

Redistricting News

Nevada State Legislature Legislative Counsel Bureau



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Introduction

During the 1999 Session, the Nevada Legislature enacted Senate Concurrent Resolution No. 1 (File No. 95, Statutes of Nevada), which directs the Legislative Commission to study the requirements for reapportionment and redistricting in this state in conjunction with the data from the year 2000 decennial census. The Legislative Commission appointed the Committee on Reapportionment and Redistricting to carry out the requirements of SCR 1 (see page 4 for a list of members).

This first issue of a periodic newsletter to all Nevada legislators and members of the general public is intended to keep interested parties up-to-date on the activities of the Committee. It also will provide information on the year 2000 Census and responsibilities of the 2001 Legislature concerning redistricting and reapportionment. We anticipate publishing this newsletter after every meeting of the Committee during the next year, and several times during the 2001 Legislative Session.

The primary purpose of this first issue is to highlight some of the material presented to the Committee at its October 20, 1999, meeting in Carson City. More detailed information concerning any topics discussed at this meeting may be obtained by contacting the Research Library of the Legislative Counsel Bureau (LCB) at 775-684-6827.

Purpose of the Committee on Reapportionment and Redistricting

Senate Concurrent Resolution No. 1 states that the study must include:

1. A continuing examination and monitoring of any redistricting systems established or recommended by the 70th Session of the Nevada Legislature, or to be established pursuant to any legislation enacted by the 70th Session of the Nevada Legislature, including the requirements for computer

equipment, computer software, and the training of personnel;

2. A review of the case law concerning the legal requirements for reapportionment and redistricting;
3. A review of the programs concerning planning for reapportionment and redistricting in other states;
4. The continuation of the state's participation in the programs of the Bureau of the Census; and
5. The participation in a program of the Bureau of the Census to increase the awareness of the general public concerning the census to ensure a complete and accurate count of all Nevadans in the year 2000.

In addition, SCR 1 requires the Legislative Commission to report to the 71st Session of the Nevada Legislature the results of the study and any action taken in preparation for and any recommendations concerning reapportionment and redistricting.

Reapportionment Terminology

It may be helpful to clarify some terms. In general usage, court decisions, and the literature, the terms "apportionment," "reapportionment," and "redistricting" often are regarded as synonymous. However, Brian L. Davie, Legislative Services Officer, of LCB's Las Vegas Office, noted for the Committee the subtle distinctions between these terms.

"Apportionment," in the purer sense, is the division of a given number of elected members among established political subdivisions in accordance with an existing plan or formula. The 435 members of the U.S. House of Representatives are "apportioned" under the Apportionment Clause of the U.S. Constitution among the 50 states under a formula

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established by Congress. Every 10 years, the 435 members of the House are “reapportioned” among the states because of changes in the respective populations of the states as determined by the decennial census.

“Redistricting” is the division of existing districts into new districts with different boundaries. Thus, states with more than one member of the House of Representatives “redistrict” their “apportionment” of representatives into new districts to achieve equal population.

In summary, the terms “apportionment” and “reapportionment” refer to the allocation of seats among units, such as the states for the House of Representatives. “Redistricting” pertains to redrawing lines for election districts. Technically speaking, the Nevada Legislature will accomplish redistricting in the 2001 Session, although reapportionment may be involved if the number of legislative members is changed.



Overview of the Census 2000 Redistricting Data Program

Scott G. Wasserman, Chief Deputy Legislative Counsel, LCB, and Brian L. Davie, Legislative Services Officer, explained to the Committee on Reapportionment and Redistricting that, as was the case in 1990, Nevada is participating in all phases of the Census Bureau’s Redistricting Data Program. This program involves three primary phases.

Phase 1 (Block Boundary Suggestion Project)—Participation in the block boundary suggestion project by states is voluntary. During this phase of the program, which ran from 1995 to December 1998, participating states were allowed to suggest visible features on census maps that they wished the Census Bureau to maintain in establishing boundaries for the census blocks for which population totals will be provided. States suggested visible features such as streams, ridge lines, overhead power lines, and so on, that correspond as closely as possible with the current or projected boundaries of their election precincts, wards, or polling areas (which the Census Bureau refers to as voting districts or VTDs).

