifications and exceptions not concerned with consideration of area.

Of the other states, five¹ provide for population basis restricted with a provision that each county (or some other local unit) be represented by at least one Senator. Seven others² specifically provide for one Senator from each county or other unit with no reference to population. Eight states³ provide for a population base but restrict the number of Senators from any one county.

In another four states the districts are fixed by their constitutions: Arizona, Delaware, Michigan and Mississippi.

In one state, New Hampshire, the apportionment is based on the direct taxes paid.

2. Apportionment of the lower house of the legislatures

Sixteen states⁴ provide for apportionment of representation to their

¹ Connecticut, Maine, Rhode Island, Vermont, Wyoming.

² Idaho, Maryland, Montana, Nevada, New Jersey, New Mexico, South Dakota.

³ Alabama, California, Florida, Iowa and Texas restrict representation to one from each county. New York provides that no county may have more than 1/3 of the total membership nor any two adjoining counties more than 1/2. Pennsylvania provides that no county may have more than 1/6 of the membership. West Virginia provides that no two members may come from one county unless the county constitutes a district.

⁴ California, Colorado, Illinois, Massachusetts, Minnesota, Montana, Nevada, New Hampshire, North Dakota, Oregon, South Dakota, Tennessee, Virginia, Washington, Wisconsin.

lower house of the legislature on the basis of population alone with no provisions for consideration of area.

Twenty-five states¹ provide for at least one representative from each county or some other local unit. The apportionment in all of these twenty-five states is based on a restricted population basis with the exception of Vermont where each inhabited town, regardless of size, is entitled to one representative. The Maryland, Michigan and Kentucky provisions are slightly different but fall generally into this category. In the Maryland House of Delegates apportionment, each county is entitled to a minimum of two representatives; in Kentucky no more than two counties may be joined to form a single district; and in Michigan any county with a moiety (one-half or more) of the ratio of population is entitled to separate representation.

The constitutional provisions in two states (Maine and Texas) bring the area factor into consideration by restricting the number of representatives which may come from any one unit. In Maine no town may be represented by more than seven members unless it is a consolidated town.² In Texas no county may be represented by more than seven members unless its population is greater than 700,000, in which case it is entitled to one additional for each 100,000 population.

In two states (Delaware and New Mexico) the apportionment for the lower house is fixed by the constitution.

The apportionment scheme for the Arizona House of Representatives is peculiar in that it is based on the number of votes cast in each county for governor in the last gubernatorial election. The total membership is restricted, and after one membership is assigned to each county the remaining memberships are assigned according to the number of votes cast as described above.

In Connecticut each town of 5,000 population or over is entitled to

¹ Alabama, Arkansas, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, West Virginia, Wyoming.

² The term "town" as used in the New England States differs from the land survey "township" of the middle west. The New England towns are much more urban in character than the units of the middle west and have taken on many urban government functions and have a more natural political development in relation to the social structure.

two members in the House, and other towns are to have representation as set in 1874.

Agency Responsible for Reapportionment -- While the typical state constitution designates the legislature as the apportioning agency, the failure of the legislature to perform its duty or general dissatisfaction with the results of legislative action has resulted in some states providing for alternatives. In a few states ex officio agencies or permanent commissions have been delegated the apportionment function either with original authority or with authority to act in case of default by the legislature. Another device is the "automatic" apportionment scheme whereby local authorities have been delegated the function of districting an automatically allotted number of legislative seats.

1. State Apportionment by Legislative Body

In 37 state constitutions (including Minnesota's) the legislature is made responsible for reapportioning membership of the whole legislature. The constitutional provisions vary in terminology -- some state that the legislature "shall" perform, some state that it "may," and others state that it "shall have the power"¹ to perform the reapportioning function. Regardless of wording, however, interpretations generally have been that when the constitution provides for periodic reapportionment and delegates the duty to the legislature, either on a mandatory basis or a permissive basis, it is the responsibility of the legislature to perform its duty at the specified intervals.

In three states the legislature is made responsible for reapportioning only one of the two houses. In Connecticut and Vermont the legislatures are to reapportion the Senates, but no provisions are made for reapportioning of the Houses. In Michigan according to a constitutional amendment adopted in November 1952 the membership of the Senate is fixed, and the reapportionment of the House is made a function of the legislature.

2. State Apportionment by an Agency if the Legislature Fails to Act

Six of the above 40 states have provided for alternative procedures in case the legislature fails to reapportion as required.²

In California a reapportionment commission composed of the lieutenant

¹ Minnesota is included in this category.

² California, Florida, Michigan, Oregon, South Dakota, Texas.

governor, attorney general, secretary of state and superintendent of public instruction is required to reapportion both houses if the legislature fails to do so. The actions of the California Board of Apportionment, as well as those of the legislature in regard to reapportionment, are subject to referendum of the people.

In Michigan the State Board of Canvassers may reapportion only the House if the legislature fails to act. This plan was recently adopted by constitutional amendment in November, 1952.

By an initiative measure adopted the same year in Oregon, the secretary of state is made responsible for reapportioning the legislature. The actions of the secretary of state are subject to review by the Supreme Court.

In South Dakota a reapportionment commission composed of the governor, superintendent of public instruction, presiding judge of the Supreme Court, attorney general and secretary of state performs the reapportioning function if the legislature fails to do so after the federal census figures are published.

The Texas system provides for a Legislative Redistricting Board which reapportions if the legislature fails to act. This Board is composed of the lieutenant governor, speaker of the house, attorney general, comptroller of public accounts and commissioner of general land office.

The Florida constitution authorizes the governor to call a special session of the legislature if it fails to reapportion at the stated time. During this special session the legislature is "mandatorily required to reapportion" and may not consider any other business and may not adjourn until apportionment is completed. While this Florida provision does not set up a reapportionment commission of executive officers, it does provide an alternative to regular legislative action.

3. State Apportionment by an Agency Other Than the Legislature

In four states (Arizona, Arkansas, Missouri and Ohio) the state constitutions provide for an agency other than the legislature to effect reapportionment in one or both houses.

In Arizona the House is reapportioned by the County Boards of Supervisors, and the senatorial districts are prescribed in the constitution with no provision for reapportionment. Each of the 14 counties is to have one representative in the House and the remainder of the 80 representatives

are apportioned among the counties.¹

In Arkansas the constitution provides that reapportionment of the legislature is to be done by a Board of Apportionment consisting of the governor, secretary of state and attorney general. The Board files its report immediately following each federal census, and their reapportionment becomes effective thirty days after filing unless action is brought against it in the state Supreme Court.

Missouri's new constitution which was adopted in 1945 placed the reapportioning authority in a bipartisan commission of ten members appointed by the governor for the Senate reapportionment.² The commission must be appointed within 90 days after the publication of the federal census, and if they fail to file their statement on apportionment within six months after their appointment, the senators are to be elected at the next election from the state at large. Apportionment of the Missouri House of Representatives is based on the county units with additional representation granted to counties with large populations. On the taking of each federal decennial census, the secretary of state certifies to the county courts (i.e., county board -- not a judicial body) the number of representatives to be elected in the respective counties according to a ratio established in the constitution. The county courts in those counties which are entitled to more than one representative then divide the county into districts for the election of members to the House.

Ohio's reapportionment authority is similar to that in Arkansas. The constitution provides that the governor, secretary of state and auditor, or any two of them, reapportion both houses of the legislature after the publication of each census. The number of senators and representatives is fixed by the constitution, the districts are determined by equal population units. In actual practice the ratio and apportionment procedure set forth in the constitution accomplishes reapportionment prior to each legislative (4 years) election.

4. Automatic Apportionment

¹ The constitutional amendment adopted in September, 1953, was upheld by the Arizona Supreme Court in December the same year. (National Municipal Review, 42:514 and 43:86).

² The state committees of the two political parties casting the highest vote for governor in the preceding election each submit ten names to the governor, and he selects five from each list of ten within thirty days after they are submitted. (Missouri Constitution, Article III, Sec. 7).

In only one state (Maine) does reapportionment take place automatically. No legislative action is necessary. Representation in the House is based on population but each town is entitled to at least one member, and no town may have more than seven unless it is a consolidated town. In the Senate, representation is based on population also, but every county is entitled to at least one member and no more than five. A precise population formula has been devised for determining the additional members for both the House and the Senate.

5. Apportionment by Initiative

In the states of California, Colorado, Oregon and Washington reapportionment by direct vote of the people is the initiative procedure. A total of 19 states' constitutions have provision for direct legislation through the initiative procedure.¹ Where the initiative is provided for ordinary legislation, however, the wording of the authorization may preclude the possibilities of its application to the reapportionment problem. The Supreme Courts of Massachusetts and Missouri have denied the use of initiative to reapportionment.²

Court Review of Apportionment Actions -- The constitutions of Arkansas, New York, Oklahoma and Oregon specifically provide for Supreme Court review of reapportionment actions, but they have been reviewed in other states where no specific authorization is provided. Under the separation of powers doctrine the courts in the states have not held the legislatures to be subject to mandamus, but in the cases where ex officio administrative officials or commissions are authorized to perform the reapportioning it is possible that they would be subject to mandamus action, even in the absence of specific provision. The Arkansas constitution provides that the Supreme Court can compel the executive board to perform its apportionment duties and may review any action of the board or even substitute its own apportionment. No other state's constitution provides such specific compulsion by the courts.

Limitations in State Constitutions on Number of Members -- Many state constitutions contain provisions for limiting the maximum or minimum size

¹ The Book of the States, 1954-55, p. 143. (Minnesota's constitution has no provision for legislative initiative, either as to ordinary legislation or as to reapportionment.)

² Lashley G. Harvey, "Reapportionments of State Legislatures -- Legal Requirements," Law and Contemporary Problems, 17:364-376 (Duke University Law School), Spring, 1952.

of one or both houses of the legislature. In some instances the number of members is specifically stated in the constitution, and in others a definite size is effected through a stipulated apportionment ratio. (An example of the latter is the provision in the Pennsylvania constitution for the House representation ratio to be arrived at by dividing the state population by 200.) Practically speaking, in those states in which provision is made for a stipulated representation from each county, a definite size is effected.

