

Representation for Some

The Discriminatory Nature of Limiting
Representation to Adult Citizens

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Table of Contents

Introduction	3
Background	4
Profiled States	5
Texas	5
Georgia	5
Missouri	5
Analysis	6
Who Would Be Excluded from the Count?	6
The Vast Majority of Those Excluded Would Be Citizen Children	6
Latino Communities Would Be Disproportionately Impacted	6
Which Communities Would Lose Representation?	8
Measuring Representational Loss and Gain	8
Mapping Representational Loss and Gain	10
Texas	11
Georgia	13
Missouri	15
Conclusion	17
Endnotes	18

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Introduction

Every 10 years, political districts at all levels of government are redrawn to make sure they are equal in population as required by the U.S. Constitution.¹ Currently every state apportions representatives and draws congressional and state legislative districts on the basis of a state's total population.² That is, when districts are drawn, all people living in the state, including children and noncitizens, are counted for the purposes of representation.

However, some Republican political operatives and elected officials aim to unsettle this long-standing practice by excluding children and noncitizens from the population figures used to draw state legislative districts.³ Rather than count everyone, states would draw districts based only on the adult citizen population. This approach is rooted in an explicitly discriminatory plan to disadvantage growing Latino (and, to a lesser extent, Asian American and Black) communities.⁴ It would enable states to pack children and noncitizens, who are disproportionately Latino, Asian American, and Black, into sprawling, supersized legislative districts.⁵ Residents of these districts would receive less representation than they do under the total population approach that states currently use, and this could have tremendous consequences for the funding of crucial public goods — including schools and transportation — that are used by everyone in a community regardless of age or citizenship status.

Making such a break with current practice and precedent would be of dubious legality and would leave states vulnerable to a host of legal challenges. It also would have major practical implications for redistricting. This study looks at what such a change would mean for representation and the allocation of political power in the United States by focusing on its impact three demographically distinct states: Texas, Georgia, and Missouri.

Our findings include the following:

- **Citizen children, not noncitizens, would account for the overwhelming majority of those excluded in adult citizen–based districts.** Citizen children make up more than 70 percent of those who would be excluded in Texas, 80 percent in Georgia, and 90 percent in Missouri.
- **Large portions of the population in all three states would no longer be counted in adult citizen–based districts.** Nearly 36 percent of the total population in Texas, 30 percent in Georgia, and 25 percent in Missouri would be excluded from the apportionment of legislative seats.
- **Communities of color would be disproportionately impacted.** Latino and Asian American communities

in particular would suffer substantially greater exclusion than their white counterparts. While only about 20 percent of the white population across the three states would be left uncounted, nearly 30 percent of the Black population and more than 50 percent of the Latino and Asian American populations would be excluded from legislative districts. The situation in Georgia would be particularly stark, with nearly 70 percent of Latino residents, most of whom are children, excluded.

- **Diverse metropolitan areas that support majority-minority districts would cede representation to whiter, more rural regions.** The Houston, Dallas, and Rio Grande Valley regions of Texas would see sharp reductions in representation. In Georgia, the apportionment shift would hit metro Atlanta. And in Missouri, the representational losses would flow from areas around Kansas City and St. Louis. In all three states, many of the current districts that provide Latino and Black communities an opportunity to secure representatives of their choice would no longer be viable or would need to be significantly reconfigured.
- **Many of the areas that would be most impacted by an apportionment shift face deep inequities and new challenges, underscoring their urgent need for full representation.** In Missouri, losses in representation would be borne primarily by Black neighborhoods in Kansas City and St. Louis that were formally segregated during the Jim Crow era and that continue to suffer from disinvestment. In Texas, underpopulated districts, which would need to expand to bring in additional adult citizens, include much of historically Black Houston as well as overwhelmingly Latino areas, including colonias near the U.S.–Mexico border that increasingly face infrastructural and climate-related environmental dangers. In Georgia, representational losses would be concentrated in the rapidly diversifying suburbs of Atlanta, where communities of color are taking on historically white political establishments to address urgent political needs around education and policing.

Background

In a series of landmark cases in the 1960s, the Supreme Court established that states must make their congressional and legislative districts equal in population size. As the Court explained in *Reynolds v. Sims*, “Legislators represent people, not trees or acres.”⁶ State and local governments have long understood this requirement to mean that districts must be equalized using total population figures from the U.S. census. But in recent years, conservative activists have sought to break with historical practice, aiming to exclude children and noncitizens from being counted when legislative districts are drawn.

It is well established that congressional districts must be drawn on the basis of a state’s entire population.⁷ However, the Constitution and case law are less explicit about the requirements for state legislative districts. In 2014 a group of Texas voters funded by conservative activist Ed Blum (who has also sponsored assaults on the Voting Rights Act and affirmative action) brought a lawsuit arguing that the Constitution requires legislative districts to be drawn so as to equalize the number of eligible voters in a state, rather than its total population.⁸ The Supreme Court unanimously rejected this argument in 2016, ruling in *Evenwel v. Abbott* that states’ long-standing practice of using total population to draw legislative districts is constitutional.⁹

Writing for the majority, Justice Ruth Bader Ginsburg made clear that “history, precedent, and practice demonstrate [that] it is plainly permissible for jurisdictions to measure equalization by the total population.”¹⁰ To say otherwise “would upset a well-functioning approach to districting that all 50 States and countless local jurisdictions have followed for decades, even centuries.”¹¹ However, the Court declined to rule on whether it would also be permissible for states to draw legislative districts to equalize its voter-eligible population, by drawing districts based on the state’s adult citizens or similar measures.