Phase 2 (Voting District Project) —The purpose of this phase of the program, which runs from December 1998 through January 2000, is to allow states to outline their legislative districts and existing election precincts (i.e., VTDs) on census maps and in electronic files using the features shown on the maps and in the electronic files so that they may be incorporated into the geographic data base that will be used to take the census. Participation by states in Phase 2 also is voluntary.

Phase 3 (Delivering the Data) —Under the provisions of Public Law 94-171, the Census Bureau is required to provide each governor and the majority and minority leaders of each state legislature with Census 2000 population totals for counties, American Indian areas, cities, towns, county subdivisions, census tracts, block groups, and blocks. States that participate in Phase 2 of the Redistricting Data Program, such as Nevada, will receive data summaries for local voting districts (e.g., existing election precincts) that meet the Bureau’s technical criteria. The Census 2000 Public Law 94-171 redistricting data will include population totals by race, Hispanic origin, and voting age.

This data will be accompanied by census maps showing blocks, census tracts, counties, towns, cities, county subdivisions, and voting districts for participating states. Some states, including Nevada, will have also defined their current legislative districts, and totals will be included for these areas as well. Comparable geographic files also will be provided to the designated state officials under Public Law 94-171.

The Census Bureau must provide this information to the states no later than April 1, 2001. Nevada has formally requested priority in receiving its data because of the constitutional duty of the Legislature to apportion itself at its first session after the taking of the decennial census and because of the now limited length of legislative sessions in Nevada.



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Key Dates in the 2000 Census

Robert E. Erickson, Research Director, LCB, provided members of the Committee on Reapportionment and Redistricting with an overview of some of the key dates associated with the 2000 Census and the redistricting project. Beginning in early March 2000, the Census Bureau will send letters to each household that lets them know that the census is coming. This letter will be followed by the actual census form, which will be sent to all households in mid-March. April 1, 2000, is Census Day.

From late April through June 2000, the Census Bureau will conduct a "field enumeration" of households that fail to return census forms in an effort to ensure that every person in the United States is counted. By December 31, 2000, the Census Bureau must report state-level population counts to the President of the United States for the purpose of apportionment of the seats in the U.S. House of Representatives. In March 2001, the Bureau is scheduled to deliver detailed census maps and data to the Governor of Nevada and to Nevada's legislative leaders.

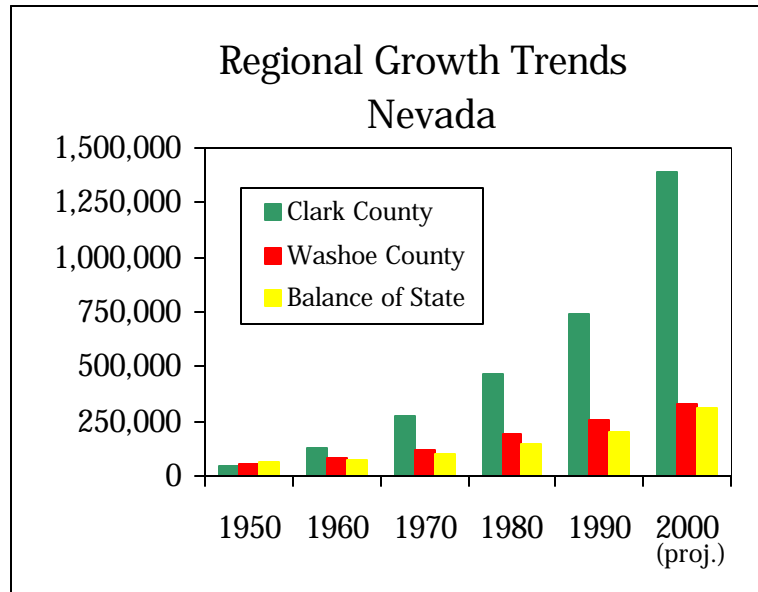
Mr. Erickson explained to members of the Committee that the Legislature will be in the middle of its 2001 Session when the detailed census numbers become available. Therefore, the Legislature will only have from 9 to 12 weeks to complete its redistricting work before the Legislature must adjourn. However, sophisticated new computer hardware and software will help speed up some of the technical tasks associated with redrawing district lines.