Seventeen states' constitutions (including Nebraska's) provide for the number of members in both houses. Eleven provide for the number of members in the Senate only, leaving the determination of the actual size of the lower house to legislative action. Only two states' constitutions (Georgia and Mississippi) state the size of the lower house only, but in each case a maximum size limitation is placed on the Senate membership.

Twelve states' constitutions provide a maximum size limitation on both houses while leaving to legislative determination the actual size of the bodies. In an additional three states the size of the upper house only is subject to a maximum limitation, and in another ten states the size of the lower house only is subject to a constitutional maximum. In some states the size of one house is subject to a maximum limitation while the size of the other house is fixed in the constitution. In eight states both maximums and minimums are provided for both houses, and in seven both limitations are provided for only one house.

Seven states' constitutions provide that a certain proportion shall exist between the membership of the two houses. In such cases the size of one house is proportionately limited by the restrictions placed on the size of the other.

Six states have no restrictions on the size of one house or the other, but Minnesota's is the only constitution which has no restrictions on the membership of both houses. (The provision in the Minnesota Constitution that each senator must represent at least 5,000 inhabitants and each representative 2,000 no longer has any practical effect.)

The Federal Plan of Apportionment

On the federal level the Senate is made up of two members from each state while members of the House of Representatives are determined by the population of the state with the exception that every state is entitled to at least one representative.

Before 1920 with each federal census the membership of the House

increased with the increases in population. In 1929 membership in the House was limited by law to 435 members. Since that time, efforts have been made to increase the size, but they have been unsuccessful. The United States Constitution states that the number of members of the House shall not exceed one for every 30,000 inhabitants -- a limitation of little practical importance now.

Under the present federal method of apportionment, the Bureau of the Census in the Department of Commerce, after the completion of the decennial census, prepares a tabulation of the number of representatives each state is entitled to under the "equal proportions" formula. The President submits the tabulation to Congress, and unless Congress intervenes, the reapportionment drafted by the Bureau of the Census goes into effect. Thus the plan is automatic unless Congress decrees otherwise.

If a state loses or gains representation in the House and redistricting is necessary, the district changes are made by the state legislature. If a state's legislature fails to reapportion its congressional districts, the United States Supreme Court has ruled that any increase in membership must be elected at large. In the event there is a decrease in the state's representation, all the remaining representatives must be elected at large until the state congressional districts are reapportioned.

The federal reapportionment law contains no requirement that the congressional districts be of compact and contiguous territory as is generally provided in the state constitutions for legislative reapportionments. Thus the state legislatures have more freedom in redistricting congressional apportionment than they do with respect to their own districts.

Frequency of State Apportionments

In thirty-three state constitutions (including Minnesota's)¹ reapportionment is required for both houses of the legislature after every federal census or every ten years. In one of these states (Ohio) the reapportionment plan is set up so as to effect a reapportionment prior to each legislative election. In Indiana reapportionment is to be made each six years, and in Kentucky the legislature is to reapportion every five years. Six states' constitutions require reapportionment of only one house of the legislature every ten years and do not provide for reapportionment of the other house. Of the six, Arizona's constitution provides for reapportionment

¹ State ex rel Meighen v. Weatherill, 125 Minn 336, commented on below, see page 14.

of its House of Representatives prior to each gubernatorial election but makes no provision for reapportionment of the Senate. The constitutions of three states (Idaho, Nebraska and Nevada) contain no reference to intervals at which reapportionments are to be made and leave the times of reapportionments to the discretion of the legislature. In four states (Delaware, Maryland, Montana and New Mexico) the constitution contains no requirements for reapportionments of either house, and any apportionment changes would have to be effected by constitutional amendment.

Reapportionments in the states have not been made as often as is required by the various constitutions. The state legislatures have been reluctant to redistrict for a variety of reasons, such as, the fear of loss of seats in those areas where the population has decreased (either absolutely or in relation to the population of the state as a whole) and because of the prevailing differences between the urban and rural points of view.

Court decisions have indicated that legislative bodies cannot be compelled to apportion in many states where the legislative body is the sole apportioning authority. Reapportionment is most effective in those states where an alternative apportioning authority is designated in the constitution or where reapportionment rests with an executive board which reapportions without any legislative direction.

Within the period 1931-40 only twenty-three states reapportioned their legislatures, twenty-one of which reapportioned both houses.¹ In some states the last reapportionment dates back over 50 years. In Minnesota it has been 41 years since the Legislature has been reapportioned.

Twenty-six states reapportioned their legislatures during the ten-year period from 1941-50.² In addition Connecticut and New Hampshire each reapportioned one of their houses. In the four years since 1950, sixteen states have reapportioned their legislatures, and an additional three (Connecticut, Maine and New Hampshire) reapportioned one house. The Connecticut reapportionment of its Senate, however, was nullified by a Supreme Court ruling.

Twelve states' legislatures enacted reapportionment legislation

¹ Shull, Charles W. "Reapportionment: A Chronic Problem, "National Municipal Review, February, 1941, p. 77.

² Book of the States, 1954-55, pp. 114-118.

during their 1952 or 1953 legislative sessions.¹ Colorado, Michigan, Virginia and Wisconsin reapportioned both houses, and important constitutional amendments are pending voters' approval in Colorado, Illinois and Utah. The Colorado amendment would establish a commission to perform the reapportioning function when the legislature fails to do so.

In summary, all nine states employing non-legislative boards or commissions authorized to perform the reapportionment function have reapportioned between 1951 and 1954. Of the thirty-nine states which do not have this provision, thirteen have reapportioned most recently in the 1950's, twelve in the 1940's, five in the 1930's, three in the 1920's, and four (including Minnesota) in the period from 1900 to 1920.²

Reapportionment of congressional districts in those states where the state delegation has been increased has been slow in some states, and state legislatures have been inclined to permit the increase in representatives to be elected on a statewide basis rather than on the basis of reapportioned districts. Minnesota's Congressional delegation was not changed in number following the 1950 census, and all Minnesota Congressional representatives are elected from individual districts.

¹ Arizona, Colorado, Connecticut, Illinois, Iowa, Michigan, Ohio, Pennsylvania, South Carolina, Utah, Virginia, Wisconsin. (Source: Council of State Governments, American Legislatures: Structure and Procedures, April, 1954, p. 45.)

² Book of the States, 1954-55, p. 98.

REAPPORTIONMENT IN MINNESOTA

The legal basis for reapportionment of the Minnesota Legislature is the state constitution. Under Section 2, Article IV of the Constitution the basis for determining representation in both houses of the legislature is population, exclusive of Indians not taxable under provisions of the law.¹ The section further provides that every state senator must represent at least 5,000 inhabitants and every representative at least 2,000. (A meaningless provision at this time.) The only other limitation on the reapportionment process is the constitutional requirement that senators shall be chosen by single districts of convenient contiguous territory and that no representative district should be divided in the formation of a senate district.

Apportioning Authority in Minnesota

The apportioning authority in Minnesota is the Legislature. It is granted this power in the Constitution under Section 23 of Article IV which provides the Legislature "shall have the power" to apportion. Minnesota courts have construed this section of the Constitution as "imposing a duty of reapportionment, and that the duty so imposed continues until performed."² Under the separation of powers doctrine which forms the basis of our form of government, the legislative branch is immune from mandamus action and courts appear to have no direct means of forcing the Legislature to effect reapportionment.³

Census Tracts as a Basis for Metropolitan Legislative Districts

The Constitution vests in the Legislature the authority to establish legislative districts throughout the state. The only restriction on this authority is that the districts must be of convenient contiguous territory and that no representative district be divided in the formation of a senate district.

Census tracts which are defined by the Bureau of the Census for the

¹ On the basis of administrative and judicial rulings it has been held that the phrase "Indians not taxed" means Indians not subject to taxation, and since all Indians today are subject to some form of taxation, there are no more "Indians not taxed" within the meaning of the federal and state constitutions.

² State ex rel Meighen v. Weatherill, 125 Minn 336, at 341.

³ Smith v. Holm, 220 Minn 486, at 491.

purpose of population enumeration would provide a permanent accurate basis to establish legislative districts and ward lines in cities. (See metropolitan census tract maps in Appendix.) Census tracts, which are confined to metropolitan areas, have permanent boundary lines; they may be subdivided from time to time as population increases, but their original boundaries do not change. Legislative districts defined according to these tracts would be convenient to enumerate, and their boundaries would coincide with permanent census lines rather than with ward lines which may be radically changed from one reapportionment to another. An accurate determination of the population of present metropolitan legislative districts is not possible where ward lines enumerated in the 1913 reapportionment have been changed. Estimates can be made only through the use of census tracts, enumeration districts and estimates based on housing block statistics.

The possibility of redistricting the metropolitan areas according to census tracts is not denied by Constitutional restrictions. It has been the practice in the past to lay out legislative districts on the basis of city ward and precinct lines existing at the time of reapportionment. These ward lines are determined by local units of government and are subject to change from time to time between legislative apportionments. The automatic apportionment procedure provided for in the charter of the city of Minneapolis makes it highly desirable that the permanent census tracts be used as a basis for defining legislative districts.

Our Constitution refers to the decennial censuses as the bases for legislative apportionments. Statutory provision for legislative redistricting along the lines of census tracts would be a natural step in the direction toward more convenient compliance with that constitutional directive. When traditional use is the sole justification for a particular procedure and thoughtful consideration suggests departure from that cumbersome procedure, then adhering to the tradition is inconsistent with good judgment.

Frequency of Reapportionment

The Minnesota Constitution provides for reapportionment by the Legislature at the first session after each census enumeration made either by the federal government or the state. Since the Legislature no longer provides for a census enumeration by the state, reapportionments must be based on the decennial federal census. Redistricting of legislative districts in the state has not taken place every ten years as required by the constitution. Since the last reapportionment of the Minnesota Legislature in 1913, four federal censuses have been taken.

The original apportionment of the Legislature of 1857 was provided for in the Schedule of the Constitution. Reapportionments were made in 1860, 1866, 1871, 1889, 1897 and 1913. None have been made since 1913.

Representation in the State Senate

Based on the present membership of 67, the population each Senator should represent is approximately 44,515 -- the 1950 state population divided by the number of Senators. This figure is the ideal average and would be difficult to achieve in actual reapportionment. The present senatorial districts' populations range from a high of 153,455 in District 36 (Rural Hennepin) to a low of 16,878 in District 3 (Wabasha County). This represents a deviation spread from 62.1% over representation to -244.7% under representation considering the variations from the ideal district population of 44,515.

