

Territorial Legislative Apportionment

Number 46

With rapid, unpredictable shifts in population which were the normal consequence of a series of gold rushes, no one short of a prophet could have prepared fair Idaho legislative apportionments during territorial days. Sudden changes in some instances upset the voting balance among the counties during the months in which a campaign and election was on. Both houses of the legislature were supposed to be apportioned according to the number of voters in each county, but in actual practice, a fair distribution of representation often was difficult to achieve. Any source revised so infrequently as was the regular United States census was of little or no use: the 1860 census, in fact, was taken shortly before the gold rush, and showed no population in Idaho; the 1870 census had an error in excess of 18 percent in its Idaho total; and the 1880 census became obsolete before the totals were added up and the election held in November, on account of the rush to the Wood River mines. The 1890 census came after the last territorial legislature met. Aside from two special census enumerations in 1863 and 1864, the chief guide for the preparation of apportionment legislation had to be the total vote cast in each county in the elections of members of the legislature. (In some respects, the total vote may have been more accurate in indicating the number of voters than total census figures would have been.)

Even before Idaho was established, the problem of obtaining a fair legislative apportionment for the Idaho mining counties in the Washington legislature proved to be insurmountable; the Puget Sound region which dominated the Washington legislature solved the apportionment crisis by getting the disturbing mining counties made into a new territory of Idaho so that they would perplex Washington no more. (Just before Idaho was established, the Oregonian--commenting from the vantage point of Portland--noted that if the Lewiston estimates published in the Golden Age were correct, the mining counties deserved no less than 150 representatives and councilmen in the Washington legislature.) But considering the magnitude of the problem, fairly successful attempts were made throughout the territorial period to apportion the legislative houses according to population. The worst failures came in the face of the Boise-Owyhee mining rushes in the beginning, and of the Wood River-Coeur d'Alene mining rushes from 1880 to 1884. In Idaho's first election, Boise County cast 90.4 per cent of the vote which remained in Idaho after 1864, but the three North Idaho counties, with less than ten per cent of the vote, had three councilmen compared with two from Boise County. In the House of Representatives, Boise County did better, with five members compared to North Idaho's four.

(This disproportion of voting and legislative strength resulted in a bitterly-contested dispute over location of the territorial capital.) By the time that Boise County began to get the representation it deserved, a consistent decline in population left it with too much legislative strength for many years.

In the other most notable example of legislative unbalance, Alturas County and Shoshone County--each had the same legislative strength in the 1880 reapportionment--but after the 1880 dislocation of population attendant upon the Wood River excitement, Alturas cast 2,970 votes (or 2,170, omitting some frauds and irregularities that the canvassers threw out) compared with only 30 votes in Shoshone County. The 1884 Coeur d'Alene gold rush did much to rectify that particular disproportion, but Shoshone County then was left grossly under-represented. And there were many other inequities that were hard to overcome. But considering the dramatic shifts of population, the legislature did surprisingly well most of the time in reapportionment, although there were notable exceptions. After all, members from declining counties generally resisted legislation to take away their own representation and to abolish their own seats in order to help some newly-growing region. And like as not, by the time an adjustment was made, there would have been another violent population change; the adjustment would be too late, and would serve mainly to create a new unfair situation. Most counties had the hope of suddenly gaining voters by the thousands, or else showed great suspicion of places that had made such sudden growth through mining. In spite of such natural resistance, legislative reapportionment took place fairly frequently without too much violence, with the population shifts as they were known when the reapportionments were made.

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