

APPORTIONMENT CHANGES AMID POLICY PROPOSALS

September 2025

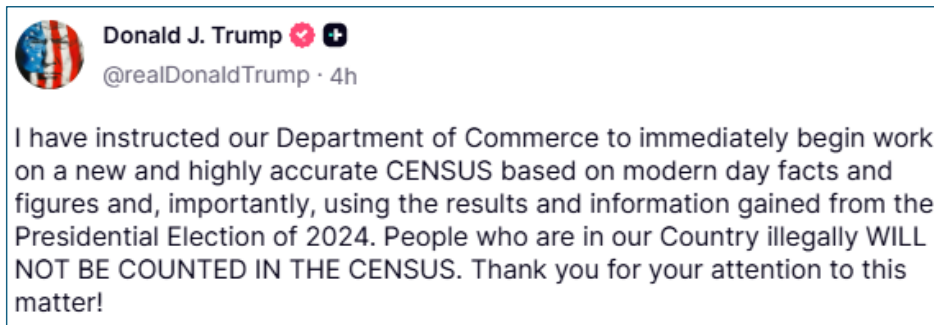


INTRODUCTION

During the 2020 census, an estimated 750,000 Floridians failed to respond to their census survey, resulting in a statistically significant undercount (3.48 percent). This undercount cost the State of Florida an additional seat in the U.S. House of Representatives, an additional vote in the Electoral College, and billions of dollars' worth of grant funding throughout the decade.¹

These consequences are garnering national attention. On August 5, U.S. House Representative Randy Fine introduced the Correct the Count Act, which would require a snap census that counts only citizens of the United States.² On August 7, 2025, President Trump shared on Truth Social that he has directed the U.S. Department of Commerce to begin work on a “new and highly accurate” census count that excludes illegal immigrants (Figure 1).

FIGURE 1.



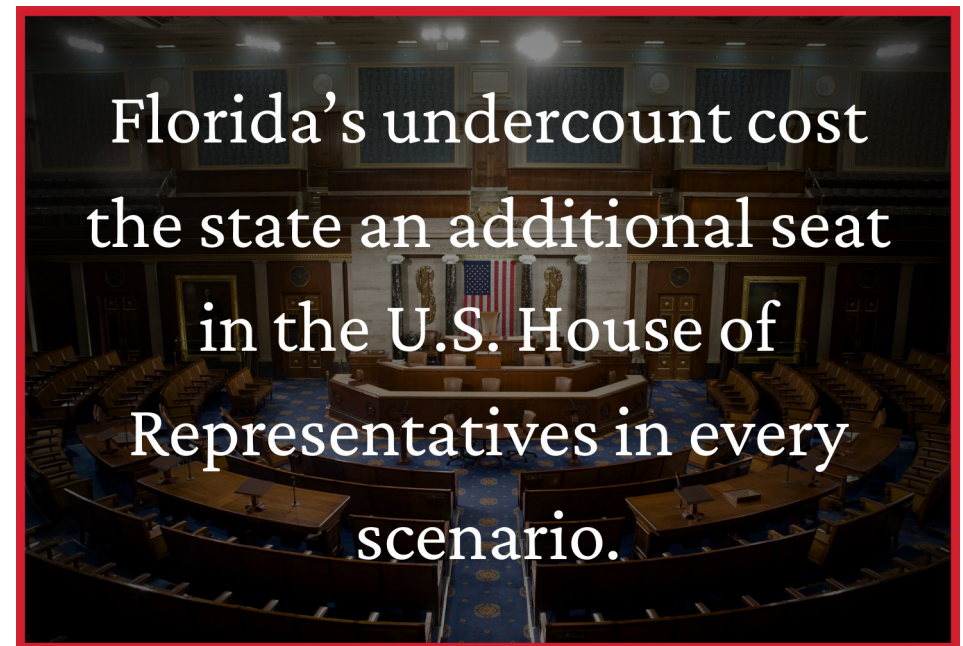
At the moment, it is unclear whether the bill or the directive could come to fruition. Section 2 of the United States Constitution reads:

“Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons.”