Though the Supreme Court has yet to speak conclusively on the issue, it has strongly suggested that adult citizen apportionment violates key norms and representational rights. The practice of drawing districts to equalize total population prevents “taxation without representation” and ensures that all communities can secure their fair share of resources. As the Supreme Court reasoned in *Reynolds v. Sims*, “Legislatures are responsible for enacting laws by which all citizens are to be governed, [so] they should be bodies which are collectively responsive to the popular will.”¹² Indeed, the decisions that legislatures make with respect to schools, roads and transit, housing, emergency services, and other public goods impact everyone in a community, regardless of age or citizenship status. As a result, everyone deserves to be counted when districts are drawn.

Nevertheless, ahead of a new redistricting cycle beginning later in 2021, one or more states may seize on the narrow opening left by *Evenwel* and seek to use adult citizens or a similar apportionment base in lieu of total population despite the legal and practical hurdles. Conservative lobbying groups, including the American Legislative Exchange Council, have openly encouraged lawmakers to limit representation to adult citizens.¹³ The Trump administration likewise attempted, albeit unsuccessfully, to add a citizenship question to the 2020 Census so that states would have data they could use to exclude people from representation.¹⁴

Also last year, Missouri voters approved Amendment 3, which repeals key provisions of a 2018 anti-gerrymandering and anti-corruption ballot initiative and which, its Republican backers claim, permits the state to draw districts on the basis of adult citizens rather than total population.¹⁵ Though the actual text of Amendment 3 does not authorize Missouri to depart from the total population standard — and indeed, any attempt to do so is likely to invite a host of lawsuits — its passage indicates that the effort to exclude children and noncitizens from the count is officially underway.

Not surprisingly, discrimination against racial and ethnic minorities undergirds the push to apportion on the basis of adult citizens. Documents found on the hard drives of Thomas Hofeller, a prominent GOP redistricting strategist, which were released after his death, revealed that this plan originated among high-ranking Republican donors and operatives and explicitly aimed to disadvantage growing Latino communities in Texas, where demographic changes threaten Republican legislative control.¹⁶

Hofeller theorized that counting only adult citizens to draw districts would artificially inflate the influence of areas that tend to be white and that in recent decades have generally voted Republican. In Hofeller’s blunt words, the change in apportionment base would be “advantageous to Republicans and non-Hispanic Whites.”¹⁷ The message was clear. The white Republican establishment in states such as Texas, threatened by demographic

change, could maintain its political supremacy for a while longer by drawing districts using adult citizens instead of total population.

Profiled States

This report examines the impact of limiting representation to adult citizens in Texas, Georgia, and Missouri. These states provide an instructive cross section of the United States. Texas is an example of a state with a large and quickly growing Latino population. Georgia pairs a sizable number of Black residents with a fast-growing Latino populace. And finally, Missouri provides an example of a predominantly white state with few noncitizens and a static population.

Just as important, these states are especially susceptible to an apportionment shift because legislators and activists there have deep ties to Republican gerrymandering operatives and are trying to preserve Republican rule. In fact, in the case of Missouri, steps have already been taken that open the door to drawing districts on the basis of adult citizens.¹⁸

Texas

Texas has been one of the fastest-growing states in the nation, adding nearly 4 million people between 2010 and 2019. Communities of color have fueled much of this growth. While the white population increased by a modest 4.7 percent between 2010 and 2019, the Latino, Black, and Asian American populations each grew at well over triple that pace. Indeed, Texas added nearly nine Latino residents for every additional white resident during this period.¹⁹ According to recent estimates, the state's population is 42 percent white, 39 percent Latino, 13 percent Black, and 5 percent Asian American.²⁰

Texas's politics are also at an apparent inflection point. The Republican establishment has long sought to neutralize the growing political power of Latinos and other communities of color through gerrymandering and discriminatory voting laws.²¹ The growing Latino population is poised to overtake the white population as the largest demographic group in Texas, and increased turnout among communities of color generally has begun to unsettle the political status quo.²² Democrats are running increasingly competitive races in the state.²³ Indeed, Beto O'Rourke's narrow loss in his bid for Ted Cruz's U.S. Senate seat in 2018 prompted the state's other senator, John Cornyn, to declare that Texas was "on the precipice of turning purple."²⁴ Still, Republicans retain control of the state house, where they hold 82 of 150 seats, and the state senate, where they hold 18 of 31 seats.

Georgia

Georgia too is experiencing rapid demographic and political change. With the third-highest percentage of Black residents of any state and fast-growing Asian American and Latino populations, Georgia has become one of the most demographically diverse states in the country.²⁵ While the white population in Georgia has hardly grown over the past decade, other racial/ethnic groups have seen their numbers skyrocket, with the Black population increasing by 15 percent, the Latino populace by 26.5 percent, and the number of Asian Americans by 39.2 percent. Georgia's population stands at 53 percent white, 32 percent Black, 10 percent Latino, and 4 percent Asian American.²⁶

Republicans currently hold comfortable majorities in both legislative chambers: 103 seats in the 180-seat state house and 34 seats in the 56-seat senate. But Georgia's political landscape has shifted alongside its demographic composition. The state has seen a number of Democrats run increasingly competitive statewide elections in recent years. Indeed, if Stacey Abrams's narrow defeat in the 2018 gubernatorial election — a contest she lost by less than 1.5 percentage points despite aggressive voter purges, faulty voting machines, and the mysterious rejection of absentee ballots — was a sign of Georgia's transformation, then the 2020 victories of Joe Biden in the presidential race and Jon Ossoff and Raphael Warnock in their U.S. Senate races cemented Georgia's swing state status.²⁷

Missouri

Missouri's population largely held steady from 2010 to 2019, growing by just under 150,000 people.²⁸ This modest gain was fueled by increases of around 30 percent among Latinos and Asian Americans; the white population grew by less than 1 percent. Nonetheless, on a statewide level, Missouri's population continues to be overwhelmingly white. According to Census Bureau estimates, the state is 80 percent white, 12 percent Black, 4 percent Latino, and 2 percent Asian American.

