



Introduced Version

**SENATE CONCURRENT
RESOLUTION No. _____**

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DIGEST OF INTRODUCED RESOLUTION

A CONCURRENT RESOLUTION concerning the plan of the U.S.
Census Bureau to use statistical sampling in the decennial census.

LANDSKE

————— 1999, read first time and referred to Committee on



Introduced

First Regular Session 111th General Assembly (1999)

SENATE CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION concerning the plan of the U.S. Census Bureau to use statistical sampling in the decennial census.

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;

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

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

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;

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;

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;

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

Whereas, the United States Supreme Court, in 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;

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';

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 Indiana to protracted litigation over legislative redistricting plans at great cost to the taxpayers of the State of Indiana, 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 statistical methodologies that add or subtract persons to the census counts based solely on statistical inference;

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

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;

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

- 1 SECTION 1. That the Indiana General Assembly calls on the
2 Bureau of the Census to conduct the 2000 decennial census consistent
3 with the aforementioned United States Supreme Court ruling and
4 constitutional mandate, which require a physical headcount of the
5 population and bars the use of statistical sampling to create, or in any
6 way adjust the count.
- 7 SECTION 2. That the Indiana General Assembly opposes the use
8 of P.L. 94-171 data for state legislative redistricting based on census
9 numbers that have been determined in whole or in part by the use of
10 statistical inferences derived by means of random sampling techniques
11 or other statistical methodologies that add or subtract persons to the
12 census counts.
- 13 SECTION 3. That the Indiana General Assembly demands that it
14 receive P.L. 94-171 data for legislative redistricting identical to the
15 census tabulation data used to apportion seats in the U.S. House of
16 Representatives consistent to the aforementioned United States
17 Supreme Court ruling and constitutional mandate, which require a
18 physical headcount of the population and bars the use of statistical



1 sampling to create, or in any way adjust the count.

2 SECTION 4. That the Indiana General Assembly urges Congress,
3 as the branch of government assigned the responsibility of overseeing
4 the decennial enumeration, to take whatever steps are necessary to
5 ensure that the 2000 decennial census is conducted fairly and legally.

6 SECTION 5. That the Principal Secretary of the Senate is hereby
7 directed to distribute copies of this Resolution to the Speaker of the
8 U.S. House of Representatives, Majority Leader of the U.S. Senate,
9 Vice President and the President of the United States.