In any actual reapportionment, however, the exact representation ratio cannot be achieved because districts are established along county, ward or other convenient lines. A committee of the American Political Science Association, recognizing that it is impossible to achieve the ideal ratio, has recommended that a deviation of 15% above and 15% below the ideal ratio would be acceptable in comparison to the disparities which actually exist from state to state. If this tolerance criterion is arbitrarily accepted for purposes of comparison, the senatorial districts of the state may be divided into three groups: those which are over represented more than the 15%, those which are under represented more than 15%, and those which are grouped about the ideal ratio with a deviation of 15% over and 15% under.

Appendix Table B presents the state senatorial districts, their 1950 population, and the per cent that each deviates from the ideal, average-sized district. The table consists of three parts according to the groupings described in the preceding paragraph. It will be noted also that the districts within each group are arranged in descending or ascending order, respectively, as to over and under representation.¹

According to the data contained in Appendix Table B, there are twenty-nine senatorial districts embracing thirty-seven counties and parts of five

¹ Unfinished Ph. D. thesis, University of Minnesota, by John A. Bond (Populations for Districts 19, 28-42, 45, 46, 55, and 57-61 were compiled by the author from census tracts, enumeration districts and housing block statistics).

other counties which are substantially over represented in the Senate. Twenty-three of the senatorial districts embracing thirty-five counties and parts of three other counties fall within the 15% recommended deviation. Fifteen senatorial districts embracing ten counties and parts of five other counties are substantially under represented. Those over-represented districts which vary more than the recommended 15% range in disparity from 17.0% to 62.1%, and those under-represented districts which vary more than 15% from the ideal range from 15.3% to 244.7%.

The average population represented by the nine senators from Hennepin County was 75,175, but the variation in population size of the Hennepin County districts ranges far above and below the average. District 36¹ in Rural Hennepin had a 1950 population of 153,455, and District 28 in Minneapolis had a population of 27,575. Comparable disparities also exist in Ramsey County where the over-all average population represented by each of the six senators was 59,222, but where the district populations vary from 36,955 in District 37 to 120,107 in District 42. It would appear from an over-all average that the five senatorial districts which include St. Louis County would be properly represented; the state representation ratio of 44,515 is only slightly above the average population represented from Districts 57-61 (43,212). The population of the individual districts, however, range from 29,182 in District 58 to 55,707 in District 57.

The five most over-represented senatorial districts contain a population of 97,098 while the five most under-represented senatorial districts contain a population of 560,122, yet each are represented in the Senate by the same number of members. 34.3% of the senatorial districts fall within the 15% deviation range from the average-sized district.

Representation in the House of Representatives

The present Minnesota House of Representatives has 131 members. Based on the 1950 population of the state, each House member should represent an average of 22,767. The present representative districts' populations range from a high of 107,246 to a low of 7,290.

Appendix Table C lists the representative districts in three groups according to whether they are over represented, under represented or within the 15% deviations from the average as explained above under the section

¹ A special census in two municipalities in this district shows a substantial increase over the 1950 census. Figures are not presented, as comparable figures for other areas of the district are not available.

concerned with senatorial representation. The disparities range from 68.0% in over representation in part of District 40 (St. Paul, Ward 4) to 371.1% under representation in the south part of District 36 (Rural Hennepin).

Fifty-four counties and parts of five others are over represented in the House of Representatives -- that is, they are more than 15% over represented. Seventy-five members are elected from these districts. Thirty-one representatives are elected from districts which are more than 15% under represented; these districts compose twelve counties and parts of four others. Sixteen counties and parts of four others elect twenty-five representatives from districts whose populations do not deviate more than 15% from the average of 22,767.

Most of the under-represented representative districts are of the metropolitan areas or adjacent to them, but it will be noted that the most over-represented district in the state is part of District 40 in St. Paul and that District 28 in Minneapolis is seriously over represented. In the House of Representatives, as in the Senate, there are wide variations in the representation ratios from district to district in the metropolitan areas; the metropolitan counties as a whole are seriously under represented, but a few of the districts within those counties are seriously over represented.

There are instances where senatorial districts which are composed of more than one county are under represented in the Senate while one of those counties is greatly over represented in the House. An example of this situation would be District 5 which is composed of Dodge and Mower Counties. This district is seriously under represented in the Senate, but Dodge County is seriously over represented in the House and Mower County is correspondingly under represented in the House.

The five most over-represented districts in the House elect five members and contain a population of 44,141; the five most under-represented districts contain a population of 338,954 (7.7 times the population of the five most over-represented) and also elect five members. Only 18.7% of the representative districts fall within the 15% deviation from the average for the whole state (see Part 2 of Appendix Table C).

Population Changes of Minnesota Congressional Districts

Based on the 1950 census figures and the tabulation prepared by the Census Bureau on congressional reapportionment, Minnesota did not lose or gain seats in Congress. At present there are nine congressional districts in Minnesota, the same number as were created in the 1933 redistricting

when the congressional delegation was decreased from ten to nine.

While the number of representatives per state is determined by Congress and the population of the state, each state legislature determines the boundary lines of the districts from which these representatives are elected. As a state's population increases, shifts in population tend to cause districts to become more densely populated than others. Table I lists the 1930 and 1950 population of the Minnesota Congressional districts and the gain in population of each district during the 20-year period.

TABLE I

POPULATION CHANGES OF MINNESOTA CONGRESSIONAL DISTRICTS 1930-1950

Cong. District	Pop. Unit Represented by Cong. Rep.		1950 Pop. Gain over 1930	
	1950 Census	1930 Census	Persons	Per Cent
1	337,730	289,887	47,843	16.5
2	321,397	281,336	40,061	14.2
3	434,001*	289,070**	144,931	50.5
4	355,332	286,721	68,611	23.9
5	337,493*	297,153**	40,340	13.6
6	326,328	303,242	23,806	7.9
7	305,519	286,125	19,394	6.8
8	291,558	276,633	14,925	5.4
9	273,125	253,786	19,339	7.6
State Average	331,387	284,884		

* 1950 Populations of 3rd and 5th Districts from unfinished thesis, University of Minnesota, by John A. Bond.

**Estimated for 1930 since federal Census Bureau does not list population of precincts. Nine precincts of Ward 4 in Minneapolis (Total Ward Population 36,935 Persons in 1930) are located in Congressional District 3 and 17 precincts are located in Congressional District 5. Since census figures by precinct are not available, it was estimated that 2/3's of the population of Ward 4 was in Congressional District 5 which has 17 of the 26 precincts in the Ward and 1/3 of the population of the Ward was listed as in Congressional District 3 which contains 9 of the 26 precincts in Ward 4.

The 1933 redistricting was based on the 1930 census figures, and the range in population of the districts extended from a high of 303,000 to a low of 253,000. The present range, on the basis of the 1950 census

figures, is from a high of 434,000 to a low of 273,000. Thus there has been an increase in disparity from 50,000 in 1930 to 160,876 on the basis of the 1950 census. This is accounted for by the 50.5% increase in the population of the Third Congressional District as compared to the 7.6% increase in the Ninth Congressional District. The increase in the Third District has been more than twice that of any other district in the state, and the representative in Congress from that district represents almost twice the population from which the Ninth District representative is elected.

Population Changes in Minnesota, 1910-1950

As mentioned previously, the present apportionment of the Minnesota Legislature is based on the 1910 census. Minnesota's population in 1950 was 2,982,483, an increase of 43.7% over the 1910 population of 2,075,708. The distribution of this increase is shown in Table II (page 21) and Map I (page 24). One county, Lake of the Woods, was not organized in 1910, and the population of the area which is now Lake of the Woods County was included in the Beltrami County census returns in 1910. Thus, the percentage increase in the population in Lake of the Woods County cannot be computed and compared with that in other counties, and its 1950 population is added to that of Beltrami County so their rate of increase may be calculated as a unit.

For the 86 counties other than Lake of the Woods County the percentage change in population from 1910 to 1950 was distributed as follows:

<u>Per Cent Change</u>	<u>Number of Counties</u>
Decrease:	
0 to -9.9	11
Increase:	
0 to 19.9	28
20 to 39.9	20
40 to 59.9	16
60 to 79.9	1
80 to 99.9	4
100 and over	<u>6</u>
TOTAL	86

The eleven counties which had decrease in population from 1910 to 1950 were as follows:

Wabasha	-9.0%
Chisago	-6.4
Lac Qui Parle	-5.8

TABLE II

POPULATION OF MINNESOTA COUNTIES 1910-1950

County	1910	1950	% Change 1910 to 1950
Aitkin	10,371	14,327	38.1
Anoka	12,493	35,579	184.8
Becker	18,840	24,836	31.8
Beltrami	19,337*	24,962	54.7
Benton	11,615	15,911	37.0
Big Stone	9,367	9,607	2.6
Blue Earth	29,337	38,327	30.6
Brown	20,134	25,895	28.6
Carlton	17,559	24,584	40.0
Carver	17,455	18,155	4.0
Cass	11,620	19,468	67.5
Chippewa	13,458	16,739	24.4
Chisago	13,537	12,669	-6.4
Clay	19,640	30,363	54.6
Clearwater	6,870	10,204	48.5
Cook	1,336	2,900	117.1
Cottonwood	12,651	15,763	24.6
Crow Wing	16,861	30,875	83.1
Dakota	25,171	49,019	94.7
Dodge	12,094	12,624	4.4
Douglas	17,669	21,304	20.6
Faribault	19,949	23,879	19.7
Fillmore	25,680	24,465	-4.7
Freeborn	22,282	34,517	54.9
Goodhue	31,637	32,118	1.5
Grant	9,114	9,542	4.7
Hennepin	333,480	676,579	102.9
Houston	14,297	14,435	1.0
Hubbard	9,831	11,085	12.8
Isanti	12,615	12,123	-3.9
Itasca	17,208	33,321	93.6
Jackson	14,491	16,306	12.5
Kanabec	6,461	9,192	42.3
Kandiyohi	18,969	28,644	51.0
Kittson	9,669	9,649	-0.2

TABLE II
POPULATION OF MINNESOTA COUNTIES 1910-1950
(continued)

