

## CHAPTER 8

# *Elections and Election Campaigns*

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# *Elections and Election Campaigns*

## A. APPORTIONMENT; VOTING DISTRICTS

### **§ 1. In General; Functions of Congress and the States**

The compromise reached at the original Constitutional Convention and approved by the ratifying conventions in the 18th century provided for one House of the national legislature to equally represent the states and for the other House to equally represent the people of the several states.<sup>(1)</sup> While the drafters of the Constitution provided for a periodic enumeration of the national population to be used in computing representation in the House of Representatives,<sup>(2)</sup> and provided

for both state and federal regulation over elections,<sup>(3)</sup> the specific mechanism by which Representatives would be allocated to states and by which they would be elected by the people were not described in the Constitution. The procedures for determining the size of the House, allocating seats to states, and equally distributing the right to vote for Representatives have gained form through congressional and state practice, federal statute, and judicial interpretations of the Constitution.<sup>(4)</sup>

Due to the recent proliferation of judicial decisions and collateral materials on the general subject of equality of political representation, important terms relating to

1. See *Wesberry v Sanders*, 376 U.S. 1, 14 (1964) for a discussion of the "Great Compromise." The composition of the House is dictated by U.S. Const. art. I, §2, clause 1, and the composition of the Senate is dictated by U.S. Const., 17th amendment. For a general discussion of the intention of the drafters of the Constitution as to House apportionment and districting, see Hacker, *Congressional Districting*, Brookings Institution (Washington, rev. ed., 1964).
2. U.S. Const. art. I, §2, clause 3.

3. U.S. Const. art. I, §4, clause 1.
4. Collateral matters relating to districts are not described in this chapter. For example, the allowances the Representative may use within his district and his power to send franked material outside his district are discussed in Ch. 7, *supra*.  
For coverage of elections and election procedures prior to 1936, see 1 Hinds' Precedents §§ 756 et seq. and 6 Cannon's Precedents §§ 121 et seq.