Any change to the operations of the census count must withstand constitutional scrutiny. When the first Trump administration tried to add a question regarding citizenship status to the 2020 Census, the U.S. Supreme Court denied the attempt, suggesting the reason for the question was contrived. The case did not, however, address whether certain populations could be excluded.³

To better understand Florida’s stake in the census amid proposed changes, this briefing uses data from 2020 to calculate the outcomes of apportionment under three different scenarios:

- **Scenario 1**—If all residents of the United States were accurately counted in 2020.
- **Scenario 2**—If all legal residents of the United States were accurately counted in 2020.
- **Scenario 3**—If only citizens of the United States were accurately counted in 2020.



¹ Florida TaxWatch, “Looking Back at Census 2020: What Florida’s Business and Community Leaders Need to Know,” July 2022; and “The Census Undercount Limits Florida’s Political Influence,” July 2025.

² Correct the Count Act, H.R. 4884, 119th Cong. (2025)

³ United States, Supreme Court. *Department of Commerce, et al. v. New York, et al.* Docket No. 18-966, June 27, 2019.

DATA LIMITATIONS

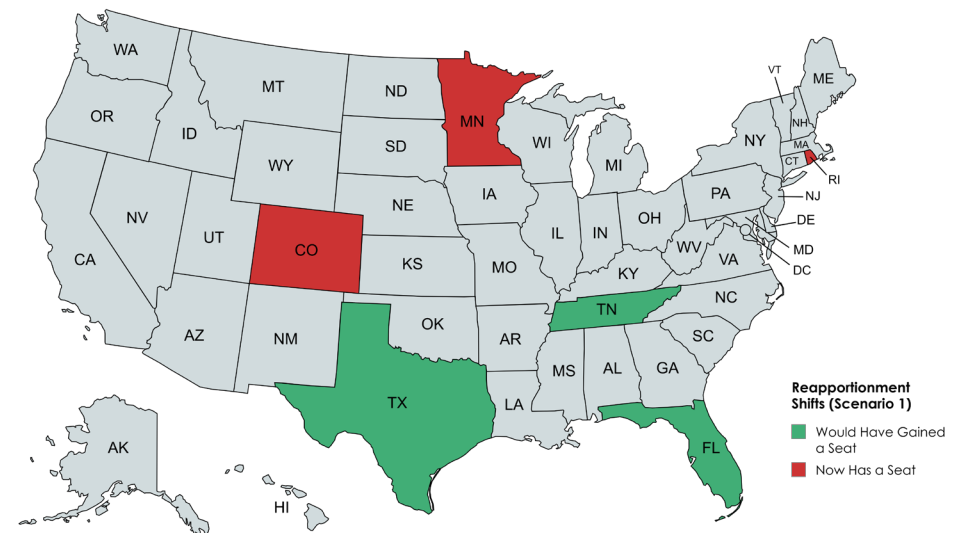
All of the calculations use the U.S. Census Bureau's Post Enumeration Survey to adjust the population count by the estimated net coverage error for each state. The calculations assume that citizens, non-citizens, and illegal immigrants are counted with the same level of error, which is likely not the case. Nationally, the U.S. Census Bureau identified a 1.64 percent overcount of the non-Hispanic White population and an undercount of Black (3.30 percent) and Hispanic/Latino (4.99 percent) populations.⁴ Considering an estimated 78 percent of likely undocumented immigrants in the United States are Hispanic,⁵ they likely comprise a greater share of Florida's coverage error, presenting a data limitation to the accuracy of these calculations.

To estimate the number of non-citizens in the country, this briefing relies on data from the American Community Survey 5-Year Estimates (2020). It is important to note that while it is the best publicly available source of socio-economic data, the ACS samples are applied to the census count, which means the shortcomings of the 2020 census count could impact the accuracy of the data. The calculations are explained in further detail within the Appendix (*Methodology*) to this briefing.

