

SENATE JOINT RESOLUTION 9

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1999 Regular Session
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CF 9lr2197

By: **Senators Mooney, Stoltzfus, and Madden**
Introduced and read first time: February 19, 1999
Assigned to: Rules

SENATE JOINT RESOLUTION

1 A Senate Joint Resolution concerning

2 **Use of Statistical Sampling in the Decennial Census**

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

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

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

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

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

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

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

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

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

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

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

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

34 RESOLVED, That the Maryland General Assembly opposes the use of P. L.
35 94-171 data for state legislative redistricting based on census numbers that have
36 been determined in whole or in part by the use of statistical inferences derived by
37 means of random sampling techniques or other statistical methodologies that add or
38 subtract persons to the census counts; and be it further

39 RESOLVED, That the Maryland General Assembly requests the P. L. 94-171
40 data for legislative redistricting that is identical to the census tabulation data used to
41 apportion seats in the U.S. House of Representatives consistent to the aforementioned
42 United States Supreme Court rulings and constitutional mandate which require a

1 physical head count of the population and bars the use of statistical sampling to
2 create or in any way adjust the count; and be it further

3 RESOLVED, That the Maryland General Assembly urges Congress, as the
4 branch of government assigned the responsibility of overseeing the decennial
5 enumeration, to take whatever steps are necessary to ensure that the 2000 decennial
6 census is conducted fairly and legally; and be it further

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