County	1910	1950	% Change 1910 to 1950
Koochiching	6,431	16,910	162.9
Lac Qui Parle	15,435	14,545	-5.8
Lake	8,011	7,781	-2.9
Lake-Woods	Not Organized*	4,955	-
Le Sueur	18,609	19,088	2.6
Lincoln	9,874	10,150	2.8
Lyon	15,722	22,253	41.5
McLeod	18,691	22,198	18.8
Mahnomen	3,249	7,059	117.3
Marshall	16,338	16,125	-1.3
Martin	17,518	25,655	46.4
Meecker	17,022	18,966	11.4
Mille Lacs	10,705	15,165	41.7
Morrison	24,053	25,832	7.4
Mower	22,640	42,277	86.7
Murray	11,755	14,801	25.9
Nicollet	14,125	20,929	48.2
Nobles	15,210	22,435	47.5
Norman	13,446	12,909	-4.0
Olmsted	22,497	48,228	114.4
Otter Tail	46,036	51,320	11.5
Pennington	9,376	12,965	38.3
Pine	15,878	18,223	14.8
Pipestone	9,553	14,003	46.6
Polk	36,001	35,900	-0.3
Pope	12,746	12,862	0.9
Ramsey	223,675	355,332	58.9
Red Lake	6,564	6,806	3.7
Redwood	18,425	22,127	20.1
Renville	23,123	23,954	3.6
Rice	25,911	36,235	39.8
Rock	10,222	11,278	10.3
Roseau	11,338	14,505	27.9
St. Louis	163,274	206,062	26.2
Scott	14,888	16,486	10.7
Sherburne	8,136	10,661	31.0
Sibley	15,540	15,816	1.8

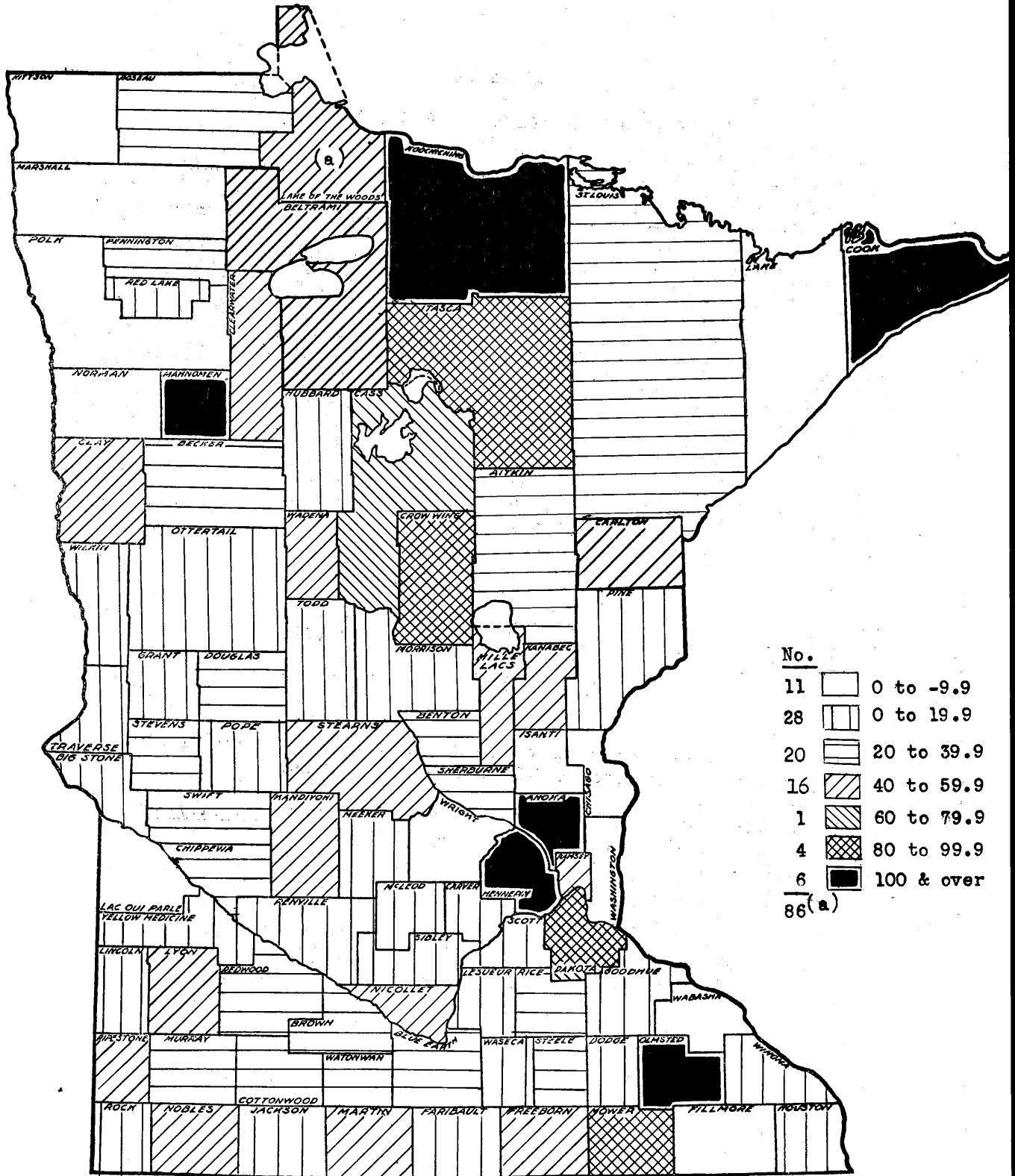
TABLE II
POPULATION OF MINNESOTA COUNTIES 1910-1950
(concluded)

County	1910	1950	% Change 1910 to 1950
Stearns	47,733	70,681	48.1
Steele	16,146	21,155	31.0
Stevens	8,293	11,106	33.9
Swift	12,949	15,837	22.3
Todd	23,407	25,420	8.6
Traverse	8,049	8,053	-
Wabasha	18,554	16,878	-9.0
Wadena	8,652	12,806	48.0
Waseca	13,466	14,957	11.1
Washington	26,013	34,544	32.8
Watonwan	11,382	13,881	22.0
Wilkin	9,063	10,567	16.6
Winona	33,398	39,841	19.3
Wright	28,082	27,716	-1.3
Yellow Medicine	15,406	16,279	5.7
Total	2,075,708	2,982,483	43.7

* Lake of the Woods County formed in 1921 from part of Beltrami County; 1910 population included in Beltrami census returns.

SOURCES: 13th Census of the United States; and County and City Data Book, 1952. US Bureau of the Census.

MAP 1: PERCENTAGE CHANGE OF POPULATION 1910-1950



No.	Range
11	0 to -9.9
28	0 to 19.9
20	20 to 39.9
16	40 to 59.9
1	60 to 79.9
4	80 to 99.9
6	100 & over

86 (a)

(a) Not organized in 1910 - therefore rate of change cannot be computed; 1950 population added to that of Beltrami County.

Source: Table II

Fillmore	-4.7%
Norman	-4.0
Isanti	-3.9
Lake	-2.9
Wright	-1.3
Marshall	-1.3
Polk	-0.3
Kittson	-0.2

The six counties which had an increase in population of 100% or more from 1910 to 1950 were as follows:

Anoka	184.8%
Koochiching	162.9
Mahnomen	117.3
Cook	117.1
Olmsted	114.4
Hennepin	102.9

Of the eleven counties which showed a decrease in population from 1910 to 1950, nine of them are more than 15% over represented in the House of Representatives in the state Legislature. Norman County does not fall into this category because it is joined with Mahnomen County to elect one representative; in spite of the great increase in the population of Mahnomen County, these two counties are over represented in both the House and the Senate. Isanti County does not fall into the over-represented category in Appendix Table C because it is joined with Anoka County to form one representative district and Anoka has had a marked increase in population.

Of the six counties which had a population increase of 100% or more from 1910 to 1950, only three of them (Hennepin, Olmsted and Anoka) are more than 15% under represented in the House. It is not possible to include Mahnomen and Cook Counties in the under-represented category because these two counties are joined by Norman and Lake Counties, respectively, in the formation of representative districts, and the latter two counties have showed a decrease in population since 1910. Koochiching County constitutes a representative district by itself, and the fact that it is more than 15% over represented in the House can be attributed to the apportionment of 1913 resulting in over representation for Koochiching County on the basis of 1910 population. In 1910 the population of Koochiching was 6,431, and the average population which each representative should have represented was 15,845.

Realizing the inequities inherent in any apportionment system which establishes representation districts along pre-existing jurisdictional or geographic lines, it would be only theoretical to assume that the

