

1999 DRAFTING REQUEST

Assembly Joint Resolution

Received: **02/23/99**

Received By: **kuesejt**

Wanted: **Soon**

Identical to LRB:

For: **Bonnie Ladwig (608) 266-9171**

By/Representing: **her**

This file may be shown to any legislator: **NO**

Drafter: **dykmapj**

May Contact:

Alt. Drafters: **kuesejt**

Subject: **Memorials - Congress to
Elections - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Oppose statistical sampling in decennial census

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	dykmapj 02/23/99	gilfokm 02/23/99	jfrantze 02/24/99	_____	lrb_docadmin 02/24/99	lrb_docadmin 02/24/99	

FE Sent For:

<END>

1999 DRAFTING REQUEST

Assembly Joint Resolution

Received: **02/23/99**

Received By: **kuesejt**

Wanted: **Soon**

Identical to LRB:

For: **Bonnie Ladwig (608) 266-9171**

By/Representing: **her**

This file may be shown to any legislator: **NO**

Drafter: **dykmapj**

May Contact:

Alt. Drafters: **kuesejt**

Subject: **Memorials - Congress to
Elections - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Oppose statistical sampling in decennial census

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	dykmapj 02/23/99	gilfokm 02/23/99	jfrantze 02/24/99	_____	lrb_docadmin 02/24/99		

FE Sent For:

<END>

1999 DRAFTING REQUEST

Assembly Joint Resolution

Received: 02/23/99

Received By: **kuesejt**

Wanted: **Soon**

Identical to LRB:

For: **Bonnie Ladwig (608) 266-9171**

By/Representing: **her**

This file may be shown to any legislator: **NO**

Drafter: **dykmapj**

May Contact:

Alt. Drafters: **kuesejt**

Subject: **Memorials - Congress to
Elections - miscellaneous**

Extra Copies: **KMG**

Pre Topic:

No specific pre topic given

Topic:

Oppose statistical sampling in decennial census

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	dykmapj	1-2-23-99 KMG	2/24	2/24			

FE Sent For:

<END>

1999 Assembly Joint Bill ~~Leading~~ (RB-2315/1)
RJD + JTK:kmg

Relating to: MODEL RESOLUTION Lowercase, except as marked

RESOLUTION CONCERNING THE PLAN OF THE U.S. CENSUS BUREAU TO USE STATISTICAL SAMPLING IN THE DECENNIAL CENSUS

1999 GENERAL SESSION
Lowercase STATE OF

lower case
Due Wednesday

Be it resolved by the Legislature of the State of

WHEREAS, the U.S. Constitution requires an actual enumeration of the population every ten years and entrusts Congress with overseeing all aspects of each decennial enumeration; and

WHEREAS, the sole constitutional purpose of the decennial census is to apportion the seats in Congress among the several states; and

WHEREAS, an accurate and legal decennial census is necessary to properly apportion U.S. House of Representative seats among the 50 states and to create legislative districts within the states; and

WHEREAS, an accurate and legal decennial census is necessary to enable states to comply with the constitutional mandate of drawing state legislative districts within the states; and

WHEREAS, Article I, Section 2 of the U.S. Constitution, in order to ensure an accurate count and to minimize the potential for political manipulation, mandates an "actual enumeration" of the population, which requires a physical headcount of the population and prohibits statistical guessing or estimates of the population; and

WHEREAS, Title 13, Section 195 of the U.S. Code, consistent with this constitutional mandate, expressly prohibits the use of statistical sampling to enumerate the U.S. population for the purpose of reapportioning the U.S. House of Representatives; and

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

WHEREAS, the ~~United States~~ Supreme Court, in ^{Case} No. 98-404, *Department of Commerce, et al. v. United States House of Representatives, et al.*, together with No. 98-564, *Clinton, President of the United States, et al. v. Glavin, et al.* ruled on January 25, 1999, that the Census Act prohibits the Census Bureau's proposed uses of statistical sampling in calculating the population for purposes of apportionment; and

WHEREAS, in reaching its findings, the ~~United States~~ Supreme Court found that the use of statistical procedures to adjust census numbers would create a dilution of voting rights for citizens in legislative redistricting, thus violating legal guarantees of "one-person, one-vote"; and

WHEREAS, consistent with this ruling and the constitutional and legal relationship of legislative redistricting by the states to the apportionment of the U.S. House of Representatives, the use of adjusted census data would raise serious questions of vote dilution and violate "one-person, one-vote" legal protections, thus exposing ~~the State of~~ to protracted litigation over legislative redistricting plans at great cost to the taxpayers of ~~the State of~~ and likely result in a court ruling invalidating any legislative redistricting plan using census numbers that have been determined in whole or in part by the use of random sampling techniques or other

this this

H(B)(E)

Resolved by the assembly, the senate concurring, That

statistical methodologies that add or subtract persons to the census counts based solely on statistical inference; and

WHEREAS, consistent with this ruling, no person enumerated in the census should ever be deleted from the census enumeration; and

WHEREAS, consistent with this ruling, every reasonable and practical effort should be made to obtain the fullest and most accurate count of the population as possible, including appropriate funding for state and local census outreach and education programs, as well as a provision for post-census local review; now, therefore, be it

THEREFORE, BE IT RESOLVED, that ~~(insert legislative body)~~ the legislature of the state calls on the Bureau of the Census to conduct the 2000 decennial census ~~consistent~~ with the aforementioned ~~United States~~ Supreme Court ruling and constitutional mandate, which require a physical headcount of the population and ~~bars~~ the use of statistical sampling to create, or in any way adjust, the count; and, be it further

BE IT FURTHER RESOLVED, that ~~(insert legislative body)~~ opposes the use of P.L. 94-171 data for state legislative redistricting based on census numbers that have been determined in whole or in part by the use of statistical inferences derived by means of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts; and, be it further

BE IT FURTHER RESOLVED, that ~~(insert legislative body)~~ demands that it receive P.L. 94-171 data for legislative redistricting identical to the census tabulation data used to apportion seats in the U.S. House of Representatives ~~consistent~~ with the aforementioned ~~United States~~ Supreme Court ruling and constitutional mandate, which require a physical headcount of the population and ~~bars~~ the use of statistical sampling to create, or in any way adjust, the count; and, be it further

BE IT FURTHER RESOLVED, that ~~(insert legislative body)~~ urges Congress, as the branch of government assigned the responsibility of overseeing the decennial enumeration, to take whatever steps are necessary to ensure that the 2000 decennial census is conducted fairly and legally; and, be it further

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the Speaker of the U.S. House of Representatives, Majority Leader of the U.S. Senate, Vice President and the President of the United States.

(End)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 2/24/99

To: Representative Ladwig

Relating to LRB drafting number: LRB-2315

Topic

Oppose statistical sampling in decennial census

Subject(s)

Memorials - Congress to, Elections - miscellaneous

1. **JACKET** the draft for introduction

Bonnie Ladwig
 (check only one)

in the **Senate** ____ or the **Assembly** ____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Attorney Peter J. Dykman, Deputy Chief
Telephone: (608) 266-7098