Politically, Missouri has trended more conservative over the past decade. In the 2008 presidential contest, Barack Obama ran neck and neck with John McCain in the state. In 2012 Mitt Romney carried the state by 10 points, and in 2016 Donald Trump won by nearly 19 points, fueling a conservative tide that swept four Democrats out of statewide office.²⁹ Donald Trump won there again in 2020, by more than 15 points, cementing what was once considered a bellwether state as dependably red.³⁰ Republicans enjoy supermajorities in the state house, holding 114 of 163 seats, and in the state senate, holding 24 of 34 seats.

Analysis

This study examines how the distribution of representation would change in Texas, Georgia, and Missouri under adult citizen apportionment. For each state, we identified who would be excluded from the count, and we measured which geographic areas and racial communities would lose representation.

Who Would Be Excluded from the Count?

A shift to adult citizen apportionment would entail excluding a substantial part of the population — children and noncitizens — when drawing districts. Across the three states, between 25 and 36 percent of the state’s total population would be excluded. Texas, with a significant noncitizen population and even larger under-18 population, would exclude the highest percentage of people, not only among the three profiled states but nationwide. More than 10 million Texans — over one-third of the state — would be cut out of the political calculus, meaning that Texas would effectively erase a group larger than the population of most states. And even in Missouri, a state with exceptionally few noncitizens and little population growth, nearly one-quarter of the population would be erased from the count.

TABLE 1

Comparison of Excluded Population in Texas, Georgia, and Missouri

STATE	EXCLUDED POPULATION	PERCENTAGE OF TOTAL POPULATION
Texas	10,079,525	35.7%
Georgia	3,047,285	29.3%
Missouri	1,501,140	24.6%

Source: Brennan Center analysis of the U.S. Census Bureau’s Citizen Voting Age Population Special Tabulation from the 2019 5-Year American Community Survey.

The Vast Majority of Those Excluded Would Be Citizen Children

In all three states as well as across the country, there are far more citizen children than noncitizens. As a result, citizen children rather than noncitizens make up the vast majority of those who would be excluded from representation under adult citizen apportionment. Accordingly, the primary impact of such a shift would be felt by households with citizen children.

In Texas, citizen children would account for more than 70 percent of all those removed from the apportionment base. In Georgia, that figure is more than 80 percent. The breakdown is most stark in Missouri: out of the roughly 1.5 million people who would be excluded from the apportionment base, more than 91 percent would be citizen children.

Consequently, communities with many children would lose a substantial amount of representation under a system in which only adult citizens count. These losses would flow to older communities.

Latino Communities Would Be Disproportionately Impacted

The removal of children from the apportionment base would have an outsize impact on Latino communities, which skew younger than other groups. This is true in Missouri, Georgia, and Texas alike. In all three states, about 20 percent of the white population is under 18. The percentages are much higher among the Black and Latino communities — approximately 25 percent and 35 percent, respectively.

Altogether, drawing districts on the basis of adult citizens would exclude a far higher percentage of Latino, Asian American, and Black communities than of their white counterparts. In each state, about 21 percent of the white population would be excluded, compared with about 28 percent of the Black population, just over 50 percent of the Asian American population, and between 51 and 65 percent of the Latino population.

TABLE 2**Breakdown of Excluded Population**

STATE	CITIZEN CHILDREN		NONCITIZENS	
Texas	7,072,615	70.2%	3,006,910	29.8%
Georgia	2,452,690	80.5%	594,595	19.5%
Missouri	1,367,910	91.1%	133,230	8.9%

Source: Brennan Center analysis of the U.S. Census Bureau's Citizen Voting Age Population Special Tabulation from the 2019 5-Year American Community Survey.

TABLE 3**Percentage of Racial/Ethnic Group Under 18**

STATE	WHITE	BLACK	ASIAN	LATINO
Texas	19.6%	25.4%	22.6%	32.6%
Georgia	20.1%	25.7%	22.1%	36.6%
Missouri	20.7%	26.1%	20.5%	36.6%

Source: Brennan Center analysis of the U.S. Census Bureau's Citizen Voting Age Population Special Tabulation from the 2019 5-Year American Community Survey.

TABLE 4**Excluded Population by Racial/Ethnic Group**

STATE	WHITE	BLACK	ASIAN	LATINO
Texas	21%	29%	50%	51%
Georgia	21%	28%	52%	65%
Missouri	21%	28%	53%	53%

Source: Brennan Center analysis of the U.S. Census Bureau's Citizen Voting Age Population Special Tabulation from the 2019 5-Year American Community Survey.

Which Communities Would Lose Representation?

Representation depends not only on the apportionment base but also on the geographic distribution of communities and on the redistricting process that sets new boundaries. If children and noncitizens were evenly distributed across a state, no communities would lose representation relative to others under a shift to adult citizen apportionment. All parts of the state and all communities would see the same exclusions and therefore be entitled to the same number of representatives as before.

But if impacted households are instead clustered within a state or county, then certain communities would suffer representational loss — that is, receive fewer districts (or a smaller share of a district) than they would if their entire population were counted. That representation would go to other communities with fewer children and noncitizens.

In other words, by looking at the geographic distribution of households with children or noncitizens, we can tell which communities of color would be more likely than their white counterparts to end up in overpopulated districts (as measured by total population). In these districts, a cascade of harms could follow. Among them, communities of color may find it more difficult to qualify for Voting Rights Act protections that enable them to elect their candidates of choice.³¹

Measuring Representational Loss and Gain

To measure representational loss or gain, we first calculated the number of representatives each county should expect to receive (that is, each county's share of a representative) under apportionment based on total population.³² We then compared that figure with the county's share of a representative under adult citizen apportionment. Any change constitutes a county's representational loss or gain.

