

FACT SHEET

Fulfilling a Constitutional Mandate

AN OVERVIEW OF HOW CENSUS DATA ARE USED TO APPORTION THE HOUSE OF REPRESENTATIVES

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CONGRESSIONAL APPORTIONMENT

Once a decade, the federal government undertakes a vast and complex effort [to count every person](#) in the country once, only once, and in the right place. While the data collected in each decennial census are vital for a variety of purposes, the constitutional basis for the census is “[apportionment](#)”: the allocation of seats in the U.S. House of Representatives among states according to the population of each state as enumerated through the decennial census. In contrast to the House of Representatives, each state is guaranteed two members in the Senate regardless of the size of its population. At the state level, state legislatures also follow a population-based adjustment process, which is more commonly referred to as “[redistricting](#),” that is guided by each state’s respective state constitution.

WHO IS INCLUDED IN THE APPORTIONMENT COUNT?

The U.S. Constitution—[as revised by the 14th Amendment](#)—requires a census of the “whole number of persons in each State” for the legislative apportionment of the House of Representatives. As such, the Census Bureau has long followed the constitutional mandate of counting a state’s total resident population for [apportionment](#)—and has successfully defended this policy when challenged in court. The apportionment count is calculated using both the total resident population (which includes both citizens and non-citizens who live in the U.S.) and the population of overseas federal employees. The bureau does not count citizens of foreign countries who are on a temporary visit (such as a business trip) to the U.S. or who are a part of the diplomatic community.

WHEN & HOW WILL THE APPORTIONMENT RESULTS BE RELEASED?

The decennial census helps ensure that the U.S. political system reflects ongoing demographic changes in the

nation’s population. These changes have political consequences: states may gain or lose congressional seats based on population changes from the prior census. Consequently, the federal government follows a [well-defined process](#) and statutorily mandated timeline for the delivery and dissemination of the apportionment results that provide transparency and help guard against the intrusion of partisan interests in the apportionment process.

Figure 1. The Formal Announcement of Apportionment Numbers in December 1980



Source: The Lompoc Record. Available at: <https://www.newspapers.com/image/540423294/?terms=census>.

Once the apportionment results are tabulated by the Census Bureau, a package including those results is hand-delivered by the director of the bureau to the secretary of commerce and then hand-delivered from the secretary to the president. By law, the apportionment data must be completed and delivered to the president nine months after Census Day. For the 2020 Census, Census Day was on April 1, 2020 (as in previous censuses) and the data are due to the president by December 31, 2020, under current law.

Due to the COVID-19 pandemic and consequent operational adjustments, the bureau has [proposed](#) a revised schedule for the 2020 apportionment product. Under this proposed timeline, the bureau will deliver the apportionment numbers to the president by April 30, 2021—a 4-month delay. Congressional action is required to modify the statutory reporting deadline for the apportionment numbers. (As of April 2020, congress has yet to take such action.)

However, the well-defined steps in the apportionment process remain unchanged. Since at least the 1970 Census, the bureau has [reported](#) the initial population numbers from the decennial census in a public news

conference shortly after the secretary of commerce delivered the apportionment data to the president.

The president is then required to report the apportionment population counts to the clerk of the House of Representatives within one week of the opening of the 117th session of Congress, currently scheduled for January 3, 2021. (Under the bureau’s proposed revisions to the schedule, the president will deliver the apportionment counts to Congress within 14 days of receipt.) The Clerk of the House must transmit the apportionment numbers to the governor of each state within 15 days of receiving them.

Figure 2. A Comparison of Congressional Apportionment & Redistricting

	<i>What is the legal basis?</i>	<i>What product is produced?</i>	<i>By when must the data product be delivered?</i>	<i>Who is counted?</i>
Apportionment	Defined by the U.S. Constitution	Apportionment counts	Statutory Deadline: December 31, 2020 Revised Schedule (Proposed): April 30, 2021	Total resident population and overseas federal employees (and their families)
Redistricting	Guided by state constitutions, state law, and court cases	Redistricting files and Citizen Voting-Age files	Statutory Deadline: April 1, 2021 Revised Schedule (Proposed): July 31, 2021	Total population and voting-age population (both by race and ethnicity)

Source: Georgetown Center on Poverty and Inequality, 2020.

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