Outlook for the 2000 Census

Nevada has been one of the fastest growing states in the nation during the past decade. In 1990, Nevada had a population of approximately 1.2 million. Current projections provided by the State Demographer indicate



Nevada State Assembly Chambers



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that in 2000, Nevada's population will be just over 2 million. Mr. Erickson stated that as a result of this growth, Nevada will gain a third congressional district. It is estimated that each congressional district will have a population of about 670,000.

Mr. Erickson also noted that, during the past decade, Clark County continued to experience the greatest growth of any region in the State of Nevada (see chart). When the Census 2000 numbers become available, Clark County is likely to have nearly 1.4 million residents, or about 68.5 percent of Nevada's population. As a result of this growth and a further shift of population percentages from northern Nevada to southern Nevada, the Legislature must decide whether to increase the number of legislators or leave the number of legislators at 63.

If the Legislature does not change the number of legislators, Clark County will gain approximately 1.5 Senate districts and 3 Assembly districts. Of course, this will cause a corresponding loss of districts in northern and rural Nevada.

If the Legislature chooses to increase the number of members, there are two constitutional provisions that must be satisfied. First, the Senate cannot be less than one-third nor more than one-half the size of the Assembly (Article 4, Section 4 of the Nevada Constitution). Second, the maximum number of members cannot exceed 75 (Article 15, Section 6 of the Nevada Constitution). Any redistricting bill passed by the Legislature (including one that would increase the number of members) must be signed by the Governor.

Legislative Chambers and Office Space

Mr. Erickson stated that the Legislative Building, which was remodeled in 1996-1997, is large enough to accommodate any increase in the number of members the Legislature might propose, up to the 75-member limit. However, additional remodeling of legislative chambers and offices would be required.





Census Official Discusses the Importance of the Census to Nevada

David A. Byerman, Chief Government Liaison for Nevada, U.S. Bureau of the Census, explained to members of the Committee on Reapportionment and Redistricting the importance of the 2000 Census to Nevada. He noted that the 1990 Census undercounted Nevada's residents by nearly 29,000 people. This figure represented an undercount of 2.3 percent, which was the sixth worst undercount percentage among the 50 states in the nation. If a similar undercount occurs next year, Mr. Byerman predicted the Census Bureau would miss nearly 47,000 of the state's expected 2,034,000 population. He indicated that such an undercount could translate into a loss to Nevada of \$31 million per year in federal money, as many federal programs use the Census numbers to allocate funds to the states.

Mr. Byerman explained that the Census Bureau plans to spend \$160 million nationwide in a campaign designed to encourage people to complete and send in census forms next year. He also noted that approximately one out of every six households will receive a long form consisting of 53 questions. The other 83 percent of households in Nevada will receive the short form consisting of just eight questions.

According to Mr. Byerman, by law, individual questionnaire responses to the Census are confidential and cannot be shared with other agencies, including welfare agencies, the Immigration and Naturalization Service, the Internal Revenue Service, courts, police, or the military. Anyone who breaks this law can receive a sentence of up to five years in prison and \$5,000 in fines. He noted that the law works—millions of questionnaires were processed during the 1990s without any breach of trust.

Committee Members



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Committee Chair

Senator William J. Raggio

Senator Dean A. Rhoads

Senator Dina Titus

Assemblywoman Barbara E. Buckley

Assemblyman Joseph E. Dini, Jr.

Assemblywoman Chris Giunchigliani

Assemblyman Lynn C. Hettrick

In addition to the financial implications to the state, a complete and correct count of Nevada's population is important for redistricting purposes. In order to provide for the correct number of people in each legislative district, each congressional district, and for other political districts, state lawmakers will need accurate population counts. To help support the Census Bureau's effort,

Secretary of State Dean Heller indicated to the Committee that he will lead an effort to secure a complete population count in Nevada. He echoed statements made by Mr. Byerman that while filling out a census form can be an intimidating process for some people, especially for those who do not speak English or who do not trust the government, it is the right thing to do.

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