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Election Policy Fundamentals: At-Large House Districts

An *at-large district* for the U.S House of Representatives is a district that represents the entirety of a state, rather than a specifically drawn subsection of it. Under Article 1, Section 2, of the U.S. Constitution (as amended by Section 2 of the Fourteenth Amendment), the total number of Representatives is divided (or *apportioned*) among the states following the decennial census according to states' respective populations, and each state is required to receive at least one House seat. Under the Elections Clause of the Constitution (Article I, Section 4), states are primarily responsible for the "Times, Places and Manner" of their congressional elections, subject to regulation by Congress. Historically, every state with the exception of Wisconsin has, at some point, elected a member of the House at large.

Due to the apportionment of congressional districts following the 2020 census, six states are to be represented by a single at-large district in the House in the 118th-122nd Congresses (2023-2033): Alaska, Delaware, North Dakota, South Dakota, Vermont, and Wyoming. This In Focus primarily provides information about the historical use of at-large districts by states for congressional representation, and current federal policy affecting their use.

Historical Uses of At-Large Districts

Today, states with multiple House seats operate under an electoral system utilizing *single-member congressional districts*, in which each Member represents a distinct and geographically defined area, smaller than the state itself, and is elected only by voters who reside within that district's boundaries. Under the 1967 Uniform Congressional District Act (P.L. 90-196, 2 U.S.C. §2c), at-large districts can only be used by states with a small enough population to have been apportioned a single House seat. For more on these topics, see CRS In Focus IF12567, *Election Policy Fundamentals: Single-Member House Districts*.

Historically states sometimes used at-large districts in other ways to provide for congressional representation. Prior to 1967, some states with multiple House seats, at times, used at-large districts. In the 1st Congress (1789-1791), for example, 7 of the 11 states with multiple House seats divided representatives into geographic districts, and 4 states elected their representatives at-large (Connecticut, New Hampshire, New Jersey, and Pennsylvania). In addition, there was also a system used briefly by Georgia and Maryland in the 1700s whereby candidates ran in a specific district, but were elected by the entire state electorate, who could vote for a candidate in each of the state's districts. The high-water mark of at-large representation was the 16th Congress, which seated 41 members elected at large.

At-large districts were generally used in one of two scenarios if used by states with multiple House seats: (1) all multimember at-large districts, with members elected in *general ticket elections*, and (2) a combination of at-large district(s) with geographic districts.

Historical Multimember At-Large Districts

On some occasions, various states elected their Members of the House of Representatives through general ticket elections, or the process of electing a state's entire delegation at large. In these scenarios, a voter could vote for as many candidates as there were seats for the state's House delegation. This sometimes occurred when a state was newly admitted to the Union, or when a state delegation was reduced in a new apportionment law and the state legislature was unable to draw a new district map in a timely manner. General ticket elections were also sometimes used by a state's dominant political party to try to ensure that the state's House delegation was from the same party. The Office of the House Historian notes that in a general ticket election, voters would often select a slate of candidates from a single party, resulting almost uniformly in single-party House delegations from states that held general ticket elections.

Congress banned general ticket elections in the apportionment act of 1842, which provided that Representatives "shall be elected by districts composed of contiguous territory equal in number to the number of Representatives to which said State may be entitled, no one district electing more than one Representative." The use of general ticket elections continued, however, after several states declined to abide by the ban and the new House majority seated their delegations regardless.

Many subsequent apportionment laws contained similar language prohibiting general ticket elections and at-large districts in states with multiple House seats, with limited exceptions, until they were explicitly disallowed in 1967 by the Uniform Congressional District Act. By then, the general ticket was only in use in New Mexico and Hawaii, states which had never drawn congressional districts despite being apportioned multiple seats. The law permitted both states to continue their practice for one subsequent Congress, and Hawaii did. The House in the 92nd Congress (1971-1973) was the first to be elected entirely from districts for states apportioned more than one member.

Historical Combinations of Geographic with At-Large Districts

Some states combined geographic districts with at-large districts in the 33rd-89th Congresses (1853-1967), according to political geographer Kenneth C. Martis. These at-large districts were often used when a state had been apportioned additional House seats, but the state legislature could not or

chose not to convene in a timely manner to create congressional districts or could not agree on a redistricting proposal. On other occasions, a state legislature affirmatively created an at-large district in addition to a number of geographic districts. Some legislatures, drawing districts prior to an apportionment, based their maps on a predicted apportionment, and specified that if the state was apportioned more seats than predicted, then the additional representative would be elected at-large.