SCENARIO 1

The calculation for Scenario 1 was previously presented in the Florida TaxWatch Census Institute report "*The Census Undercount Limits Florida's Political Influence*" (see Figure 2). The results show that if the priority values for seats in the U.S. House of Representatives were based on a more accurate census count, three states would have gained an additional seat—**FLORIDA, TENNESSEE, AND TEXAS**. Due to census miscounts, those seats now belong to **COLORADO, MINNESOTA, AND RHODE ISLAND**.

FIGURE 2.
WITH A COMPLETE CENSUS COUNT, FLORIDA WOULD HAVE GAINED AN ADDITIONAL SEAT IN THE U.S. HOUSE OF REPRESENTATIVES



⁴ United States Census Bureau, Post-Enumeration Survey and Demographic Analysis, March 2022.

⁵ Center for Migration Studies, Demographic Profile of Undocumented Hispanic Immigrants in the United States, October 2022.

SCENARIO 2

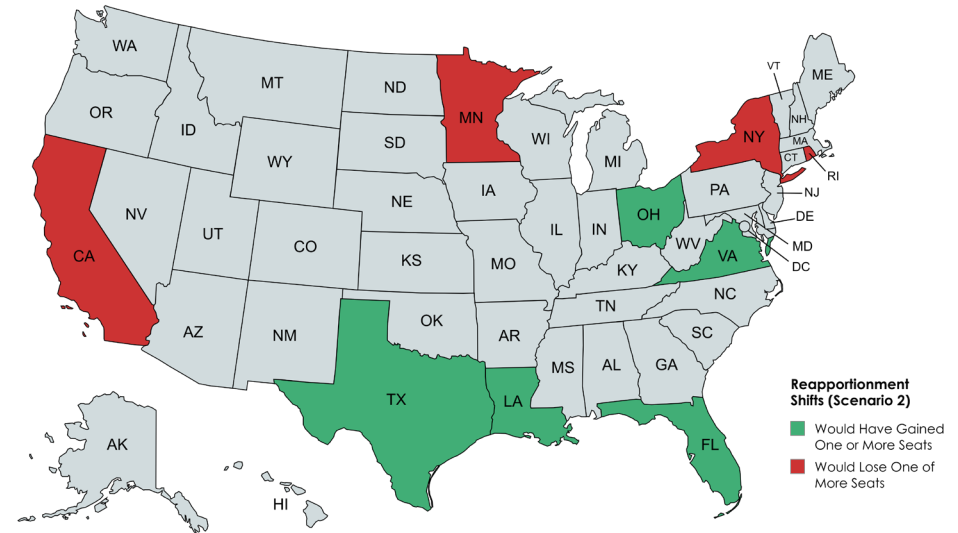
On August 7, 2025, President Trump announced that the next census count would exclude illegal immigrants. To calculate how this would have affected apportionment if it were in place during the 2020 Census, an estimated number of illegal immigrants for each state is subtracted from the population count that was adjusted for miscounts in Scenario 1. This calculation uses the estimated number of illegal immigrants from the Migration Policy Institute, which uses data from the U.S. Census Bureau's American Community Survey (ACS) and the Department of Homeland Security to calculate its estimates.

The results show that, if the priority values for seats in the U.S. House of Representatives were based on a more accurate census count and excluded illegal immigrants, five states would have gained one or more additional seats—**FLORIDA, LOUISIANA, OHIO, TEXAS, AND VIRGINIA**. Under this scenario, Florida would have gained two additional Congressional seats. Four states would lose one or more seats—**CALIFORNIA, MINNESOTA, NEW YORK, AND RHODE ISLAND** (see Figure 3).

