

(Reprinted with amendments adopted on April 17, 2019)

FIRST REPRINT

A.J.R. 6

ASSEMBLY JOINT RESOLUTION NO. 6—ASSEMBLYMEN THOMPSON,
WATTS, ASSEFA, NEAL; CARRILLO, FLORES, FUMO,
MARTINEZ, MCCURDY, MILLER, MONROE-MORENO AND
TORRES

MARCH 21, 2019

JOINT SPONSORS: SENATORS D. HARRIS,
SPEARMAN; AND WOODHOUSE

Referred to Committee on Legislative Operations and Elections

SUMMARY—Urges Congress to prevent the United States Census
Bureau from adding a citizenship question to the
2020 decennial census. (BDR R-279)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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

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

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

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

12 WHEREAS, On March 26, 2018, the Secretary announced his
13 decision to direct the Census Bureau to add to the 2020 decennial
14 census a question concerning the citizenship of each person counted



* A J R 6 R 1 *

1 which had not been included in any decennial census since 1950;
2 and

3 WHEREAS, The Secretary's decision is the subject of numerous
4 legal challenges, with one federal district court having vacated the
5 Secretary's decision on the grounds that it was arbitrary and
6 capricious and contrary to law, in violation of the Administrative
7 Procedure Act, 5 U.S.C. §§ 551 to 559, 701 to 706, 1305, 3105,
8 3344, 4301, 5335, 5372, 7521, and the Census Act, while a second
9 found that it also violated the Enumeration Clause of the United
10 States Constitution, and both courts having issued injunctions to
11 prevent the Secretary from adding a citizenship question to the 2020
12 Census; and

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

16 WHEREAS, Research conducted by the Census Bureau during
17 both Republican and Democratic administrations has consistently
18 demonstrated that the inclusion of a citizenship question discourages
19 the participation in the census of households composed of
20 immigrants, whether or not documented, as well as mixed
21 households composed of citizens and at least one immigrant, leading
22 the Census Bureau to conclude nearly 40 years ago, that any effort
23 to ascertain citizenship in a decennial census "will inevitably
24 jeopardize the overall accuracy of the population count"; and

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

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

38 WHEREAS, The harmful political consequences to Nevada
39 arising from an inaccurate enumeration are substantial because, in
40 addition to serving the constitutional purposes of a fair
41 apportionment of representation in Congress and the allocation of
42 members of the Electoral College, the Nevada Constitution requires
43 the reapportionment of the number of Senators and Assembly
44 members in this State following each decennial census among the



1 various counties or legislative districts “according to the number of
2 inhabitants in them” as established by that count; and

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

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

14 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF
15 NEVADA, JOINTLY, That the members of the 80th Session of the
16 Nevada Legislature hereby urge Congress to prevent the United
17 States Census Bureau from adding a citizenship question to the 2020
18 decennial census; and be it further

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

24 RESOLVED, That this resolution becomes effective upon
25 passage.