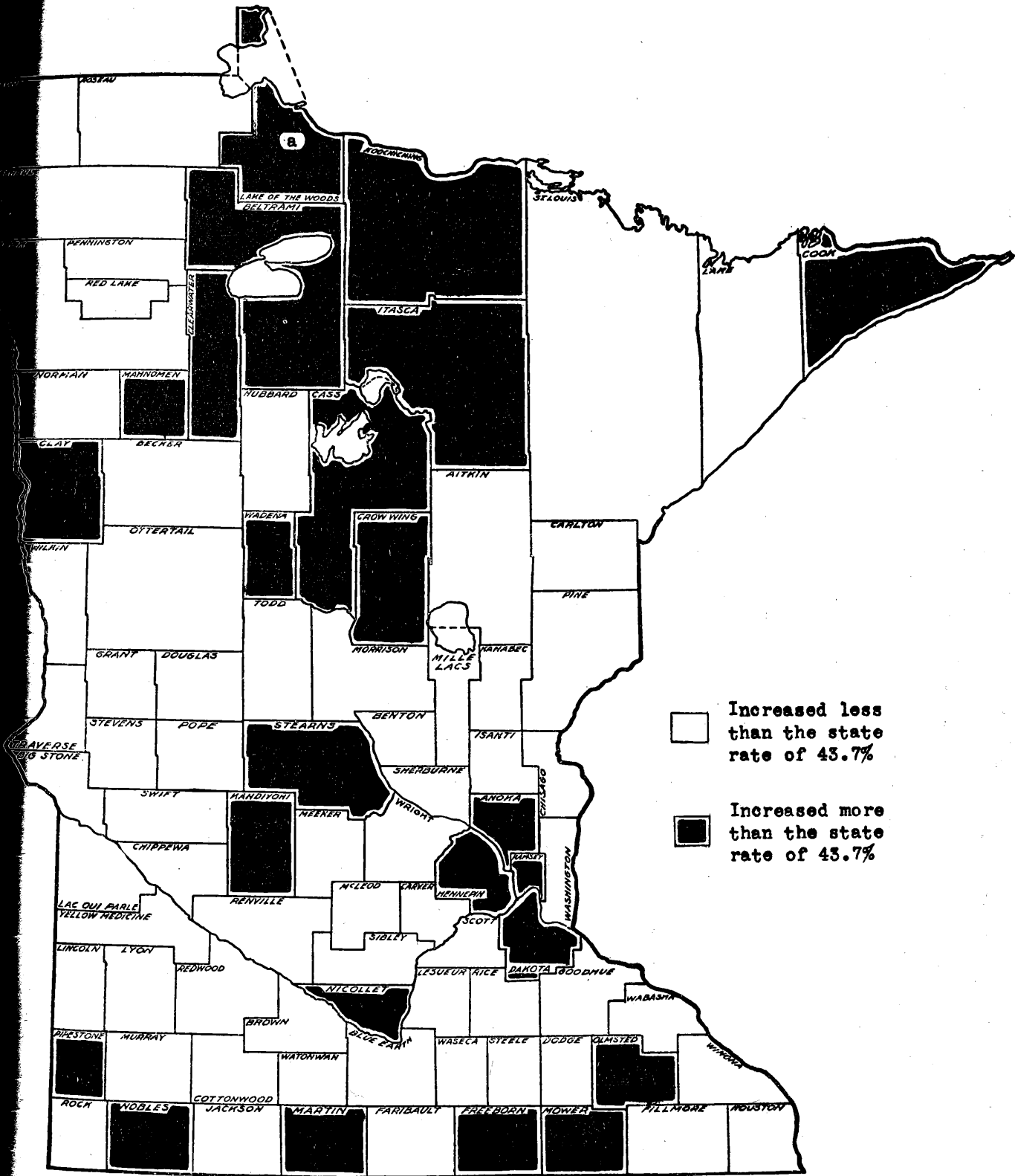
reapportionment of 1913 was fair and equitable in all instances. If this assumption could justifiably be made, then a comparison of population changes county by county and the change in the population of the whole state would reveal which counties would be improperly represented in 1950 on the basis of the reapportionment of forty years ago. If the change in a county's population did not keep pace with the general increase in population over the whole state, then it would be over represented, and likewise, if the rate of increase in population in any county was greater than that of the state as a whole, that county would be under represented in 1950.

Turning again to Table II, which shows the rate of change in population for the various counties, and comparing these rates of change with the 43.7% increase in the statewide population for the same period, it is found that 22 counties' increases in population exceeded the state's increase (excluding Lake of the Woods and Beltrami). These were as follows:

Anoka	Hennepin	Nobles
Cass	Itasca	Olmsted
Clay	Kandiyohi	Pipestone
Clearwater	Koochiching	Ramsey
Cook	Mahnomen	Stearns
Crow Wing	Martin	Wadena
Dakota	Mower	
Freeborn	Nicollet	

Map 2 (page 27) shows the comparison of each county's change in population with the state increase in population from 1910 to 1950.

MAP 2: COMPARISON OF RATE OF CHANGE OF POPULATION IN MINNESOTA COUNTIES' WITH THE STATE'S RATE OF CHANGE 1910-1950.



(a) Not organized in 1910 - therefore rate of change cannot be computed; 1950 population added to that of Beltrami County.

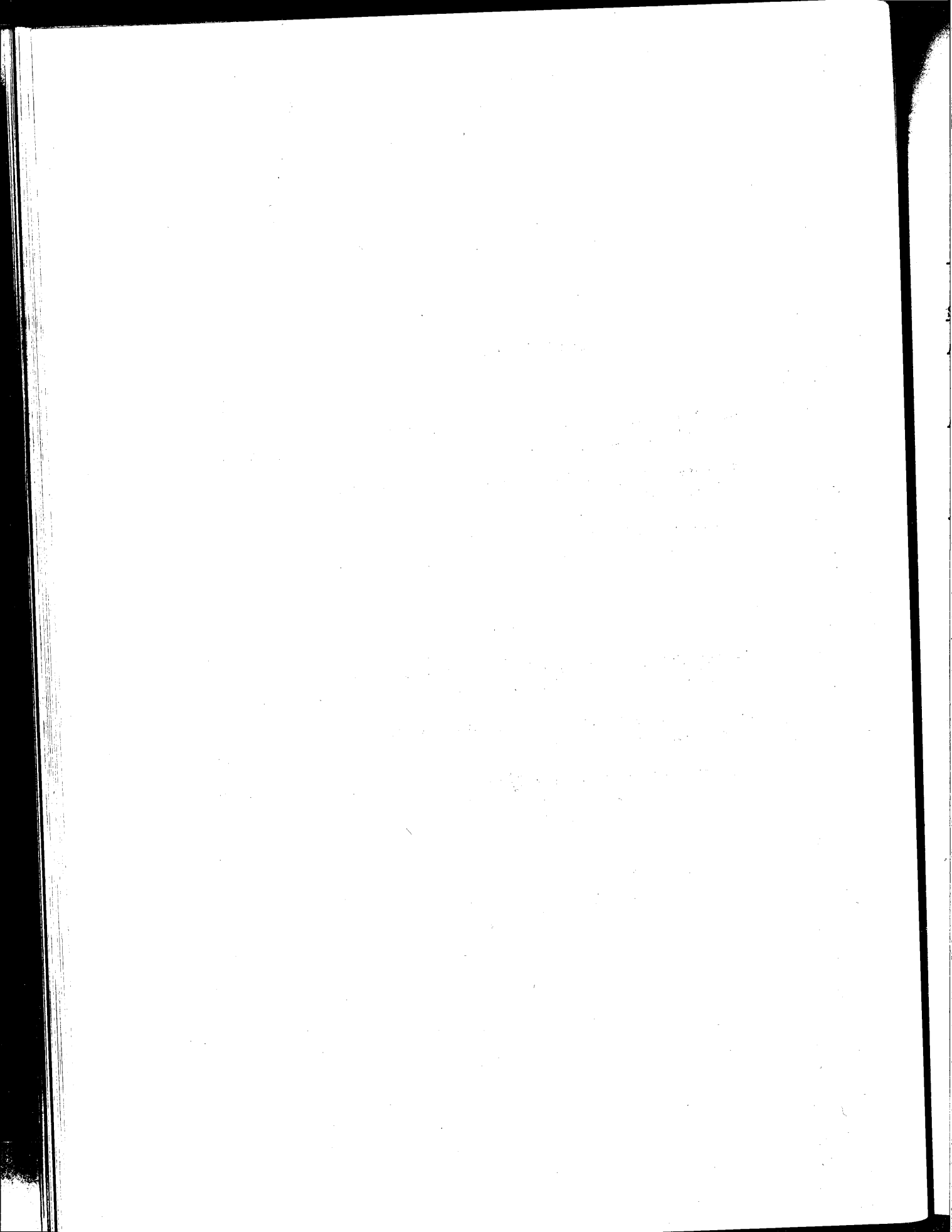
Source: Table II

STATISTICAL APPENDIX

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APPENDIX TABLE A

CONSTITUTIONAL PROVISIONS FOR APPORTIONMENT
OF STATE LEGISLATURES

State	Basis of Apportionment		Apportioning Agency
	Senate	House or Assembly	
Ala.	Population, except no county more than one member.	Population, but each county at least one number.	Legislature
Ariz.	Prescribed by constitution.	Votes cast for governor at last preceding election. ¹	No provision for Senate, redistricting for House by County Boards of Supervisors.
Ark.	Population.	Each county at least one member; remaining members distributed among more populous counties according to population.	Board of Apportionment (Governor, Secretary of State, and Attorney General). Subject to revision by state Supreme Court.
Calif.	Population, exclusive of persons ineligible to naturalization. No county, or city and county, to have more than one member; no more than three counties in any district.	Population, exclusive of persons ineligible to naturalization.	Legislature or, if it fails, a Reapportionment Commission (Lieutenant Governor, Attorney General, Secretary of State, and Superintendent of Public Instruction). In either case, subject to referendum.
Colo.	Population.	Population.	General Assembly. ²
Conn.	Population, but each county at least one member.	Prescribed by constitution; two members from each town having over 5,000 population; others, same number as in 1874.	General Assembly for Senate, no provision for House.
Del.	Districts specifically established by constitution.	Districts specifically established by constitution.	No provision.

APPENDIX TABLE A
 CONSTITUTIONAL PROVISIONS FOR APPORTIONMENT
 OF STATE LEGISLATURES
 (continued)

State	Basis of Apportionment		Apportioning Agency
	Senate	House or Assembly	
Fla.	Population, but no county more than one member.	Population, i.e., 3 to each of 5 largest counties, 2 to each of next 18, 1 each to others.	Legislature.
Ga.	Population.	Population, i.e., 3 to each of 8 largest counties, 2 to each of next 30, 1 each to others.	General Assembly "may" change Senatorial districts. Shall change House apportionment at first session after each U. S. census.
Idaho	One member from each county.	Total House not to exceed 3 times Senate. Each county entitled to at least one representative, apportioned as provided by law.	Legislature.
Ill.	Population.	Population.	General Assembly. ³
Ind.	Male inhabitants over 21 years of age.	Male inhabitants over 21 years of age.	General Assembly.
Iowa	Population, but no county more than one member.	One to each county, and one additional to each of the nine most populous counties.	General Assembly.
Kans.	Population.	Population, but each county at least one.	Legislature.
Ky.	Population.	Population, but no more than two counties to be joined in a district.	General Assembly.
La.	Population.	Population, but each parish and each ward of New Orleans at least one member.	Legislature.

