

Apportionment and Redistricting Following the 2020 Census

Updated August 13, 2021

The census, apportionment, and congressional redistricting are interrelated processes that occur every decade. The [U.S. Constitution](#) provides that a decennial census determines the distribution of [U.S. House seats](#) across states. Dividing House seats across states is known as [apportionment](#) (or *reapportionment*). Each state must receive one House seat and additional seats are distributed proportionally based on state population size. States then engage in *redistricting*, creating or redrawing geographic subdivisions with relatively [equal-sized populations](#) for each House district.

Timelines for the census and apportionment are provided in federal statute and generally occur as scheduled every decade. The Coronavirus Disease 2019 (COVID-19) pandemic, however, affected 2020 census field operations and delivery of apportionment figures, and concerns remain about timing for the redistricting processes that follow. This Insight provides background on the typical timing of the census, apportionment, and redistricting, as well as a brief discussion of recent census operational changes and proposals, particularly those related to congressional apportionment and redistricting.

Typical Timing—Census, Apportionment, and Redistricting

Figure 1 illustrates a timeline of the typical census, apportionment, and redistricting processes. [Federal statute](#) requires that April 1 of any year ending in “0” marks the official decennial census date. A count known as the [apportionment population](#), which reflects the [total resident population](#) in each state, is typically used to distribute House seats. [Within nine months of the decennial census date](#) (December 31 of the year ending in “0”), the Secretary of Commerce is to report the apportionment population to the President; the Census Bureau has often [released apportionment counts publicly](#) at about the same time.

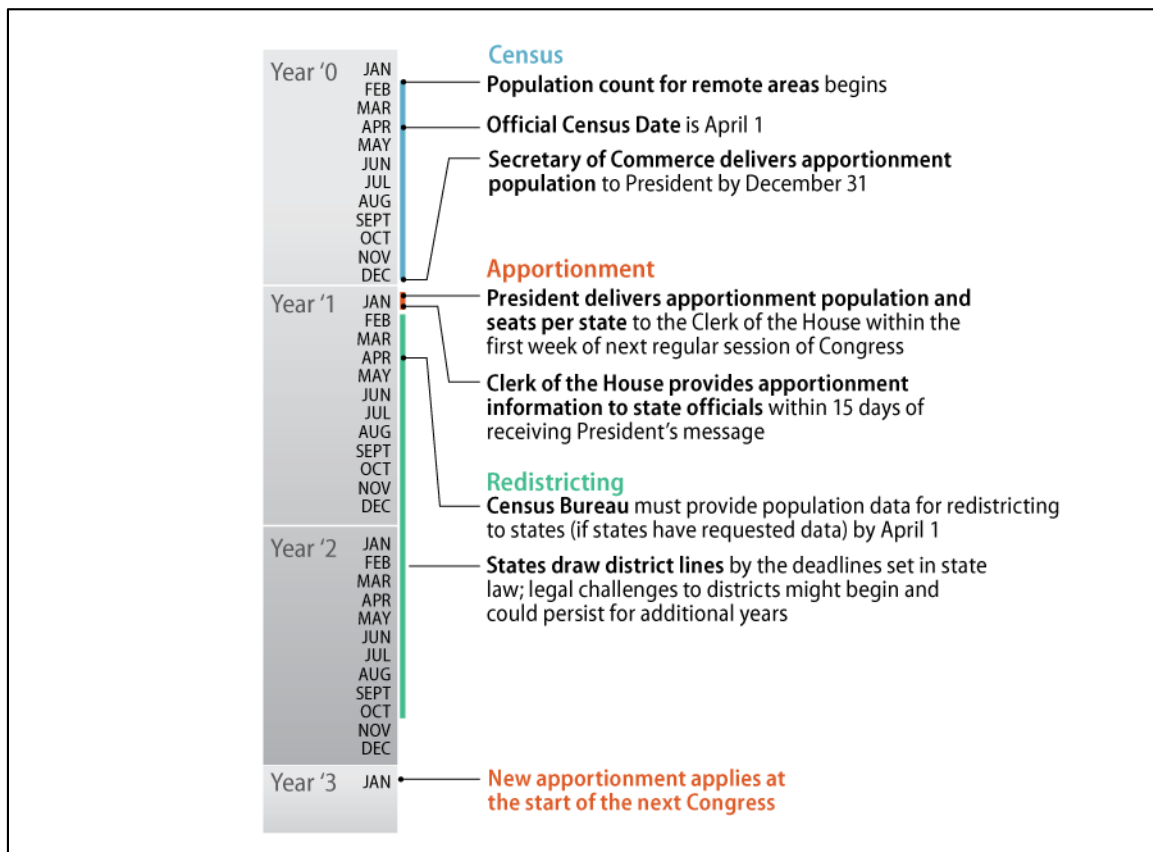
According to this timeline, within the first week of the first regular session of the next Congress, the President [transmits a statement](#) to Congress with information on how to apportion House seats. The President’s message contains the apportionment population and resulting number of Representatives for each state, based on the total number of Representatives (435) and using the [method of equal proportions](#).

