SENATE MEMORIAL 26

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

INTRODUCED BY

Leonard Lee Rawson

A MEMORIAL

REQUESTING THE BUREAU OF THE CENSUS TO CONDUCT THE 2000

DECENNIAL CENSUS CONSISTENT WITH THE CONSTITUTIONAL MANDATE

AND THE UNITED STATES SUPREME COURT RULING WHICH REQUIRE A

PHYSICAL HEADCOUNT OF THE POPULATION.

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, Article 1, Section 2 of the United States

constitution, in order to ensure an accurate count and to

minimize the potential for political manipulation, mandates an

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1   "actual enumeration" of the population, which requires a

2   physical headcount of the population and does not permit

3   statistical guessing or estimates of the population; and

4   WHEREAS, in reaching its findings, the United States

5   supreme court found that the use of statistical procedures to

6   adjust census numbers would create a dilution of voting rights

7   for citizens in legislative redistricting, thus violating

8   legal guarantees of "one person, one vote"; and

9   WHEREAS, pursuant to Article 4, Section 3 of the

10   constitution of New Mexico, reapportionment of the New Mexico

11   legislature is critically dependent upon the official report

12   of the federal decennial census; and

13   WHEREAS, an accurate census is necessary to properly

14   apportion and create congressional and legislative districts

15   within the state; and

16   WHEREAS, the United States supreme court on January 25,

17   1999, ruled that the United States bureau of the census is

18   prohibited from using statistical sampling in calculating the

19   population for purposes of apportionment; and

20   WHEREAS, the use of statistically adjusted census data to

21   redraw congressional and legislative districts in New Mexico

22   would raise serious and significant questions as to the

23   validity of those districts and expose the state to expensive

24   and protracted litigation; and

25   WHEREAS, every effort should be made to obtain the most

.128166.2

1 complete and accurate count of the population as possible,

2 including the making of appropriations for state and local

3 census outreach and education programs, and for post-census

4 local review;

5   NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE

6 OF NEW MEXICO that it call upon the bureau of the census to

7 conduct the 2000 decennial census by conducting an actual

8 enumeration of the population and that it not use statistical

9 sampling methods to adjust such enumeration for the purpose of

10 redistricting; and

11   BE IT FURTHER RESOLVED that congress be urged to take

12 whatever steps are necessary to ensure that the 2000 decennial

13 census is conducted fairly and legally for the purpose of

14 apportionment and without adjustment by statistical sampling

15 methods for the purpose of redistricting; and

16   BE IT FURTHER RESOLVED that the New Mexico senate oppose

17 the use of census data for legislative redistricting purposes

18 that has been adjusted in whole or in part by the use of

19 statistical inferences derived by means of random sampling

20 techniques or other methods; and

21   BE IT FURTHER RESOLVED that the New Mexico senate request

22 that it receive data for legislative redistricting that is

23 identical to the census tabulation data used to apportion

24 seats in the United States house of representatives; and

25   BE IT FURTHER RESOLVED that copies of this memorial be

.128166.2

- 3 -

1 delivered to the director of the bureau of the census, each

2 member of the New Mexico congressional delegation, the speaker

3 of the United States house of representatives, the majority

4 leader of the United States senate and the president of the

5 United States.

6   - 4 -

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FORTY-FOURTH LEGISLATURE

FIRST SESSION

March 11, 1999

SENATE FLOOR AMENDMENT number _____ to SENATE MEMORIAL 26

Amendment sponsored by Senator Timothy Z. Jennings

1.   On page 1, line 14, before the period insert "FOR REAPPORTIONING CONGRESS".

2.   On page 1, line 22, before the semicolon insert "however the data is used for other purposes".

3.   On page 2, line 3, after "population" insert "for reapportioning congress".

4.   On page 2, line 7, strike "legislative redistricting" and insert "congressional reapportionment".

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5.   On page 2, strike all of lines 9 through 12.

6.   On page 2, line 14, strike "and legislative".

7.   On page 2, line 19, after "apportionment" insert "of congressional seats".

8.   On page 2, line 21, strike "and legislative".

9.   On page 3, strike all of line 8 after "population" and strike line 9 through "enumeration".

10.   On page 3, line 10, after "redistricting" insert "for congressional seats".

11.   On page 3, line 13, after "of" insert "congressional".

12.   On page 3, strike line 14 beginning with "and" and strike line 15 to the semicolon.

13.   On page 3, strike all of lines 16 through 20.

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underscored material = new
[bracketed material] = delete

SFl/SM 26   Page 7

     14.   On page 3, line 24, before the semicolon insert "and other data as necessary".

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                              Timothy Z. Jennings

Adopted _____   Not Adopted

_____
          (Chief Clerk)   (Chief Clerk)

                    Date _____

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