

Assembly Joint Resolution No. 6—Assemblymen Thompson, Watts,
Assefa, Neal; Carrillo, Flores, Fumo, Martinez, McCurdy,
Miller, Monroe-Moreno and Torres

Joint Sponsors: Senators D. Harris,
Spearman; and Woodhouse

FILE NUMBER.....

Assembly Joint RESOLUTION—Urging Congress to prevent the
United States Census Bureau from adding a citizenship
question to the 2020 decennial census.

WHEREAS, The United States Constitution requires that an
“actual Enumeration” of the population be conducted every 10 years
to apportion representatives in Congress among the States,
“according to their respective Numbers, counting the whole number
of persons in each State” and vests Congress with the authority to
conduct that census “in such Manner as they shall by Law direct”,
U.S. Const. Art. I § 2, cl. 3; and

WHEREAS, Congress, in the Census Act, 13 U.S.C. §§ 1 et seq.,
has delegated to the Secretary of the Department of Commerce, with
the assistance of the United States Census Bureau, the responsibility
to conduct the decennial census; and

WHEREAS, On March 26, 2018, the Secretary announced his
decision to direct the Census Bureau to add to the 2020 decennial
census a question concerning the citizenship of each person counted
which had not been included in any decennial census since 1950;
and

WHEREAS, The Secretary’s decision is the subject of numerous
legal challenges, with one federal district court having vacated the
Secretary’s decision on the grounds that it was arbitrary and
capricious and contrary to law, in violation of the Administrative
Procedure Act, 5 U.S.C. §§ 551 to 559, 701 to 706, 1305, 3105,
3344, 4301, 5335, 5372, 7521, and the Census Act, while a second
found that it also violated the Enumeration Clause of the United
States Constitution, and both courts having issued injunctions to
prevent the Secretary from adding a citizenship question to the 2020
Census; and

WHEREAS, The United States Supreme Court has agreed to hear
a challenge to this decision and has scheduled it for oral argument
on April 23, 2019; and

WHEREAS, Research conducted by the Census Bureau during
both Republican and Democratic administrations has consistently
demonstrated that the inclusion of a citizenship question discourages



the participation in the census of households composed of immigrants, whether or not documented, as well as mixed households composed of citizens and at least one immigrant, leading the Census Bureau to conclude nearly 40 years ago, that any effort to ascertain citizenship in a decennial census “will inevitably jeopardize the overall accuracy of the population count”; and

WHEREAS, Four former directors of the Census Bureau—appointed by Presidents of both political parties—advised the United States Supreme Court in 2016 that “a one-by-one citizenship inquiry would invariably lead to a lower response rate to the Census in general”; and

WHEREAS, An inaccurate enumeration caused by the decreased participation in the decennial census of immigrants resulting from the inclusion of the citizenship question could be particularly harmful to this State because almost 20 percent of Nevadans are immigrants, only some of whom are citizens, and over 7 per cent of the State’s total population are undocumented immigrants, the highest proportion in the nation and more than twice the national average; and

WHEREAS, The harmful political consequences to Nevada arising from an inaccurate enumeration are substantial because, in addition to serving the constitutional purposes of a fair apportionment of representation in Congress and the allocation of members of the Electoral College, the Nevada Constitution requires the reapportionment of the number of Senators and Assembly members in this State following each decennial census among the various counties or legislative districts “according to the number of inhabitants in them” as established by that count; and

WHEREAS, The harmful economic consequences to Nevada arising from an inaccurate enumeration are also substantial because, according to the State Demographer, this State stands to potentially lose out on \$1,611 in federal funds each year for each resident of this State who is not counted on the 2020 decennial census; and

WHEREAS, The consequences of a maldistribution of political representation in Congress and the Electoral College, and within this State, and the deprivation of federal funds caused by an inaccurate decennial census are inherently unfair to the people of this State and, if allowed to occur, cannot be corrected sooner than the next decennial census in 2030; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 80th Session of the Nevada Legislature hereby urge Congress to prevent the United



States Census Bureau from adding a citizenship question to the 2020 decennial census; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States, as the presiding officer of the United States Senate, the Speaker of the United States House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

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