Of course, no state simply awards legislative districts to counties. We nonetheless used a county's share of a representative as a proxy by which to determine which geographic areas stand to gain representation under an apportionment shift and which stand to lose representation. An area that gains representation would receive more districts or occupy a larger portion of a district; either way, residents would enjoy a greater share of a representative. The opposite is true for an area that loses representation: it would receive fewer districts or occupy a smaller portion of a district.

Though new districts will be drawn after states receive data from the 2020 Census, we used current maps to demonstrate how our county analysis translates into concrete representational harms. Specifically, we looked to see which districts would be underpopulated under adult citizen apportionment. To satisfy the Supreme Court's requirement that every district in a state contain roughly equal populations, these districts would have to take in additional adult citizens.

If an area has enough underpopulated districts, one of two things could happen during the redistricting process. The map drawer could collapse the existing underpopulated districts into one another, reducing the number of districts in the area and ensuring that each resident there would end up in a larger district as measured by total population because children and noncitizens would no longer count. Figure 1 demonstrates how this can play out in practice.

Or, in less extreme cases, the map drawer could simply expand the borders of the underpopulated districts to bring in additional adult citizens from nearby overpopulated districts, as figure 2 demonstrates.

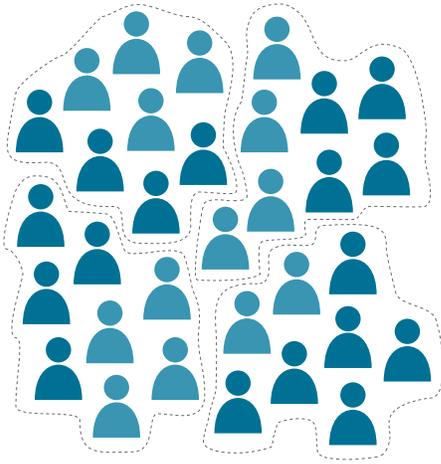
This would mean that most residents of underpopulated districts would end up in larger districts as measured by total population, while those in overpopulated districts would mostly end up in smaller ones. These changes may seem small, but repeated over and over again across a state, they could dramatically transform the makeup of a legislature, shifting power away from areas of the state that lose representation.

In either case, communities that end up in underpopulated districts would stand to receive less representation if adult citizen apportionment is employed in the next redistricting cycle.

FIGURE 1

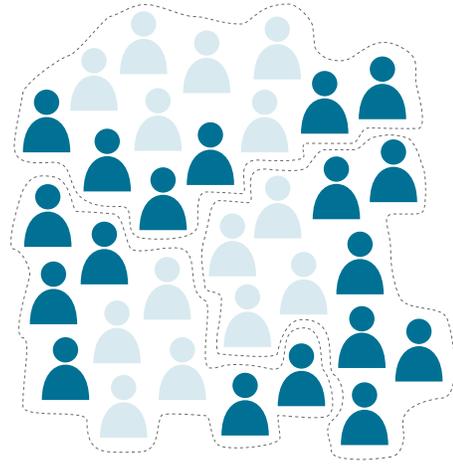
Total Population Apportionment

Districts contain equal numbers of people



Adult Citizen Apportionment

Districts contain equal numbers of adult citizens – but different numbers of people

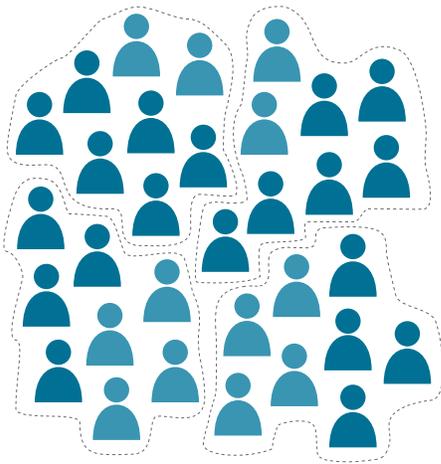


■ Adult citizens ■ Children and noncitizens ■ Children and noncitizens (excluded)

FIGURE 2

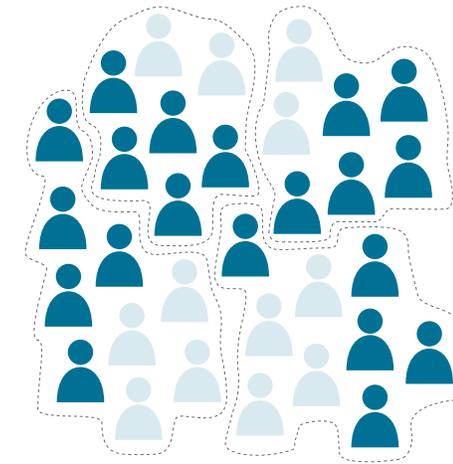
Total Population Apportionment

Districts contain equal numbers of people



Adult Citizen Apportionment

Districts contain equal numbers of adult citizens – but different numbers of people



■ Adult citizens ■ Children and noncitizens ■ Children and noncitizens (excluded)

Mapping Representational Loss and Gain

When we map representational changes for Texas, Georgia, and Missouri under adult citizen apportionment, we see that comparably diverse communities around large metropolitan areas bleed representation, while more exurban and rural parts of these states gain representation. As a result, many legislative districts around urban and suburban communities — particularly majority-minority or multiracial-coalition districts from which communities of color have elected candidates of choice — become substantially underpopulated.³³