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The Clerk of the House sends each governor a certificate indicating a state's number of Representatives within 15 calendar days of receiving the President's apportionment message. Each state receives the number of Representatives noted in the President's statement, beginning at the start of the next session of Congress (typically, [early January of a year ending in "3"](#)). States may then engage in their own redistricting processes before the start of that Congress, and the timing of redistricting varies based on state laws.

Figure 1. Typical Timeline of Census, Apportionment, and Redistricting Process



Source: CRS compilation; information from the U.S. Constitution, U.S. Code, U.S. Census Bureau, and state laws. Graphic created by Amber Hope Wilhelm, CRS Visual Information Specialist.

Recent Developments

Census delays due to the COVID-19 pandemic and issues related to compiling the apportionment population prevented the delivery of figures as scheduled and have led to questions about possible effects on state redistricting processes expected to begin in 2021. On January 27, 2021, the Census Bureau announced apportionment counts would be completed [April 30, 2021](#); these figures were released on [April 26, 2021](#). On February 12, 2021, the bureau announced states would receive redistricting data by [September 30, 2021](#). The Census Bureau released redistricting data on [August 12, 2021](#), in the “[legacy format](#)” the bureau has used since 2000, along with [support materials](#) for users; a subsequent release of the data in a different format will be available on <https://data.census.gov/> by September 30.

Context for 2020 Delays

As the COVID-19 pandemic began in early 2020, some advocated that [adjustments to census operations were necessary](#) to provide an [accurate, complete count while protecting the health](#) of respondents and census workers. On March 18, 2020, the Census Bureau [announced](#) its first temporary suspension of 2020 field operations. Further [changes announced](#) April 13 included closing field offices through June 1, and a [proposed timeline](#) that would have extended data collection through October 31, 2020. This schedule also proposed delivery of apportionment counts to the President by April 30, 2021 (to be delivered to Congress within 14 days of receipt) and delivery of redistricting data as requested by states no later than July 31, 2021. [Four former bureau directors](#) wrote a letter supporting census extensions.

The Census Bureau postponed [certain 2020 census deadlines](#). Operating under a [revised schedule](#), and following a [U.S. Supreme Court ruling](#), the bureau accepted responses [until October 15](#), two and a half months later than usual. To date, Congress has not changed the [statutory deadlines](#) for the bureau to deliver apportionment data to the President or redistricting tabulations to states. Three bills were introduced in May and June 2020 that would have adjusted the statutory deadlines, but none was enacted: H.R. 6800 (passed the House), H.R. 7034, and S. 4048.

Through the end of 2020, some continued to express [concerns](#) over the [accuracy and completeness](#) of collected census data and the [bureau's ability](#) to provide apportionment figures [by its statutory deadline](#). A House Committee on Oversight and Reform [hearing on December 3](#) addressed census [data anomalies and potential delivery delays](#). During fall 2020, a pending case before the U.S. Supreme Court regarding a [July 2020 presidential memorandum](#) related to [excluding unauthorized immigrants](#) from the apportionment population [reportedly could have affected the timing of](#) apportionment delivery; the Court [dismissed the challenge to the memorandum](#) on December 18, 2020.

Possible Redistricting Effects

The delay of apportionment data delivery has raised [some concerns](#) about [possible effects on congressional and state legislative redistricting](#). Many states had begun (and some had completed) redistricting by July 2011 [following the 2010 census](#). [A number of states](#), particularly those with [constitutional or statutory redistricting deadlines](#) in 2021, [might face challenges](#). Solutions available for states vary, depending on what the state's redistricting process is and what options are available under state law and practice to modify the redistricting process or related election matters. This could, generally, [include options such as](#) postponing certain redistricting deadlines, candidate filing deadlines, or primary election dates; states might also [seek judicial relief](#) from redistricting deadlines in current law. States with [part-time legislatures](#) or 2021 elections may face additional challenges. In November 2020, [New Jersey voters approved a constitutional amendment](#) allowing use of existing state legislative district maps for the state's November 2021 general election.

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