APPENDIX TABLE A

CONSTITUTIONAL PROVISIONS FOR APPORTIONMENT
OF STATE LEGISLATURES
(continued)

State	Basis of Apportionment		Apportioning Agency
	Senate	House or Assembly	
Me.	Population, exclusive of aliens and Indians not taxed. No county less than one nor more than five.	Population, exclusive of aliens and Indians not taxed. No town more than seven members, unless a consolidated town.	Legislature.
Md.	One from each county and from each of six districts constituting Baltimore city.	Population, but minimum of two and maximum of six per county. Each of Baltimore districts as many members as largest county.	Membership frozen for House; no provision for Senate.
Mass.	Legal voters.	Legal voters.	General Court.
Mich.	Districts specifically established by constitution.	Population.	Legislature or, if it fails, State Board of Canvassers apportions House. Senate is fixed.
Minn.	Population, exclusive of nontaxable Indians.	Population, exclusive of nontaxable Indians.	Legislature "shall have power."
Miss.	Prescribed by constitution.	Prescribed by constitution, each county at least one. Counties grouped into three divisions, each division to have at least 44 members.	Legislature "may".
Mo.	Population.	Population, but each county at least one member.	House: Secretary of State apportions among counties; county courts apportion within counties. Senate: By commission appointed by Governor.

APPENDIX TABLE A
 CONSTITUTIONAL PROVISIONS FOR APPORTIONMENT
 OF STATE LEGISLATURES
 (continued)

State	Basis of Apportionment		Apportioning Agency
	Senate	House or Assembly	
Mont.	One member from each county.	Population.	Legislative Assembly.
Neb.	Unicameral legislature --	population excluding aliens.	Legislature "may".
Nev.	One member for each county.	Population.	Legislature.
N. H.	Direct taxes paid.	Population. ⁴	General Court.
N. J.	One member from each county.	Population, but at least one member from each county.	Legislature.
N. M.	One member from each county.	Districts specifically established by constitution.	No provision.
N. Y.	Population, excluding aliens. No county more than 1/3 membership nor more than 1/2 membership to two adjoining counties.	Population, excluding aliens. Each county (except Hamilton) at least one member.	Legislature. Subject to review by courts.
N. C.	Population, excluding aliens, and Indians not taxed.	Population, excluding aliens and Indians not taxed, but each county at least one member.	General Assembly.
N. D.	Population.	Population.	Legislative Assembly.
Ohio	Population.	Population, but each county at least one member.	Governor, Auditor, and Secretary of State, or any two of them.
Okla.	Population.	Population, but no county to have less than one nor more than seven.	Legislature.

APPENDIX TABLE A

CONSTITUTIONAL PROVISIONS FOR APPORTIONMENT
OF STATE LEGISLATURES
(continued)

State	Basis of Apportionment		Apportioning Agency
	Senate	House or Assembly	
Ariz.	Population.	Population.	Legislative Assembly, or failing that, Secretary of State. Reapportionment subject to Supreme Court review. ⁵
Pa.	Population, but no city or county to have more than 1/6 of membership.	Population, but each county at least one member.	General Assembly.
R. I.	Qualified voters, but minimum of 1 and maximum of 6 per city or town.	Population, but at least one member from each town or city, and no town or city more than 1/4 of total, i.e., 25.	General Assembly "may".
S. C.	One member from each county.	Population, but at least one member from each county.	General Assembly.
S. D.	Population, excluding soldiers and officers of U. S. Army and Navy.	Population, excluding soldiers and officers of U. S. Army and Navy.	Legislature, or failing that, Governor, Superintendent of Public Instruction, Presiding Judge of Supreme Court, Attorney General, and Secretary of State.
Tenn.	Qualified voters.	Qualified voters.	General Assembly.
Texas	Qualified electors, but no county more than one member.	Population, but no county more than 7 representatives unless population greater than 700,000, then 1 additional representative for each 100,000.	Legislature or, if it fails, Legislative Redistricting Board.
Utah	Population.	Population, but each county at least one member.	Legislature. ⁶

APPENDIX TABLE A

CONSTITUTIONAL PROVISIONS FOR APPORTIONMENT
OF STATE LEGISLATURES
(continued)

State	Basis of Apportionment		Apportioning Agency
	Senate	House or Assembly	
Vt.	Population, but each county at least one member.	One member from each inhabited town.	General Assembly apportionments Senate; no provision for House.
Va.	Population.	Population.	General Assembly.
Wash.	Population, excluding Indians not taxed and soldiers, sailors and officers of U. S. Army and Navy in active service.	Population, excluding Indians not taxed and soldiers, sailors and officers of U. S. Army and Navy in active service.	Legislature, or by initiative.
W. Va.	Population, but no two members from any county, unless one county constitutes a district.	Population, but each county at least one member.	Legislature.
Wis.	Population, excluding Indians not taxed and soldiers and officers of U. S. Army and Navy. ⁷	Population, excluding Indians not taxed and soldiers and officers of U. S. Army and Navy.	Legislature.
Wyo.	Population, but each county at least one member.	Population, but each county at least one member.	Legislature.

¹ 1953 Constitutional Amendment limits size of House to 80 members.

² Proposed constitutional amendment would provide for committee appointed by Chief Justice to apportion if the legislature fails to act, provide for constitutionally fixed senatorial districts, and base House on population. (To be voted on November, 1954).

³ Proposed constitutional amendment would provide for appointment by governor of a commission which would reapportion if the legislature fails to act. (To be voted on November, 1954).

⁴ Membership of the House to be not more than 400 nor less than 375; each representative in addition to the first shall require twice the population for the first; any town or ward which is not entitled to a representative all of the time may send one a proportionate part of the time; and at least once in every ten years.

⁵ Constitutional amendment proposed by initiative and adopted in 1952.

APPENDIX TABLE A

CONSTITUTIONAL PROVISIONS FOR APPORTIONMENT
OF STATE LEGISLATURES
(concluded)

Proposed constitutional amendment would provide for one senator from each county and for apportionment of the House of 75 members on the basis of population. (To be voted on November, 1954).

Constitutional amendment adopted in 1953 providing for apportionment of Senate on basis of population and area ruled by Supreme Court to have been unconstitutionally adopted.

SOURCES: The Book of the States, 1954-55, The Council of State Governments, Chicago, pp. 114-118.

American Legislatures: Structure and Procedures, The Council of State Governments, April, 1954, pp. 42-45.

APPENDIX TABLE B

MINNESOTA SENATORIAL DISTRICTS
Part 1

1950 Undersized Senatorial Districts (Over 15% Over Represented). Average-Sized District 44,515.

<u>No.</u>	<u>Senatorial Districts</u>	<u>Population</u>	<u>% Over Represented</u>
3	Wabasha County	16,878	62.1
26	Meeker County	18,966	57.4
17	Le Sueur County	19,088	57.1
64	Norman and Mahnomen Counties	19,968	55.1
22	McLeod County	22,198	50.1
7	Faribault County	23,879	46.4
23	Renville County	23,954	46.2
28	Hennepin -- Minneapolis (part)	27,574	38.1
27	Wright County	27,716	37.7
58	St. Louis -- Duluth (part)	29,182	34.4
65	Clearwater, Pennington, and Red Lake Counties	29,975	32.7
56	Pine and Chisago Counties	30,892	30.6
24	Lac Qui Parle and Chippewa Counties	31,284	29.7
10	Cottonwood and Jackson Counties	32,069	28.0
19	Goodhue County	32,118	27.8
55	Mille Lacs, Kanabec and Sherburne Counties (major part)	32,362	27.3
11	Rock and Nobles Counties	33,713	24.3
47	Douglas and Pope Counties	34,166	23.2
6	Freeborn County	34,517	22.5
43	Washington County	34,544	22.4
21	Carver and Scott Counties	34,641	22.2
66	Polk County	35,900	19.4
63	Becker and Hubbard Counties	35,921	19.3
46	Stearns County (western part)	35,929	19.3
16	Waseca and Steele Counties	36,112	18.9
18	Rice County	36,235	18.6
61	St. Louis County (part)	36,614	17.7
15	Sibley and Nicollet Counties	36,745	17.5
37	Ramsey -- St. Paul (part)	36,955	17.0

(29 senatorial districts embracing 37 Minnesota counties and parts of 5 other counties).

APPENDIX TABLE B

(continued)

MINNESOTA SENATORIAL DISTRICTS

Part 2

90 Average-Sized Senatorial Districts (Permissible Deviation between 15% Over Representation and 15% Under Representation According to Recommendations of the American Political Science Association.) Average-Sized District 44,515.

	<u>Senatorial Districts</u>	<u>Population</u>	<u>% Over Represented</u>
10	Hennepin -- Minneapolis (part)	38,048	14.5
11	Wadena and Todd Counties	38,226	14.1
13	Grant, Stevens, Big Stone and Traverse Counties	38,308	13.9
8	Blue Earth County	38,327	13.9
13	Yellow Medicine and Lyon Counties	38,532	13.4
1	Houston and Fillmore Counties	38,900	12.6
14	Aitkin and Carlton Counties	38,911	12.6
12	Lincoln, Pipestone and Murray Counties	38,954	12.5
9	Martin and Watonwan Counties	39,536	11.2
2	Winona County	39,841	10.5
17	Kittson, Roseau and Marshall Counties	40,279	9.5
60	St. Louis County (part)	40,751	8.5
13	Clay and Wilkin Counties	40,930	8.1
38	Ramsey -- St. Paul (part)	42,560	4.4
25	Swift and Kandiyohi Counties	44,481	.1
			<u>% Under Represented</u>
40	Ramsey -- St. Paul (part)	44,991	-1.1
31	Hennepin -- Minneapolis (part)	45,461	-2.1
62	Beltrami, Lake of the Woods and Koochiching Counties	46,827	-5.2
44	Anoka and Isanti Counties	47,702	-7.2
14	Redwood and Brown Counties	48,022	-7.9
4	Olmsted County	48,228	-8.3
39	Ramsey -- St. Paul (part)	48,704	-9.4
20	Dakota County	49,019	-10.1

(23 senatorial districts embracing 35 Minnesota counties and parts of 3 other counties).

