

HOUSE JOINT RESOLUTION 15

Unofficial Copy
P1

1999 Regular Session
9r2197
CF 9r2243

By: **Delegate Getty**

Introduced and read first time: February 12, 1999

Assigned to: Commerce and Government Matters

HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

2 **A Fair and Accurate Decennial Census**

3 FOR the purpose of requesting that the federal Bureau of Census conduct the next
4 decennial census in a certain manner; requesting that certain census data be
5 given to the General Assembly; urging Congress to take certain steps in
6 connection with the census; and generally relating to the next decennial census.

7 WHEREAS, The U.S. Constitution requires an actual enumeration of the
8 population every 10 years and entrusts Congress with overseeing all aspects of each
9 decennial enumeration; and

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

12 WHEREAS, An accurate and legal decennial census is necessary to properly
13 apportion U.S. House of Representatives seats among the 50 states and to create
14 legislative districts within the states; and

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

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

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

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

1 WHEREAS, The United States Supreme Court, in Department of Commerce v.
2 United States House of Representatives (98-404) together with Clinton v. Glavin
3 (98-564) ruled on January 25, 1999, that the Census Act prohibits the Census
4 Bureau's proposed uses of statistical sampling in calculating the population for
5 purposes of apportionment; and

6 WHEREAS, In reaching its findings, the United States Supreme Court found
7 that the use of statistical procedures to adjust census numbers would create a dilution
8 of voting rights for citizens in legislative redistricting, thus violating legal guarantees
9 of "one-person, one-vote" but did not decide the issue of whether adjusted census
10 numbers could be used for purposes of State legislative redistricting plans; and

11 WHEREAS, Consistent with this ruling and the constitutional and legal
12 relationship of legislative redistricting by the states to the apportionment of the U.S.
13 House of Representatives, the use of adjusted census data could raise serious
14 questions of vote dilution and violate "one-person, one-vote" legal protections, thus
15 exposing the State of Maryland to protracted litigation over legislative redistricting
16 plans at great cost to the taxpayers of the State of Maryland, create uncertainty and
17 confusion regarding the orderly administration of the statewide election in the year
18 2002, and create a risk of a court ruling invalidating any legislative redistricting plan
19 using census numbers that have been determined in whole or in part by the use of
20 random sampling techniques or other statistical methodologies that add or subtract
21 persons to the census counts based solely on statistical inference; and

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

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

29 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the
30 Maryland General Assembly requests that the Bureau of Census conduct the 2000
31 decennial census consistent with the United States Supreme Court rulings in
32 Department of Commerce v. United States House of Representatives and Clinton v.
33 Glavin and the constitutional mandate that requires a physical head count of the
34 population and bars the use of statistical sampling to create or in any way adjust the
35 count; and be it further

36 RESOLVED, That the Maryland General Assembly requests the P. L. 94-171
37 data for legislative redistricting that is identical to the census tabulation data used to
38 apportion seats in the U.S. House of Representatives consistent to the aforementioned
39 United States Supreme Court rulings and constitutional mandate which require a
40 physical head count of the population; and be it further

41 RESOLVED, That the Maryland General Assembly urges Congress, as the
42 branch of government assigned the responsibility of overseeing the decennial

1 enumeration, to take whatever steps are necessary to ensure that the 2000 decennial
2 census is conducted fairly and legally; and be it further

3 RESOLVED, That a copy of this Resolution be forwarded by the Department of
4 Legislative Services to the Maryland Congressional Delegation: Senators Paul S.
5 Sarbanes and Barbara A. Mikulski, Senate Office Building, Washington D.C. 20510;
6 and Representatives Wayne T. Gilchrest, Robert L. Ehrlich, Jr., Benjamin L. Cardin,
7 Albert R. Wynn, Steny Hamilton Hoyer, Roscoe G. Bartlett, Elijah E. Cummings, and
8 Constance A. Morella, House Office Building, Washington, D. C. 20515; and to the
9 Honorable William Jefferson Clinton, President of the United States, Washington,
10 D.C.