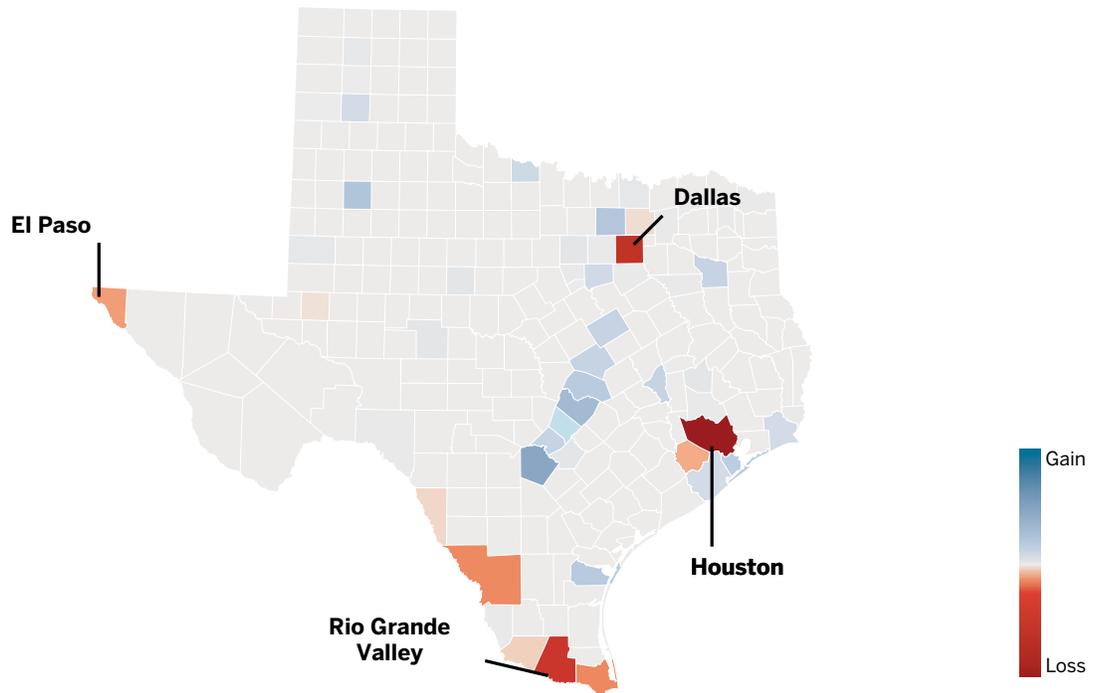
In the following maps, the color of the county corresponds to its absolute representational gains or losses

under an apportionment shift, with red signifying a loss of representation and blue indicating a gain; the darker the shade, the greater the county's gain or loss. Following each map, we present tables of each state's most underpopulated senate districts and their current representatives.

We also examine the history and current state of inequity in underpopulated districts and find that the effects of adult citizen apportionment would be disproportionately borne by areas with long legacies of place-based discrimination and racist public policy. These communities face continued and emerging harms ranging from environmental injustice and education inequality to over-policing — harms for which political representation is required and responsive political remedies are essential. In other words, adult citizen apportionment stands to deprive communities that urgently need a voice in our political system of representation.

FIGURE 3

Representational Change by County in Texas



Source: Brennan Center analysis of the U.S. Census Bureau's Citizen Voting Age Population Special Tabulation from the 2019 5-Year American Community Survey.

TABLE 5

Texas Senate Districts Most Underpopulated Under Adult Citizen Apportionment

DISTRICT	ADULT CITIZENS NEEDED	SENATOR	REGION	PERCENTAGE NONWHITE
6	141,835	Carol Alvarado (D)	Houston	90%
27	115,735	Eddie Lucio (D)	South Texas	92%
13	68,365	Borris Miles (D)	Houston	89%
29	42,345	Cesar Blanco (D)	El Paso	88%
23	34,890	Royce West (D)	Dallas	85%
20	26,365	Juan Hinojosa (D)	South Texas	84%
15	12,880	John Whitmire (D)	Houston	74%
16	11,840	Nathan Johnson (D)	Dallas	56%
21	8,575	Judith Zaffirini (D)	South Texas	77%
9	6,685	Kelly Hancock (R)	Dallas	58%

Source: Brennan Center analysis of the U.S. Census Bureau's Citizen Voting Age Population Special Tabulation from the 2019 5-Year American Community Survey.

Texas

In Texas, major metropolitan areas including Houston and Dallas would lose significant representation, as would border communities such as El Paso in West Texas and Laredo, McAllen, and Brownsville along the Rio Grande in South Texas. These fast-growing regions would receive significantly fewer legislators under adult citizen apportionment than they would if total population were counted.

Harris County, home to Houston, is one of the largest and most diverse counties in the nation. It is home to one-quarter of the state's jobs and 30 percent of its economic output.³⁴ Yet, under adult citizen apportionment, it would lose the equivalent of half a senate district and have less say in the 31-member chamber. That political power would instead flow to places such as Central Texas, where a group of counties with a collective population half the size of Harris County's would gain about one-third of a senate seat.

Likewise, in South Texas, Hidalgo County and Cameron County — the two most populous along the Rio Grande — would lose nearly three-tenths of a senate seat under adult citizen apportionment. As a result, three districts in this region, all currently held by Democratic members of the Texas Senate Hispanic Caucus, would become significantly underpopulated.

The makeup of Texas's underpopulated senate districts is striking evidence of how an apportionment shift would hurt the state's Latino community.³⁵ All of the ten underpopulated state senate districts listed in table 5 are majority-minority districts, and many are districts from which communities of color have elected candidates of choice. Notably, under adult citizen apportionment, eight of the ten members of the Hispanic Caucus would find their districts underpopulated, which means they would need to grow in size and population to bring in additional adult citizens.

The districts that would be most impacted by an apportionment shift are in many cases also those that are urgently in need of effective political representation due to past and ongoing patterns of discrimination.