APPENDIX TABLE B
(continued)

MINNESOTA SENATORIAL DISTRICTS
Part 3

1950 Oversized Senatorial Districts (Over 15% Under Represented). Average-Sized District 44,515.

No.	Senatorial Districts	Population	% Under Represented
50	Otter Tail County	51,320	-15.3
52	Itasca and Cass Counties	52,789	-18.6
45	Stearns (eastern part), Benton, and 7th Ward of St. Cloud in Sherburne County	53,319	-19.8
59	St. Louis -- Duluth (part)	54,489	-22.4
5	Mower and Dodge Counties	54,901	-23.3
57	Cook, Lake, and St. Louis -- Duluth (part)	55,707	-25.1
53	Crow Wing and Morrison Counties	56,707	-27.4
34	Hennepin -- Minneapolis (part)	60,137	-35.1
41	Ramsey -- St. Paul and rural (part)	62,015	-39.3
29	Hennepin -- Minneapolis (part)	65,344	-46.8
35	Hennepin -- Minneapolis (part)	80,515	-80.9
32	Hennepin -- Minneapolis (part)	80,880	-81.7
42	Ramsey -- St. Paul and rural (part)	120,107	-169.8
33	Hennepin -- Minneapolis (part)	125,165	-181.2
36	Hennepin (part) (rural)	153,455	-244.7

(15 senatorial districts embracing 10 counties and parts of 5 other counties).

SOURCE: Unfinished Ph. D. thesis, University of Minnesota, by John A. Bond, 1954.

APPENDIX TABLE C

MINNESOTA HOUSE DISTRICTS
Part 1

① Undersized Representative Districts (Over 15% Over Represented). Average-Sized District 22,767.

Representative District	No. of Representatives	Population per Representative	% Over Represented
Paul (part), District 40			
(part), Ward 4	1	7,290	68.0
Beverly County	1	8,053	64.6
Becker County	1	9,542	58.1
Big Stone County	1	9,607	57.8
Brighton County	1	9,649	57.6
Macoln County	1	10,150	55.4
Houston County*	1.371	10,529	53.8
Wilkin County	1	10,567	53.6
Lake and Cook Counties	1	10,681	53.1
Hubbard County	1	11,085	51.3
Stevens County	1	11,106	51.2
St. Paul (part), District 37 South	1	11,239	50.6
Rock County	1	11,278	50.5
Dodge County	1	12,624	44.6
Chisago	1	12,669	44.4
Wadena	1	12,806	43.8
Otter Tail County	4	12,830	43.6
Pope County	1	12,862	43.5
Minneapolis (part), District 28	2	13,787	39.4
Wright County	2	13,858	39.1
Watonwan County	1	13,881	39.0
Pipestone County	1	14,003	38.5
Goodhue County (part), South	1	14,009	38.5
Aitkin County	1	14,327	37.1
Roseau County	1	14,505	36.3
Lac Qui Parle County	1	14,545	36.1
Duluth (part), District 58, South Central St. Louis	2	14,591	35.9
Murray County	1	14,801	35.0
Winona County (except City of Winona)	1	14,810	34.9
Waseca County	1	14,957	34.3
Clearwater, Pennington, and Red Lake Counties	2	14,987	34.2
Fillmore County*	1.629	15,018	34.0
Redwood County*	1.46076	15,148	33.5
Cottonwood County	1	15,763	30.8
Sibley County	1	15,816	30.5
Swift County	1	15,837	30.4
Marshall County	1	16,125	29.2

* See footnote on page a-14.

APPENDIX TABLE C
(continued)

MINNESOTA HOUSE DISTRICTS
Part 1
(continued)

<u>Representative District</u>	<u>No. of Representatives</u>	<u>Population per Representative</u>	<u>% Over Represented</u>
Mille Lacs, Kanabec, and Sherburne (major part)	2	16,181	30.4
Yellow Medicine County	1	16,279	28.5
Jackson County	1	16,306	28.4
Scott County	1	16,486	27.6
Stearns (western) (part)	1	16,599	27.1
Chippewa County	1	16,739	26.5
Brown County*	1.53923	16,823	26.1
Wabasha County	1	16,878	25.9
Koochiching County	1	16,910	25.7
Washington County	2	17,272	24.1
Morrison County*	1.45553	17,747	22.0
Polk County	2	17,950	21.2
Goodhue County (part) (north)	1	18,109	20.5
Carver County	1	18,155	20.3
Pine County	1	18,223	20.0
St. Louis County (northeastern part), District 6	2	18,307	19.6
Benton County and the 7th Ward of St. Cloud in Sherburne County	1	18,567	18.4
Meeker County	1	18,966	16.7
Minneapolis (part), District 30	2	19,024	16.4
Le Sueur County	1	19,088	16.2
Blue Earth County	2	19,163	15.8
St. Paul (part) (south), District 38	1	19,307	15.2
Stearns County (Central) (part)	1	19,330	15.1
	<u>75.45553</u>		

(54 counties and parts of 5 other counties).

* See footnote on page a-14.

APPENDIX TABLE C
(continued)

MINNESOTA HOUSE DISTRICTS
Part 2

10 Average-Sized Representative Districts (Permissible Deviation between 15% Over Representation and 15% Under Representation According to Recommendations of the American Political Science Association). Average-Sized District 22,767.

<u>Representative District</u>	<u>No. of Representatives</u>	<u>Population per Representative</u>	<u>% Over Represented</u>
Becker County	1	19,468	14.5
Chisholm and Mahnomen Counties	1	19,968	12.3
Crow Wing County*	1.54446	19,991	12.2
St. Louis (northwestern part), District 60	2	20,375	10.5
Wheeler County	1	20,929	8.1
Wheeler County	1	21,155	7.1
Douglas County	1	21,304	6.4
Wheeler County	1	22,198	2.5
Wheeler County	1	22,253	2.3
Wheeler County	1	22,435	1.5
St. Paul (part), District 39 (part), Ward 6	1	22,723	.2
Minneapolis (part), District 31	2	22,730	.2
			<u>% Under Represented</u>
St. Paul (part), District 38 (part), north	1	23,253	-2.1
Maribault County	1	23,879	-4.9
Benvenue County	1	23,954	-5.2
Carlton County	1	24,584	-8.0
Becker County	1	24,836	-9.1
Winona City	1	25,031	-9.9
Woods County	1	25,420	-11.7
Martin County	1	25,655	-12.7
St. Paul (part), District 37 (part), north	1	25,716	-13.0
St. Paul (part), District 39 (part), Ward 5	1	25,981	-14.1
	24.54446		

(16 counties and parts of 4 other counties).

* See footnote on page a-14.

APPENDIX TABLE C
(continued)

MINNESOTA HOUSE DISTRICTS
Part 3

1950 Oversized Representative Districts (Over 15% Under Represented). Average-Sized District 22,767.

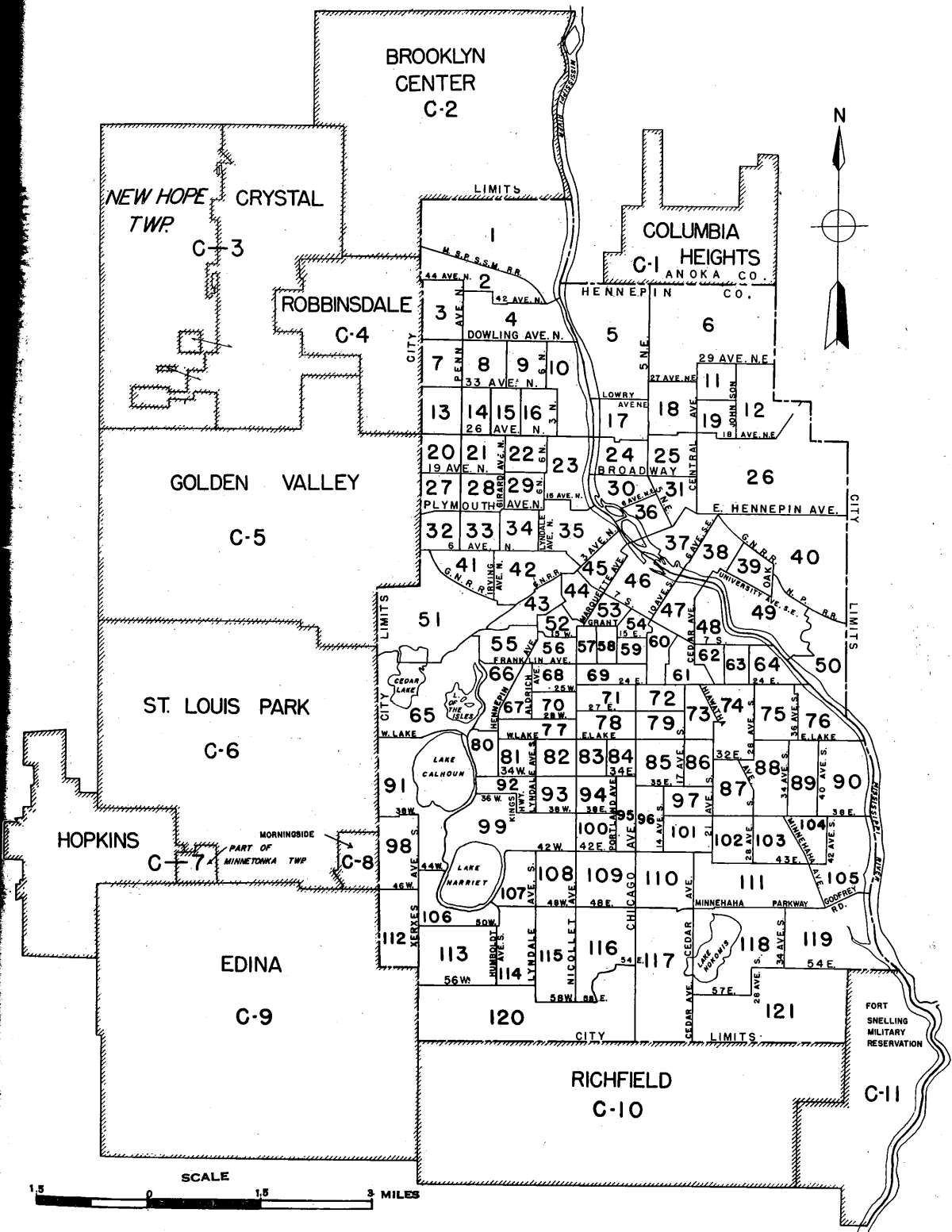
<u>Representative District</u>	<u>No. of Representatives</u>	<u>Population per Representative</u>	<u>% Under Represented</u>
Duluth (part), District 59, (Southwest St. Louis County)	2	27,244	-19.7
Kandiyohi County	1	28,644	-25.8
Beltrami and Lake of the Woods Counties	1	29,917	-31.4
Minneapolis (part), District 34	2	30,068	-32.1
Clay County	1	30,363	-33.4
St. Paul (part), Ramsey County Rural (part), District 41	2	31,007	-36.2
Minneapolis (part), District 29	2	32,672	-43.5
Itasca County	1	33,321	-46.4
Freeborn County	1	34,517	-51.6
Stearns County (eastern part)	1	34,752	-52.6
Rice County	1	36,235	-59.2
St. Paul (part), District 40 (part), Ward 7	1	37,701	-65.6
Minneapolis (part), District 35	2	40,257	-76.8
Minneapolis (part), District 32	2	40,440	-77.6
Mower	1	42,277	-85.7
Duluth (part), District 57 (part), (Southeast St. Louis County)	1	45,026	-97.8
Hennepin County (part), Rural, District 36 (north part)	1	46,209	-103.0
Anoka and Isanti Counties	1	47,702	-109.5
Olmsted County	1	48,228	-111.8
Dakota County	1	49,019	-115.3
St. Paul (part), Ramsey County Rural (part), District 42 (north) (part)	1	57,538	-152.7
St. Paul (part), District 42, (south part)	1	62,569	-174.8
Minneapolis (part), District 33	2	62,582	-174.9
Hennepin County (part), Rural District 36 (south part)	1	107,246	-371.1

