

**HOUSE CS FOR SENATE JOINT RESOLUTION NO. 8(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIRST LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 4/27/99**

**Referred: Rules**

**Sponsor(s): SENATOR WARD**

**A RESOLUTION**

**1 Relating to the 2000 decennial United States census and to the development of**  
**2 redistricting data for use by the state in legislative redistricting.**

**3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**4 WHEREAS** the Constitution of the United States requires an enumeration of the  
**5 population every 10 years and entrusts the Congress with overseeing each decennial**  
**6 enumeration; and**

**7 WHEREAS** the sole constitutional purpose of the decennial census is to apportion the  
**8 seats in the United States House of Representatives among the several states; and**

**9 WHEREAS** an accurate and legal decennial census is necessary to properly apportion  
**10 the seats in the United States House of Representatives among the states and to create**  
**11 legislative districts within the states; and**

**12 WHEREAS** 13 U.S.C. 141(c) mandates that the Bureau of the Census provide each  
**13 state with basic tabulations of population (P.L. 94-171 data) within one year after the**  
**14 decennial census date; and**

**15 WHEREAS** the Alaska State Legislature believes that Article I, Section 2, Constitution  
**16 of the United States, in order to ensure an accurate count and to minimize the potential for**

1 political manipulation, mandates an "actual enumeration," meaning a physical headcount of  
2 the population, and prohibits reliance on estimates of the population for purposes of  
3 apportioning seats in the United States House of Representatives among the several states; and

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

6       **WHEREAS** the United States Supreme Court, in Department of Commerce v. United  
7 States House, slip. op. no. 98-404, 1999 WL 24616, 67 U.S.L.W. 4090, ruled on January 25,  
8 1999, that 13 U.S.C. 195 prohibits the proposed use by the Bureau of the Census of statistical  
9 sampling in the determination of population for purposes of apportioning seats in the United  
10 States House of Representatives among the several states; and

11       **WHEREAS** the appellees in Department of Commerce v. United States House  
12 established standing partly on the basis of a claim of expected intrastate vote dilution due to  
13 the proposed use by the Bureau of the Census of statistical sampling; and

14       **WHEREAS** the use of census data adjusted by means of sampling or other statistical  
15 methodologies in redistricting by the State of Alaska could raise serious issues of vote dilution  
16 and violate "one-person, one-vote" legal protections, expose the state to protracted and costly  
17 litigation over redistricting, and ultimately result in a court ruling invalidating the redistricting  
18 plan; and

19       **WHEREAS** the Alaska State Legislature believes that a person, once enumerated,  
20 should not be counted by sampling or other statistical methodologies for purposes of  
21 redistricting; and

22       **WHEREAS** every reasonable and practical effort should be made to obtain the fullest  
23 and most accurate count of the population possible, including appropriate funding for state and  
24 local census outreach and education programs and post-census local review;

25       **BE IT RESOLVED** that the Alaska State Legislature calls on the Bureau of the  
26 Census to conduct the 2000 decennial census consistent with the ruling in Department of  
27 Commerce v. United States House and with the Constitution of the United States; and be it

28       **FURTHER RESOLVED** that the Alaska State Legislature calls on the Bureau of the  
29 Census to conduct a physical headcount of the population and not to use random sampling  
30 techniques or other statistical methodologies that add persons to or subtract persons from the  
31 census counts in developing redistricting data under P.L. 94-171 for use by the states in

1 intrastate redistricting; and be it

2 **FURTHER RESOLVED** that the Alaska State Legislature opposes the use of P.L. 94-  
3 171 data for state legislative redistricting based on census numbers that have been determined  
4 in whole or in part by the use of statistical inferences derived by means of random sampling  
5 techniques or other statistical methodologies that add or subtract persons; and be it

6 **FURTHER RESOLVED** that the Alaska State Legislature requests that Alaska be  
7 given P.L. 94-171 data for legislative redistricting identical to the census tabulation data used  
8 to apportion seats in the United States House of Representatives, derived from a physical  
9 headcount of the population, and not adjusted using random sampling techniques or other  
10 statistical methodologies that add persons to or subtract persons from the census counts; and  
11 be it

12 **FURTHER RESOLVED** that the Alaska State Legislature urges the Congress, as the  
13 branch of government assigned the responsibility of overseeing the decennial enumeration of  
14 the population, to take whatever steps are necessary to ensure that the 2000 decennial census  
15 is conducted fairly and legally.

16 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the  
17 United States; the Honorable Al Gore, Jr., Vice-President of the United States and President  
18 of the U.S. Senate; the Honorable William M. Daley, Secretary of the U.S. Department of  
19 Commerce; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives;  
20 the Honorable Trent Lott, Majority Leader of the U.S. Senate; and to the Honorable Ted  
21 Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young,  
22 U.S. Representative, members of the Alaska delegation in Congress.