Districts 6 and 13, for example, cover much of historically Black (and increasingly multiracial) Houston, including the once-redlined Third and Fifth Wards and the Black

suburbs of Sunnyside and Settegast.³⁶ These areas have been described as “unofficially ‘zoned’ for garbage” — targeted for polluting industry that have since become Superfund sites, dumps, and incinerators to the detriment of residents' health.³⁷ Studies have also found that the low-income and minority Houstonites there are more likely to live in low-lying flood zones and less likely to have sufficient drainage than residents of majority-white neighborhoods.³⁸

These conditions proved disastrous in recent years as Hurricanes Ike and Harvey devastated Houston: neighborhoods that were predominantly populated by communities of color suffered the most damage, were exposed to more pollution, and were less likely to receive post-flood recovery aid.³⁹ Diminished representation in these communities would thus deprive residents of the full political strength they need to counteract decades of underinvestment.

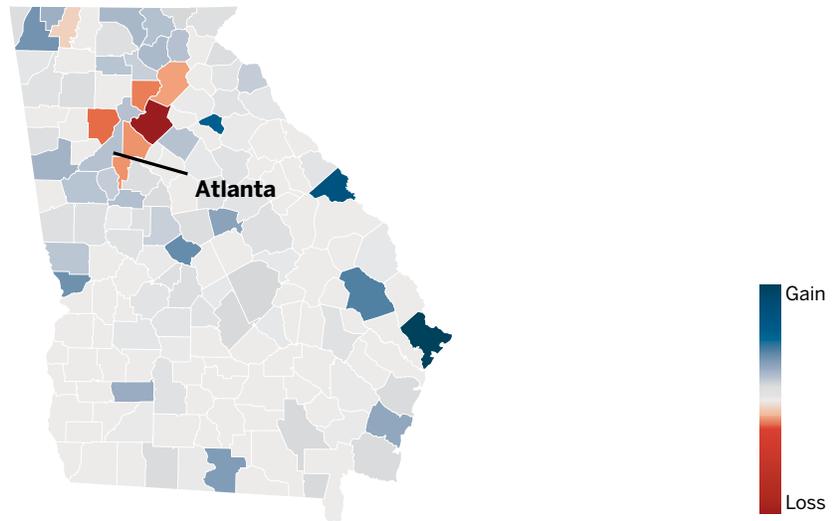
In South Texas, too, the impacts of an apportionment shift would be disproportionately borne by communities that already lack equal political access. Senate Districts 20, 21, 27, and 29 together contain 1,780 of Texas's nearly 2,300 colonias, predominantly Latino settlements along the state's southern border that suffer poverty and lack such basic necessities as potable water, electricity, and sewer systems.⁴⁰ Because many colonias are also located in severe flood zones without adequate drainage systems, extreme flooding is common, as is disease related to stagnant water.⁴¹

Colonia residents — nearly 75 percent of whom are U.S. citizens — tend to be undercounted by the census and have resorted to litigation in attempts to secure adequate representation.⁴² Nearby municipalities, deterred by the high cost of delivering basic services to the colonias, have overwhelmingly resisted annexation.⁴³ And though the Texas legislature has in previous years supported various colonia assistance programs — funding local health-care providers, developing infrastructure, and establishing an ombudsperson to advocate for issues faced by colonia residents — these measures were abruptly ended in 2017, effectively eliminating state aid for rural border communities.⁴⁴ These communities have long been underrepresented despite significant representational needs. Adult citizen-based districts would only further deprive these South Texas communities of political power.

Georgia

FIGURE 4

Representational Change by County in Georgia



Source: Brennan Center analysis of the U.S. Census Bureau's Citizen Voting Age Population Special Tabulation from the 2019 5-Year American Community Survey.

TABLE 6

Georgia Senate Districts Most Underpopulated Under Adult Citizen Apportionment

DISTRICT	ADULT CITIZENS NEEDED	SENATOR	REGION	PERCENTAGE NONWHITE
5	35,644	Sheikh Rahman (D)	Atlanta	84%
48	10,119	Michelle Au (D)	Atlanta	61%
41	9,969	Kim Jackson (D)	Atlanta	79%
54	8,869	Chuck Payne (R)	North	31%
40	5,584	Sally Harrell (D)	Atlanta	47%
26	5,444	David Lucas Sr. (D)	Central	66%
12	3,994	Freddie Sims (D)	Southwest	70%
11	2,589	Dean Burke (R)	Southwest	45%
49	2,154	Butch Miller (R)	Gainesville	39%
34	739	Valencia Seay (D)	Atlanta	86%

Source: Brennan Center analysis of the U.S. Census Bureau's Citizen Voting Age Population Special Tabulation from the 2019 5-Year American Community Survey.

Georgia

In Georgia, the greater Atlanta region would bear the biggest losses from a switch to drawing districts on the basis of adult citizen population. Among the nation's fastest-growing cities, metro Atlanta has added nearly 750,000 residents since 2010.⁴⁵ And, like Dallas and Houston, it would have fewer representatives despite this growth, losing legislative seats to smaller cities and rural parts of the state.

Poised to lose the most representation is Gwinnett County, a large, racially diverse county northeast of Atlanta that is home to nearly 900,000 residents. Under adult citizen apportionment, the county would lose nearly two and a half state house seats and three-quarters of a state senate seat. By contrast, the whiter counties of southeast Georgia, which also have an aggregate population of about 900,000, stand to gain about two-thirds of a house seat and one-fifth of a state senate seat.

Indeed, four of the five most underpopulated senate districts would be located in the fast-growing Atlanta metropolitan area. And six of the ten districts listed in table 6 are majority-minority districts, from which communities of color have elected representatives of choice.