31 Representatives are elected from districts more than 15% under represented. These 31 representative districts compose 12 counties and parts of 4 other counties.

* Houston and Fillmore Counties, Brown and Redwood Counties, and Crow Wing and Morrison Counties in addition to each electing one Representative also elect a Representative at large between them. In the above calculations, the Representatives at large were allocated to each county in proportion to the ratio of its population to the combined populations of both counties.

SOURCE: Unfinished Ph. D. thesis of Minnesota, by John A. Bond, 1954.

MINNEAPOLIS — ST. PAUL, MINN., AND ADJACENT AREAS BY CENSUS TRACTS
 Part 1.—Tracts in Minneapolis City and Adjacent Areas



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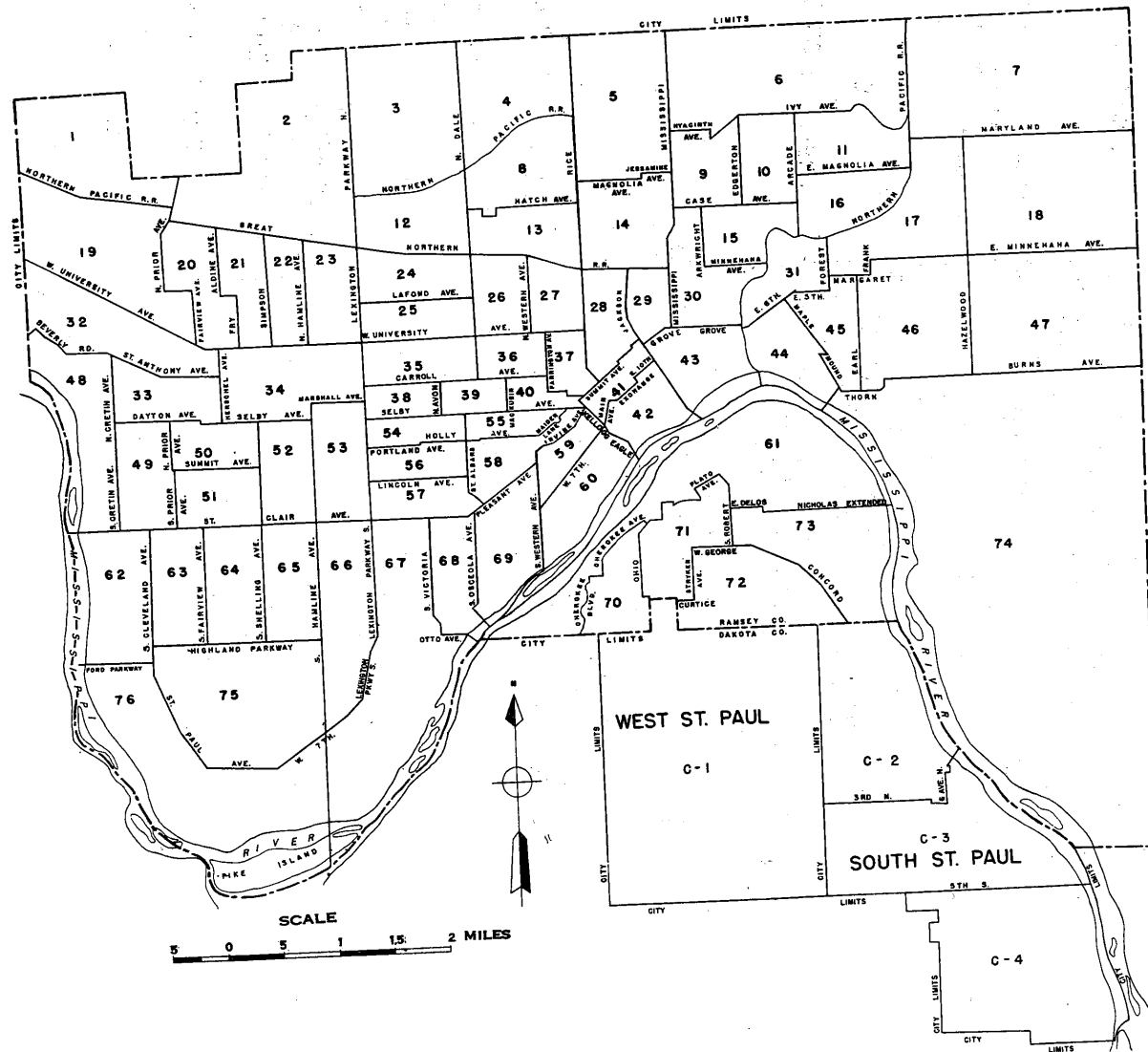
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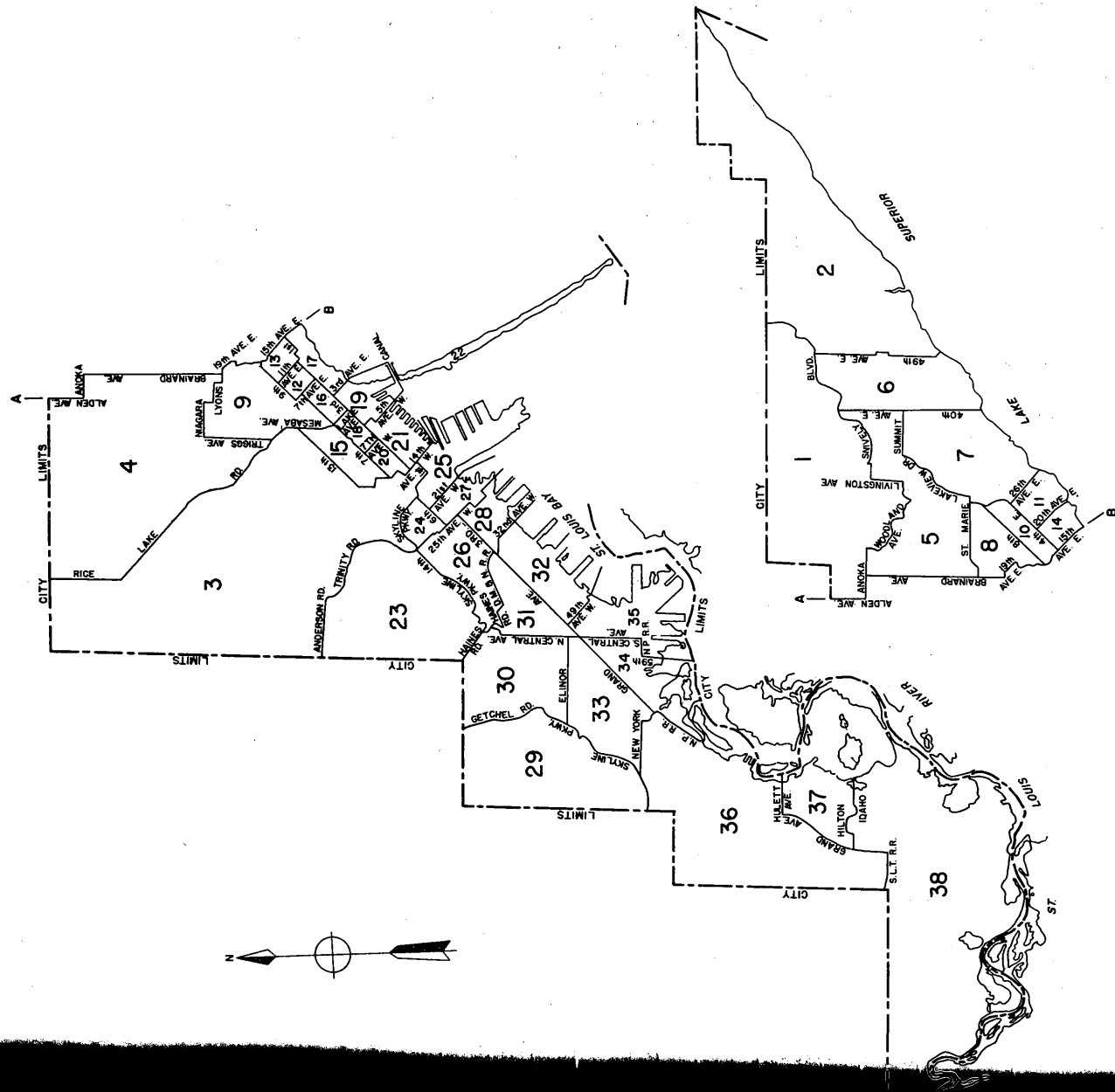
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MINNEAPOLIS — ST. PAUL, MINN., AND ADJACENT AREAS BY CENSUS TRACTS

Part 2.—Tracts in St. Paul City and Adjacent Areas



DULUTH, MINN., BY CENSUS TRACTS



MINNEAPOLIS — ST. PAUL, MINN., AND ADJACENT AREAS BY CENSUS TRACTS

Part 2.—Tracts in St. Paul City and Adjacent Areas