These results may seem surprising, considering Florida has the fourth highest estimate of illegal immigrants based on 2019 estimates (772,000). If illegal immigrants were excluded from the census count, however, the effects of illegal immigrants in other states limit the effects of Florida's own illegal immigrant population on apportionment. Nearly half of states have an estimated 100,000 illegal immigrants or more. The states with the highest estimates of illegal immigrants greatly outpace even Florida; California has an estimated 2.7 million and Texas has an estimated 1.7 million illegal immigrants.⁶ The limited impact Florida's illegal immigration has on its apportionment further attests to the severity of Florida's census undercount.

FIGURE 3.

FLORIDA WOULD BE ONE OF FIVE STATES THAT WOULD GAIN ADDITIONAL SEAT(S) IN THE U.S. HOUSE OF REPRESENTATIVES IF THE COUNT WERE ACCURATE AND EXCLUDED ILLEGAL IMMIGRANTS



⁶ As previously stated in this briefing, the calculations assume that every population has the same net coverage error within the state. If illegal immigrants had a greater coverage error than Florida's citizen population, which is likely the case, the results of this calculation would be different (see, *Data Limitations*).

SCENARIO 3

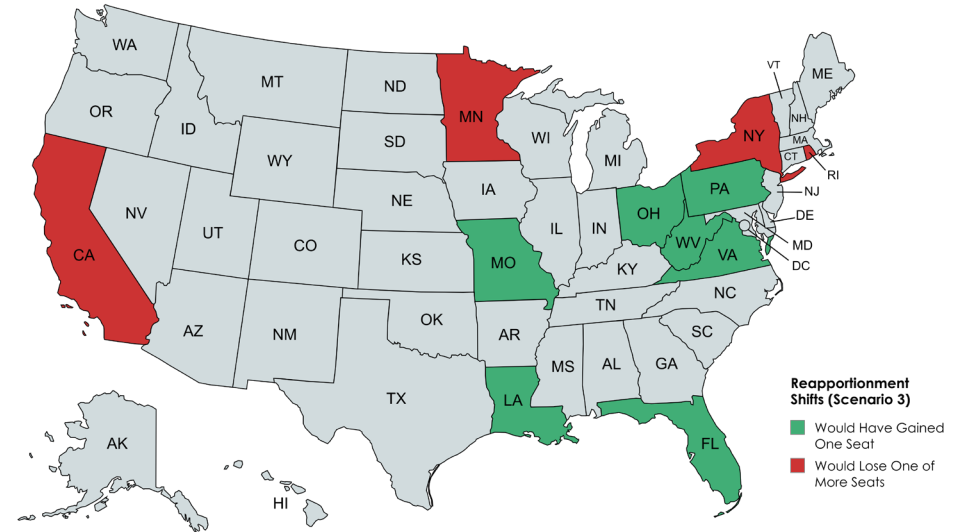
On August 5, U.S. House Representative Randy Fine introduced the Correct the Count Act, which would require a snap census that counts only citizens of the United States.⁷ To calculate how this would have affected apportionment if it were in place during the 2020 Census, an estimated number of non-citizens was subtracted from the population count that was adjusted for miscounts in Scenario 1. The estimate of non-citizens was collected from the ACS 5-Year Estimates (2020). In addition to illegal immigrants, non-citizens should include permanent residents, non-immigrants with temporary legal status, and refugees and asylees. The ACS is a self-identified survey, imposing a limitation upon this estimate.

The results show that, if the priority values for seats in the U.S. House of Representatives were based on a more accurate census count and excluded non-citizens, seven states would have gained an additional seat—**FLORIDA, LOUISIANA, MISSOURI, OHIO, PENNSYLVANIA, VIRGINIA, AND WEST VIRGINIA**. Meanwhile, **CALIFORNIA** would lose three seats, **NEW YORK** would lose two seats, and **MINNESOTA AND RHODE ISLAND** would each lose one seat (see Figure 4).