Just as in Texas, it is diverse communities that stand to lose representation under adult citizen apportionment. In Georgia, the primary impact would be borne by the quickly changing Gwinnett and Cobb Counties. These areas were once overwhelmingly white, exemplars of “white flight” from newly integrated Atlanta in the aftermath of the civil rights movement.⁴⁶ Today, however, Gwinnett and Cobb are among the most racially diverse counties in the nation. Gwinnett County is 27 percent Black, 21 percent Latino, and 11 percent Asian American. White people, once 95 percent of the population, now make up less than 40 percent of the county's residents. Likewise, Cobb County is now 28 percent Black, 13 percent Latino, and 5 percent Asian American, with white people making up just over half of the population.⁴⁷

As Atlanta's suburbs have diversified, the region's dark history of segregated schooling is threatening to repeat itself. In Gwinnett and Cobb Counties, as the share of Black, Latino, and Asian American public school students has risen, the proportion of white students has decreased.⁴⁸ And though the districts at large are diverse, individual schools remain highly segregated, with policies that perpetuate disparities in opportunity.⁴⁹

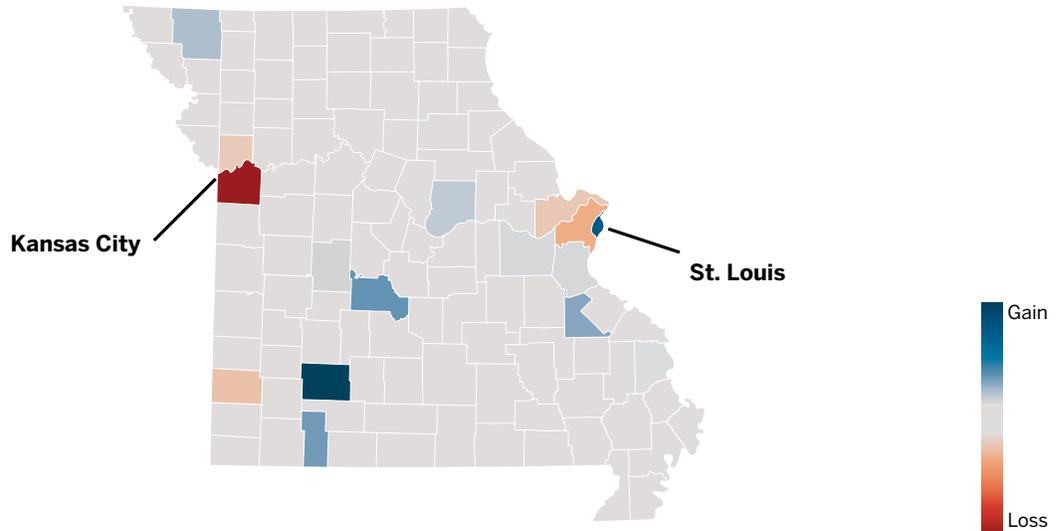
Gwinnett's and Cobb's immigrant communities, which have more than quadrupled in size over the past 25 years, have faced anti-immigrant policing practices that threaten their safety.⁵⁰ For a decade, despite the vehement opposition of immigrant communities, sheriffs maintained a controversial policy permitting the local enforcement of federal immigration law. By 2019 Gwinnett and Cobb county jails were making more contacts with U.S. Immigration and Customs Enforcement than any other in the country.⁵¹

In response to these and other issues, Atlanta's suburban communities of color have emerged as a political force. After decades of local government being “run almost entirely by white politicians,” Gwinnett in 2018 elected its first nonwhite school board member in the district's 60-year history.⁵² Last year both counties elected their first Black sheriffs, who have each since ended the controversial immigration enforcement program.⁵³ These are the same communities that also elected Georgia's first Muslim lawmaker, Sheikh Rahman, and the state's first Iranian American lawmaker, Zahra Karinshak.⁵⁴ And when Karinshak left office to run for Congress in 2020, her former constituents elected Georgia's first Asian American state senator, Michelle Au.⁵⁵ These seats — representing Districts 5 and 48 — would be the two most underpopulated under adult citizen apportionment. A shift to this representational basis thus threatens to stymie the political power of these communities of color just as they are beginning to make their voices heard.

Missouri

FIGURE 5

Representational Change by County in Missouri



Source: Brennan Center analysis of the U.S. Census Bureau's Citizen Voting Age Population Special Tabulation from the 2019 5-Year American Community Survey.

TABLE 7

Missouri Senate Districts Most Underpopulated Under Adult Citizen Apportionment

DISTRICT	ADULT CITIZENS NEEDED	SENATOR	REGION	PERCENTAGE NONWHITE
9	13,245	Barbara Anne Washington (D)	Kansas City	72%
11	10,945	John Rizzo (D)	Kansas City	29%
13	9,570	Angela Mosley (D)	St. Louis County	68%
14	8,175	Brian Williams (D)	St. Louis County	68%
25	7,955	Jason Bean (R)	Southeast	16%
8	5,235	Mike Cierpiot (R)	Kansas City	16%
33	3,685	Karla Eslinger (R)	South	6%
5	1,970	Steve Roberts (D)	St. Louis County	64%

Source: Brennan Center analysis of the U.S. Census Bureau's Citizen Voting Age Population Special Tabulation from the 2019 5-Year American Community Survey.

Missouri

In Missouri, an apportionment shift would have a less dramatic effect, on an absolute basis, than in Georgia or Texas. But the state's two major metropolitan areas — Kansas City and St. Louis — still stand to lose representation under adult citizen apportionment. Jackson County, the most populous county in the Kansas City region, would lose more than one-half of a state house seat and one-tenth of a state senate seat. On the other side of the state, St. Louis County would lose more than one-fifth of a house seat and one-twentieth of a senate seat. Meanwhile, counties in mid-Missouri stands to gain the representation lost.

While their numbers are fewer than in more diverse states, majority-minority districts in Missouri would nevertheless become more vulnerable under adult citizen apportionment.