The 43rd Congress (1873-1875) was the first with a substantial number of at-large districts combined with geographically drawn districts, with 14 such at-large districts in nine states. This was because the apportionment law of 1872 expanded the size of the House by more than 20% and explicitly permitted the use of such at-large districts in states where additional seats were apportioned. This use was intended to be temporary, for the 43rd Congress only (and eight of the states that used such at-large districts redistricted by the next Congress). Subsequent apportionment laws contained similar language specifying that if a state gained additional House seats following an apportionment, those “Representatives shall be elected ... at large” until a state redrew its districts.

Similarly, the 63rd Congress (1913-1915) had 21 at-large members across 12 states that also had geographic districts, resulting from new apportionments in the 1911 apportionment law. Some states also implemented a combination of at-large and geographic districts in the aftermath of Supreme Court case *Wood v. Broom* (1932), which decided that districting regulations in apportionment laws did not carry over into subsequent apportionments; the apportionment act of 1929 (P.L. 71-13), which did not have any districting regulations, thus allowed different districting scenarios to proliferate. The 1941 amendment (P.L. 77-291) only allowed the use of at-large districts combined with geographically drawn districts if the state had not yet redistricted after reapportionment; the 1967 Uniform Congressional District Act banned their use entirely.

States with One House Seat

In every Congress, there has been at least one state apportioned a single House seat. States with a single House seat elect a Representative at large, and this is the only scenario in which states can currently use an at-large congressional district. Since the 92nd Congress (1971-1973), eight states have used an at-large district. These are Alaska (86th Congress-present), Delaware (18th Congress-present), Montana (103rd-117th Congresses), Nevada (38th-97th Congresses), North Dakota (93rd Congress-present), South Dakota (98th Congress-present), Vermont (73rd Congress-present), and Wyoming (51st Congress-present). Nonvoting representatives from the U.S. territories and the District of Columbia are also elected at large.

Contemporary Considerations

Features of the U.S. electoral system have various implications for representational democracy and are of ongoing interest to Congress. Choices made about certain electoral features, including those related to the establishment and nature of congressional districts, are often related to, or can affect, other electoral system features. As discussed earlier in this product, for example,

at-large congressional districts once enabled the use of general ticket voting in some U.S. states prior to 1842. Some legislative proposals in recent Congresses have included provisions related to at-large districts, typically in addition to other election system changes.

Historically, the use of at-large congressional districts in states with multiple House seats sometimes enabled states to avoid engaging in redistricting following a decennial census, as it was unnecessary to make further geographical subdivisions within the state. Prior to the 1960s, if a state lost a seat in an apportionment, for example, the state legislature could opt to use all at-large congressional districts instead of making potentially sensitive political decisions that might result in an incumbent losing their seat. If a state gained a seat, similar considerations could lead states to elect the new seat at-large and allow incumbents to retain their existing districts. Such scenarios are currently prohibited by the Uniform Congressional District Act, and may also be limited by current federal redistricting standards regarding population equality, as discussed in CRS In Focus IF12250, *Congressional Redistricting: Key Legal and Policy Issues*.

Although some may view certain contemporary redistricting as political or partisan in nature, historical evidence also indicates that at-large districts were similarly subject to criticism. A dominant political party in state government, for example, might favor general ticket elections, under the presumption that the statewide majority that had elected the party to state leadership would similarly send a unified party delegation to Congress.

More broadly speaking, House district size—whether a district is a subset of a state’s geography or comprises the entirety of it—can have a range of implications for congressional representation; campaigns and elections; and House operations. Larger, or at-large House districts, would, notably, affect the *representation ratio*, or number of constituents per Representative, for many in the House. If states with multiple House seats were permitted to adopt at-large districts, each of those Members would represent a larger number of constituents, potentially reflecting the full state’s population, as U.S. Senators do. This, along with the larger geographic area served by Members, could have implications for resource allocations, both for candidates running for the House and for the Members serving in it.

Political campaigns for larger or at-large districts in House elections, for example, might require more field offices, staff, and materials, or advertisements run in several media markets across an entire state. Once in office, representational duties associated with serving larger or at-large districts might similarly affect how a Member would allocate office resources and time, or how the House would choose to fund and regulate expenditures for all Members’ offices under the Members’ Representational Allowance.

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