

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE JOINT MEMORIAL 61

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

INTRODUCED BY

Ron Godbey

A JOINT MEMORIAL

**OPPOSING THE USE OF CENSUS DATA ADJUSTED BY SAMPLING  
TECHNIQUES IN LEGISLATIVE REDISTRICTING.**

WHEREAS, the United States 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, pursuant to Article 4, Section 3 of the constitution of New Mexico, reapportionment of the New Mexico legislature is critically dependent upon the official report of the federal decennial census; and

WHEREAS, an accurate census is necessary to properly

underscored material = new  
[bracketed material] = del ete

underscored material = new  
[bracketed material] = delete

1 apportion and create congressional and legislative districts  
2 within the state; and

3 WHEREAS, the United States supreme court on January 25,  
4 1999, ruled that the United States bureau of the census is  
5 prohibited from using statistical sampling in calculating the  
6 population for purposes of apportionment; and

7 WHEREAS, the use of statistically adjusted census data to  
8 redraw congressional and legislative districts in New Mexico  
9 would raise serious and significant questions as to the  
10 validity of those districts and expose the state to expensive  
11 and protracted litigation; and

12 WHEREAS, every effort should be made to obtain the most  
13 complete and accurate count of the population as possible,  
14 including the making of appropriations for state and local  
15 census outreach and education programs, and for post-census  
16 local review;

17 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
18 STATE OF NEW MEXICO that it call upon the bureau of the census  
19 to conduct the 2000 decennial census by conducting an actual  
20 enumeration of the population and that it not use statistical  
21 sampling methods to adjust such enumeration for the purpose of  
22 redistricting; and

23 BE IT FURTHER RESOLVED that congress be urged to take  
24 whatever steps are necessary to ensure that the 2000 decennial  
25 census is conducted fairly and legally for the purpose of

underscored material = new  
[bracketed material] = del ete

1 apporportionment and without adjustment by statistical sampling  
2 methods for the purpose of redistricting; and

3 BE IT FURTHER RESOLVED that the New Mexico legislature  
4 oppose the use of census data for legislative redistricting  
5 purposes that has been adjusted in whole or in part by the use  
6 of statistical inferences derived by means of random sampling  
7 techniques or other methods; and

8 BE IT FURTHER RESOLVED that the New Mexico legislature  
9 request that it receive data for legislative redistricting  
10 that is identical to the census tabulation data used to  
11 apporportion seats in the United States house of representatives;  
12 and

13 BE IT FURTHER RESOLVED that a copy of this memorial be  
14 delivered to the director of the bureau of the census, the  
15 speaker of the United States house of representatives, the  
16 majority leader of the United States senate and the president  
17 of the United States.