Once again, this distribution may seem surprising, but a closer look at the number of non-citizens in each state helps bring clarity to the calculations. According to the ACS 5-Year Estimates (2020), the states that had the largest number of non-citizens during the 2020 Census were California, Texas, Florida, and New York. California was home to nearly one in four non-citizens nationwide, making its apportionment extremely sensitive to changes in census methodology. Texas had 14 percent of the nation's non-citizen population and Florida had nine percent. Although these numbers are high, both Florida and Texas were one of six states with statistically significant census undercounts in 2020; therefore, the impact of removing their non-citizen population from a corrected population count was less drastic to their apportionment.

⁷ Correct the Count Act, H.R. 4884, 119th Cong. (2025).

FIGURE 4.
FLORIDA IS ONE OF SEVEN STATES THAT WOULD HAVE GAINED AN ADDITIONAL SEAT IN THE U.S. HOUSE OF REPRESENTATIVES IF THE COUNT WAS ACCURATE AND EXCLUDED NON-CITIZENS.



LOOKING AHEAD

Planning for the next census count is currently shrouded by questions of whom to count and when to count. The three scenarios above, however, reveal the answer to perhaps the most critical question for Florida taxpayers—what is at stake for the State of Florida?

During the 2020 Census, Florida would have gained at least one additional seat in the U.S. House of Representatives in every scenario.

Setting aside discussion on whether relying on a population survey is the best way to create population counts, the state must do what it can to achieve a more accurate count during the next census. The state can best prepare by providing support during the Local Update of Census Addresses (LUCA). During LUCA, which typically occurs three years prior to the decennial census, every municipality and county is responsible for providing the U.S. Census Bureau with a list of existing residences. If the U.S. Census Bureau does not know a residence exists, it will not try to count its residents.

THERE ARE TWO WAYS THE STATE GOVERNMENT CAN HELP:

1. The Executive Office of the Governor may designate a liaison to coordinate between the U.S. Census Bureau and local governments. The liaison would provide support and accountability to local governments as they participate in LUCA.
2. The State Legislature may invest in technical assistance and training for local governments, ensuring staffing limitations do not encumber the completion of LUCA.

In addition to commitment from state leadership, the census count also benefits from the commitment of business and community leaders. Investments in grassroot movements, especially when made far enough in advance to plan ahead of the census count, can encourage the response of hard-to-reach populations. An accurate census protects the nation's constitutional democratic republic. It is imperative that every state receives the representation they deserve, no more and most certainly, no less.

The Florida TaxWatch Census Institute Recommends Every Floridian:

- 1) **Stay up-to-date on census-related issues.** The Florida TaxWatch Census Institute provides a resource hub and engagement opportunities to help you stay current on census related issues and connect with organizations that can help your business promote a complete census count.
- 2) **Act as a trusted messenger.** Encourage friends, families, colleagues, employees, or customers to spread awareness about the importance of decennial censuses. All information is private and cannot be seen by other government agencies.
- 3) **Lend your voice.** Use your voice to encourage involvement by businesses and government officials. Awareness campaigns and increased governmental funding for grassroot efforts bring the state closer to a complete census count. Consider amplifying your voice by joining or creating a Complete Count Committee.
- 4) **Invest in your community.** Whether directly or through philanthropic organizations, invest in grassroots efforts that help residents complete their census surveys. Even with 2030 a few years away, an early investment in grassroots efforts allows time to organize and develop effective plans to support a complete census count.

APPENDIX-METHODOLOGY

DATA SOURCES

United States Census Bureau, *2020 Post-Enumeration Survey Estimation Report*, June 2022.

United States Census Bureau, “How Apportionment is Calculated,” retrieved from <https://www.census.gov/newsroom/blogs/random-samplings/2021/04/how-apportionment-is-calculated.html>, accessed on June 17, 2025.

United States Census Bureau, American Community Survey (ACS) 5-Year Estimates (2020).

Migration Policy Institute, *Unauthorized Immigrant Population Profiles, 2015-2019*.

RESEARCH APPROACH AND DESIGN

The U.S. Constitution requires the nation to conduct a decennial census to serve as the basis for the apportionment of U.S. House of Representatives among the states. Every state holds at least one seat, and the remaining 385 seats are distributed through the Method of Equal Proportions.