Senate Districts 9, 13, and 14 would be three of the four most underpopulated districts under adult citizen apportionment. They are also three of the four majority-Black senate districts in Missouri, and each has sent Black representatives to the state capital. Collectively, these districts currently represent 42 percent of the state's Black population.⁵⁶ Districts 9 and 11, which would be the most underpopulated districts, have the highest Latino populations among the state's senate districts.⁵⁷

All of these underpopulated districts would have to be redrawn to bring in thousands of extra adult citizens, which would substantially change the demographic makeup of either these or surrounding districts. Such redrawing would either dilute the political power of Black communities in the very districts designed to empower them or reduce the number of Black constituents in

neighboring districts. Either way, the political power of Black communities would likely be diminished under adult citizen apportionment.

Critically, the Missouri senate districts most affected by a shift to adult citizen apportionment also contain neighborhoods that have been the target of state-sponsored segregation and racist disinvestment. For example, District 9, which would bear the most severe underpopulation, is bounded on one side by Troost Avenue, a street infamous for its function as a *de jure* border of racial segregation in Kansas City during the Jim Crow era.⁵⁸ Today Troost Avenue still operates as a dividing line between majority-Black and historically disinvested neighborhoods to the east and mostly white and wealthier neighborhoods to the west.⁵⁹

Likewise, underpopulated districts in the St. Louis area map onto geographic racial divides. Districts 13 and 14 cover much of the area north of the “Delmar Divide.”⁶⁰ The street, synonymous with redlining and racially restrictive covenants, separates predominantly white neighborhoods to the south from predominantly Black ones to the north. Indeed, Districts 13 and 14 together cover Ferguson and Florissant, where in the context of a voting rights lawsuit a federal court recently identified that “once-formalized policies of racial segregation” are still “inscribed on the regional landscape” and a “racialized gap in wealth” “persists to the present day.”⁶¹

That the districts most vulnerable to representational loss under adult citizen apportionment map neatly onto areas still struggling against the legacy of racism reveals that such a shift would, at least in effect, perpetuate an ugly history of discrimination against communities of color in Missouri.

Conclusion

The pursuit of adult citizen apportionment in Texas, Georgia, and Missouri would do more than simply interrupt the long-standing practice of counting all people for the purposes of redistricting. Excluding children and noncitizens would deny representation to close to one-third of each state's population, siphon political power from increasingly diverse and populous urban and suburban areas, and funnel it toward predominantly white rural regions in each state. Latino, Asian American, and Black communities would consistently bear the brunt of these representational losses, underscoring the discriminatory nature of a political play that has been explicitly praised by its proponents as "advantageous to Republicans and non-Hispanic Whites."⁶² Adult citizen apportionment thus threatens to further entrench systemic racial inequities while depriving communities of color of the full and accurate representation needed to resolve them.

Endnotes

- 1 This happens in two phases. First, states determine the target size for districts after getting population counts from the Census Bureau, a process known as apportionment. States then draw boundaries for those districts, a process known as redistricting.
- 2 *Evenwel v. Abbott*, 136 S.Ct. 1120, 1124 (2016) (“[A]ll States use total-population numbers from the census when designing congressional and state-legislative districts, and only seven States adjust those census numbers in any meaningful way.”).
- 3 Ari Berman, “Trump’s Stealth Plan to Preserve White Electoral Power,” *Mother Jones*, January/February 2020, <https://www.motherjones.com/politics/2020/01/citizenship-trump-census-voting-rights-texas/>.
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- 6 *Reynolds v. Sims*, 377 U.S. 533, 562 (1964).
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- 10 *Evenwel*, 136 S.Ct. at 1126–27.
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- 12 *Reynolds*, at 565.
- 13 Justin Miller, “Republicans Come to Texas to Prepare for the 2021 Redistricting Battle,” *Texas Observer*, August 20, 2019, <https://www.texasobserver.org/republicans-come-to-texas-to-prepare-for-the-2021-redistricting-battle/>.
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- 16 See Letter Motion to Compel Defendants to Show Cause at Exhibit D, *New York v. U.S. Dep’t of Commerce*, No. 18-cv-2921 (S.D.N.Y. 2018).
- 17 Letter Motion to Compel, *New York v. U.S. Dep’t of Commerce*, No. 18-cv-2921.
- 18 Missouri voters recently approved Amendment 3, a measure that repeals key provisions of a 2018 anti-gerrymandering ballot initiative. Amendment 3’s Republican backers claim it authorizes the state to draw districts on the basis of adult citizens rather than total population. The actual text of Amendment 3 does not require Missouri to depart from the total population standard, and indeed, other parts of the state’s constitution would likely prevent a move away from counting everyone. Nevertheless, the passage of Amendment 3 signals that the effort to exclude children and noncitizens from the count is officially underway.
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- 20 U.S. Census Bureau, “Population Estimates, July 1, 2019 (V2019) — Texas,” Quick Facts, accessed April 4, 2021, <https://www.census.gov/quickfacts/TX>.
- 21 See, e.g., U.S. Commission on Civil Rights, “Voting Rights in Texas: An Advisory Memorandum of the Texas Advisory Committee to the U.S. Commission on Civil Rights,” July 2018, <https://www.usccr.gov/pubs/2018/07-23-TX-Voting-Rights.pdf>.
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ABOUT THE BRENNAN CENTER’S DEMOCRACY PROGRAM

The Brennan Center’s Democracy Program encourages broad citizen participation by promoting voting and campaign finance reform. We work to secure fair courts and to advance a First Amendment jurisprudence that puts the rights of citizens — not special interests — at the center of our democracy. We collaborate with grassroots groups, advocacy organizations, and government officials to eliminate the obstacles to an effective democracy.

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