

Amendment No. 454

Assembly Amendment to Assembly Joint Resolution No. 6
(BDR R-279)

**Proposed by:** Assembly Committee on Legislative Operations and Elections

**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION				Initial and Date		SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

MLS/JMK



Date: 4/14/2019

A.J.R. No. 6—Urges Congress to prevent the United States Census Bureau from adding a citizenship question to the 2020 decennial census.

(BDR R-279)





ASSEMBLY JOINT RESOLUTION NO. 6—ASSEMBLYMEN THOMPSON, WATTS, ASSEFA,  
NEAL; CARRILLO, FLORES ~~[AND]~~, 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.

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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.

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

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

3 WHEREAS, Research conducted by the Census Bureau during both Republican  
4 and Democratic administrations has consistently demonstrated that the inclusion of  
5 a citizenship question discourages the participation in the census of households  
6 composed of immigrants, whether or not documented, as well as mixed households  
7 composed of citizens and at least one immigrant, leading the Census Bureau to  
8 conclude nearly 40 years ago, that any effort to ascertain citizenship in a decennial  
9 census “will inevitably jeopardize the overall accuracy of the population count”;  
10 and

11 WHEREAS, Four former directors of the Census Bureau—appointed by  
12 Presidents of both political parties—advised the United States Supreme Court in  
13 2016 that “a one-by-one citizenship inquiry would invariably lead to a lower  
14 response rate to the Census in general”; and

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

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

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

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

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

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

48 RESOLVED, That this resolution becomes effective upon passage.