The Method of Equal Proportions identifies how many seats each state needs to maintain a relatively equal ratio of representatives to residents across the states. Since the formula uses the census count as its population size, the final results are impacted by census miscounts.

Florida TaxWatch conducted this calculation to show the impact of the census miscount on apportionment. Using the same formula as the U.S. Census Bureau, Florida TaxWatch repeats the calculations with population sizes adjusted for net coverage error rate of the census count.

Florida TaxWatch also uses this briefing to consider how apportionment would change if new restrictions were imposed on the census, namely the exclusion of illegal immigrants (Scenario 2) or the exclusion of all non-citizens (Scenario 3). The initial adjusted population calculation is adapted for Scenario 2 by subtracting an estimated illegal immigrant population. The initial adjusted population calculation is adapted for Scenario 3 by subtracting an estimated non-citizen population.

ASSUMPTIONS AND LIMITATIONS

- The population count for every state is rounded to the nearest thousandths.
- The net coverage error for each state has a different standard error. For the sake of this calculation, it is assumed the net coverage error is accurate for every state.
- The net coverage error for a state is assumed to be constant throughout all populations; however, it should be noted that national data suggests that different ethnic and racial groups have different net coverage errors. As illegal immigrants and non-citizens are removed from the state populations, their removal would likely change the net coverage error rate for each state.
- The estimate of non-citizens and illegal immigrants uses ACS data. As a census-derived data product, the ACS likely has minor inaccuracies due to miscounts.

CALCULATIONS

I. ADJUSTED POPULATION COUNT

To determine the number of people who should have been counted during the 2020 Census, the census count was multiplied by the net error coverage rate. The product is multiplied by negative one and added back to the census population. Since the negative net error coverage rate reveals the percent of a population that is missing as a negative number, it must be multiplied by negative one to add the missing population back to the population base. Similarly, since the positive net error coverage rate reveals the overcounted population, it must be multiplied by negative one in order to reduce the population base. The final result represents the population if the census were accurately counted. The calculation for Florida is illustrated below:

$$\begin{aligned} & -1(\text{Census Count Population} \times \text{Net Error Coverage Rate}) + \text{Census} \\ & \quad \text{Count Population} \\ & -1(21,070,000 \times -3.48\%) + 21,070,000 \\ & -1(-733,236) + 21,070,000 \\ & 21,803,236 \end{aligned}$$

This calculation was repeated for every state.

- a. Scenario 1:** The results from the calculation above are the population values used to adjust apportionment in Scenario 1.
- b. Scenario 2:** The result from Scenario 1 is the first step in determining the population values used to adjust apportionment in Scenario 2. After accounting for the census miscounts, the estimated number of illegal immigrants is subtracted from each state's adjusted population value. The calculation uses the estimate of illegal immigrants published by the Migration Policy Institute. The Migration Policy Institute used data from the Department of Homeland Security and the ACS to create their estimates.
- c. Scenario 3:** The result from Scenario 1 is the first step in determining the population values used to adjust apportionment in Scenario 3. After accounting for the census miscounts, the estimated number of non-citizens is subtracted from each state's adjusted population value. The estimate of non-citizens was collected from the ACS 5-Year Estimates (2020).

II. ADJUSTED APPORTIONMENT

The U.S. Census Bureau uses the “Method of Equal Proportions” to determine the apportionment of seats. This method calculates a “priority value” to demonstrate a state's need for each seat number. The calculation is as follows:

$$\text{Priority Value (V)} = \text{Population (P)} \div \sqrt{(\text{Seat Number}(N) \times (N-1))}$$

To calculate priority values, the population of each state is divided by a divisor that is based on the possible seat number (N). The divisor is calculated by taking the square root of the seat number multiplied by the preceding seat number. For example, for Florida's second congressional seat, the divisor would be the square root of two multiplied by one. For Florida's third congressional seat, the divisor would be the square root of three multiplied by two, and so on.

