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# Reapportionment

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Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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# Reapportionment

Reference Number: CTAS-229

## Requirements for Reapportionment

Reference Number: CTAS-882

The Tennessee Constitution in Article VII, Section 1, provides for the election of a county legislative body in each county that should equally represent all areas of the county:

The legislative body shall be composed of representatives from districts in the county as drawn by the county legislative body pursuant to statutes enacted by the General Assembly. Districts shall be reapportioned at least every ten (10) years based upon the most recent federal census. The legislative body shall not exceed twenty-five (25) members, and no more than three representatives shall be elected from a district.

The statutes implementing this constitutional provision are T.C.A. §§ 5-1-110 through 5-1-112, which require the legislative body of each county to meet at least once every 10 years for the purpose of adopting a plan of reapportionment. By a majority vote of the membership, each county legislative body is to change the boundaries of districts, redistrict the county entirely, or increase or decrease the number of districts, if necessary, to apportion the county legislative body so that the members represent substantially equal populations. Although in the past local governments have employed a number of different population indicators in drawing districts, now the law requires them to use the latest federal census data. T.C.A. § 5-1-111.

## Reapportionment Process

Reference Number: CTAS-883

The first step a county legislative body should take when it prepares to develop a redistricting plan is to appoint a reapportionment committee. Although this committee is not a statutory requirement, most counties find that it greatly facilitates the process. In selecting the committee the legislative body will wish to achieve broad representation of the county, but a committee that is too large can prove cumbersome. Membership in the county legislative body is not required to serve on the reapportionment committee, and the inclusion of others is often helpful. After the committee has formed and the official county population from the latest federal census is known, the committee should determine the population in each voting precinct and then group these into "reasonably compact and contiguous" districts with substantially equal population and representation.

Districts cannot overlap one another, and no voting precinct may be split into different districts, except that in counties with 20 or more county legislative body districts, the election commission may establish a precinct that encompasses two or more districts with written approval from the coordinator of elections. T.C.A. § 5-1-111. Although the new voting districts need not conform to the boundaries of the original civil districts, these latter areas are to be preserved as they existed at the time of the first apportionment, for record-keeping purposes. T.C.A. § 5-1-112.

Before the new reapportionment plan takes effect, it must be put into writing and adopted by a majority of the county legislative body. Finally, the county legislative body must commission a map or maps showing the new voting districts as well as the original civil districts. Copies must be filed with the county clerk, comptroller and the secretary of state; revised maps must be filed within 90 days of any revision. T.C.A. § 5-1-110.

## Enforcement-Reapportionment

Reference Number: CTAS-884

Any citizen of the county may challenge the reapportionment plan in the county's chancery court, which has the power to order amendments to bring the plan into compliance with state law. If the county legislative body fails to make apportionment, the court can order it to be done. T.C.A. § 5-1-111; Op. Tenn. Att'y Gen. 92-21 (March 4, 1992). Since the provisions of this statute make a challenge of a county's reapportionment plan so simple, it is extremely important that each county follow the law as closely as possible and document each step taken in the preparation of a reapportionment plan.

## School Board and Highway Commission Districts

Reference Number: CTAS-885

Like other voting districts, school board and highway commission districts must conform to the "one person, one vote" reapportionment standard in order to be constitutionally acceptable. Most counties establish school and highway districts through private acts of the General Assembly; reapportionment of these districts must be accomplished by private act if a private act established the original districts. Many counties provide that school board districts and highway commission districts are to coincide with the county commission districts of the county. This practice can substantially simplify the reapportionment process.

## Assistance in Reapportionment

Reference Number: CTAS-886

Counties may obtain assistance in developing a reapportionment plan from the County Technical Assistance Service or the comptroller of the treasury's Office of Local Government.

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