

SENATE JOINT RESOLUTION NO. 15—SENATOR O’CONNELL

MARCH 10, 1999

Referred to Committee on Government Affairs

SUMMARY—Urges Congress to ensure that decennial census is conducted without statistical sampling. (BDR R-1502)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

SENATE JOINT RESOLUTION—Urging the Congress of the United States to ensure that the decennial census is conducted without statistical sampling.

- 1 WHEREAS, The Constitution of the United States requires an actual
- 2 enumeration of the population every 10 years and entrusts Congress with
- 3 the oversight of all aspects of each decennial enumeration; and
- 4 WHEREAS, The purpose of the decennial census is to apportion the seats
- 5 in Congress among the several states; and
- 6 WHEREAS, An accurate and legal decennial census is necessary to
- 7 apportion properly the seats in the House of Representatives among the 50
- 8 states and to create legislative districts within the states; and
- 9 WHEREAS, An accurate and legal decennial census is necessary to
- 10 enable a state to comply with the constitutional requirement to create
- 11 legislative districts within the state; and
- 12 WHEREAS, Section 2 of Article I of the Constitution of the United
- 13 States, to ensure an accurate count and minimize the potential for political
- 14 manipulation, requires an “actual enumeration” of the population which
- 15 requires a physical headcount of the population and prohibits statistical
- 16 guessing or estimates; and
- 17 WHEREAS, Section 195 of Title 13 of the United States Code, consistent
- 18 with this constitutional requirement, expressly prohibits the use of
- 19 statistical sampling to enumerate the population of the United States for the
- 20 purpose of reapportioning the House of Representatives; and

1 WHEREAS, Legislative redistricting conducted by the states is a critical
2 subfunction of the constitutional requirement to apportion representatives
3 among the states; and

4 WHEREAS, In *Department of Commerce v. U.S. House of*
5 *Representatives*, 119 S. Ct. 765 (1999), the United States Supreme Court
6 ruled that the Census Act prohibits the Census Bureau's proposed uses of
7 statistical sampling in calculating the population for purposes of
8 apportionment; and

9 WHEREAS, The United States Supreme Court found that the use of
10 statistical procedures to adjust census numbers may create a dilution of
11 voting rights for citizens in legislative redistricting in violation of the
12 constitutional principle of "one-person, one-vote"; and

13 WHEREAS, Consistent with this ruling and the constitutional and legal
14 relationship of legislative redistricting by the states to the apportionment of
15 the House of Representatives, the use of adjusted census data would raise
16 serious questions of vote dilution in violation of the constitutional principle
17 of "one-person, one-vote," thus exposing the State of Nevada to protracted
18 litigation over legislative redistricting plans at great cost to the taxpayers of
19 the State of Nevada, and likely resulting in a court ruling invalidating any
20 legislative redistricting plan using census numbers that have been
21 determined in whole or in part by the use of random sampling techniques
22 or other statistical methodologies that add or subtract persons to the census
23 counts based solely on statistical inference; and

24 WHEREAS, Consistent with this ruling, every reasonable and practical
25 effort should be made to obtain the fullest and most accurate count of the
26 population as possible, including appropriated funding for state and local
27 census outreach and educational programs, including a provision for post-
28 census local review; now, therefore, be it

29 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA,
30 JOINTLY, That the members of the 70th session of the Nevada Legislature
31 urge the Congress of the United States, as the official branch of
32 government assigned the responsibility of overseeing the decennial
33 enumeration, to take whatever steps are necessary to ensure that the 2000
34 decennial census is conducted fairly and legally; and be it further

35 RESOLVED, That the Nevada Legislature calls upon the Bureau of the
36 Census of the United States Department of Commerce to conduct the 2000
37 decennial census consistent with the aforementioned United States
38 Supreme Court decision and constitutional requirements, which require a
39 physical headcount of the population and bar the use of statistical sampling
40 to create, or in any way adjust, the count; and be it further

41 RESOLVED, That the Nevada Legislature opposes the use of Public Law
42 94-171 data for state legislative redistricting based on census numbers that
43 have been determined in whole or in part by the use of statistical inferences

1 derived by means of random sampling techniques or other statistical
2 methodologies that add or subtract persons to the census counts; and be it
3 further

4 RESOLVED, That the Nevada Legislature demands that it receive Public
5 Law 94-171 data for legislative redistricting identical to the census
6 tabulation data used to apportion seats in the House of Representatives
7 consistent with the aforementioned United States Supreme Court ruling
8 and constitutional requirements which require a physical headcount of the
9 population and bar the use of statistical sampling to create, or in any way
10 adjust, the count; and be it further

11 RESOLVED, That the Secretary of the Senate prepare and transmit a
12 copy of this resolution to the President of the United States, the Vice
13 President of the United States as the presiding officer of the Senate, the
14 Speaker of the House of Representatives, each member of the Nevada
15 Congressional Delegation and the Director of the Bureau of the Census;
16 and be it further

17 RESOLVED, That this resolution becomes effective upon passage and
18 approval.