This calculation is conducted for every possible seat (N) that could be apportioned to a state. Using the adjusted census populations (see *Adjusted Population Count*), Florida TaxWatch calculated the priority value for seats two through 70 for every state for each scenario.

After calculating the priority value for seats two through 70 in every state, Florida TaxWatch ranked the list from highest priority value to lowest. The top 385 possible seats would be the seats chosen for apportionment.

TABLE 1.
FLORIDA WOULD BE ONE OF FIVE STATES THAT WOULD GAIN
ADDITIONAL SEAT(S) IN THE U.S. HOUSE OF REPRESENTATIVES IF THE
COUNT WERE ACCURATE AND EXCLUDED ILLEGAL IMMIGRANTS

State	2020 Apportionment	Adjusted Apportionment	Change of Seats
Alabama	7	7	0
Alaska	1	1	0
Arizona	9	9	0
Arkansas	4	4	0
California	52	52	0
Colorado	8	7	-1
Connecticut	5	5	0
Delaware	1	1	0
Florida	28	29	1
Georgia	14	14	0
Hawaii	2	2	0
Idaho	2	2	0
Illinois	17	17	0
Indiana	9	9	0
Iowa	4	4	0
Kansas	4	4	0
Kentucky	6	6	0
Louisiana	6	6	0
Maine	2	2	0
Maryland	8	8	0
Massachusetts	9	9	0
Michigan	13	13	0
Minnesota	8	7	-1
Mississippi	4	4	0
Missouri	8	8	0
Montana	2	2	0

State	2020 Apportionment	Adjusted Apportionment	Change of Seats
Nebraska	3	3	0
Nevada	4	4	0
New Hampshire	2	2	0
New Jersey	12	12	0
New Mexico	3	3	0
New York	26	26	0
North Carolina	14	14	0
North Dakota	1	1	0
Ohio	15	15	0
Oklahoma	5	5	0
Oregon	6	6	0
Pennsylvania	17	17	0
Rhode Island	2	1	-1
South Carolina	7	7	0
South Dakota	1	1	0
Tennessee	9	10	1
Texas	38	39	1
Utah	4	4	0
Vermont	1	1	0
Virginia	11	11	0
Washington	10	10	0
West Virginia	2	2	0
Wisconsin	8	8	0
Wyoming	1	1	0

Source: Florida TaxWatch, *The Census Undercount Limits
Florida's Political Influence*, July 2025

TABLE 2.
FLORIDA WOULD BE ONE OF FIVE STATES THAT WOULD GAIN
ADDITIONAL SEAT(S) IN THE U.S. HOUSE OF REPRESENTATIVES IF THE
COUNT WERE ACCURATE AND EXCLUDED ILLEGAL IMMIGRANTS

State	2020 Apportionment	Accurate Census Count, Excludes Illegal Immigrants	Change of Seats
Alabama	7	7	0
Alaska	1	1	0
Arizona	9	9	0
Arkansas	4	4	0
California	52	50	-2
Colorado	8	8	0
Connecticut	5	5	0
Delaware	1	1	0
Florida	28	30	2
Georgia	14	14	0
Hawaii	2	2	0
Idaho	2	2	0
Illinois	17	17	0
Indiana	9	9	0
Iowa	4	4	0
Kansas	4	4	0
Kentucky	6	6	0
Louisiana	6	7	1
Maine	2	2	0
Maryland	8	8	0
Massachusetts	9	9	0
Michigan	13	13	0
Minnesota	8	7	-1
Mississippi	4	4	0
Missouri	8	8	0

State	2020 Apportionment	Accurate Census Count, Excludes Illegal Immigrants	Change of Seats
Montana	2	2	0
Nebraska	3	3	0
Nevada	4	4	0
New Hampshire	2	2	0
New Jersey	12	12	0
New Mexico	3	3	0
New York	26	24	-2
North Carolina	14	14	0
North Dakota	1	1	0
Ohio	15	16	1
Oklahoma	5	5	0
Oregon	6	6	0
Pennsylvania	17	17	0
Rhode Island	2	1	-1
South Carolina	7	7	0
South Dakota	1	1	0
Tennessee	9	9	0
Texas	38	39	1
Utah	4	4	0
Vermont	1	1	0
Virginia	11	12	1
Washington	10	10	0
West Virginia	2	2	0
Wisconsin	8	8	0
Wyoming	1	1	0

TABLE 3.

FLORIDA IS ONE OF SEVEN STATES THAT WOULD HAVE GAINED AN ADDITIONAL SEAT IN THE U.S. HOUSE OF REPRESENTATIVES IF THE COUNT WAS ACCURATE AND EXCLUDED NON-CITIZENS.

State	2020 Apportionment	Accurate Census Count, Excludes Non-Citizens	Change of Seats
Alabama	7	7	0
Alaska	1	1	0
Arizona	9	9	0
Arkansas	4	4	0
California	52	49	-3
Colorado	8	8	0
Connecticut	5	5	0
Delaware	1	1	0
Florida	28	29	1
Georgia	14	14	0
Hawaii	2	2	0
Idaho	2	2	0
Illinois	17	17	0
Indiana	9	9	0
Iowa	4	4	0
Kansas	4	4	0
Kentucky	6	6	0
Louisiana	6	7	1
Maine	2	2	0
Maryland	8	8	0
Massachusetts	9	9	0
Michigan	13	13	0
Minnesota	8	7	-1
Mississippi	4	4	0

State	2020 Apportionment	Accurate Census Count, Excludes Non-Citizens	Change of Seats
Missouri	8	9	1
Montana	2	2	0
Nebraska	3	3	0
Nevada	4	4	0
New Hampshire	2	2	0
New Jersey	12	12	0
New Mexico	3	3	0
New York	26	24	-2
North Carolina	14	14	0
North Dakota	1	1	0
Ohio	15	16	1
Oklahoma	5	5	0
Oregon	6	6	0
Pennsylvania	17	18	1
Rhode Island	2	1	-1
South Carolina	7	7	0
South Dakota	1	1	0
Tennessee	9	9	0
Texas	38	38	0
Utah	4	4	0
Vermont	1	1	0
Virginia	11	12	1
Washington	10	10	0
West Virginia	2	3	1
Wisconsin	8	8	0
Wyoming	1	1	0

ABOUT FLORIDA TAXWATCH

As an independent, nonpartisan, nonprofit taxpayer research institute and government watchdog, it is the mission of Florida TaxWatch to provide the taxpayers of Florida and public officials with high quality, independent research and analysis of issues related to state and local government taxation, expenditures, policies, and programs. Florida TaxWatch works to improve the productivity and accountability of Florida government. Its research recommends productivity enhancements and explains the statewide impact of fiscal and economic policies and practices on citizens and businesses.

Florida TaxWatch is supported by voluntary, tax-deductible donations and private grants. Donations provide a solid, lasting foundation that has enabled Florida TaxWatch to bring about a more effective, responsive government that is accountable to the citizens it serves since 1979.

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The Florida TaxWatch Census Institute delivers data-driven analysis of the 2020 Census undercount to help ensure every Floridian is accurately counted and represented in 2030. Our mission is to present the challenges and opportunities inherent in census data collection to business and community leaders. Accurate census data is vital for fair representation, proper allocation of federal dollars, economic growth, and infrastructure planning. It takes all Floridians to secure a complete count in 2030.

As the lead author of this report, **Meg Cannan—Senior Research Analyst & Director of the Florida TaxWatch Census Institute—**invites inquiries and engagement from government officials, community leaders, academics, and concerned citizens. For additional information or to discuss our findings further, please email Meg Cannan at mcannan@floridataxwatch.org.

Have a Research Inquiry?

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