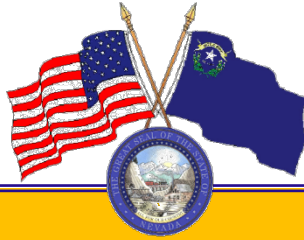


Bulletin No. 11-04



Reapportionment and Redistricting

Legislative Counsel Bureau



January 2011

REAPPORTIONMENT AND REDISTRICTING

BULLETIN NO. 11-04

JANUARY 2011

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SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE REQUIREMENTS FOR REAPPORTIONMENT AND REDISTRICTING

Assembly Concurrent Resolution No. 19
(File No. 76, *Statutes of Nevada 2009*)

This summary presents the recommendations approved by the Legislative Commission's Committee to Study the Requirements for Reapportionment and Redistricting during the 2009–2010 Legislative Interim. The following four recommendations were adopted during the Committee's meetings on July 21, 2010, and December 6, 2010:

1. Purchase eight autoBound redistricting software licenses—four to be used by caucuses of the Senate and Assembly, two for staff, and two for public workstations—and the required parallel hardware, including: (a) four workstations to be used by the caucuses, each including a laptop computer with a docking station, a large monitor, and a small desktop color plotter; (b) two projectors that would be shared for presentations; and (c) four desktop computers, including a large monitor and a desktop color plotter to be used for the two public workstations and two staff workstations.
2. Hire four session-only employees (one for each caucus), who would be located in the Information Technology Services Unit of the Legislative Counsel Bureau in order to assist with Geographic Information Systems support and provide related services for reapportionment and redistricting during the 2011 Legislative Session.
3. Select, for use during the 2011 reapportionment and redistricting exercise, an elections database that includes comprehensive election information from the following elections:
 - a. 2006 General Election contest for Nevada Governor—Gibbons (R) (48 percent) vs. Titus (D) (44 percent);
 - b. 2008 General Election contest for President of the United States—McCain (R) (43 percent) vs. Obama (D) (55 percent);
 - c. 2010 General Election contest for United States Senate—Angle (R) (45 percent) vs. Reid (D) (50 percent); and
 - d. 2010 General Election contest for State Treasurer—Marshall (D) (48 percent) vs. Martin (R) (44 percent).

4. Adopt rules for inclusion in the Joint Standing Rules of the Senate and Assembly for the 2011 Legislative Session addressing: (a) the responsibility for redistricting measures; (b) equality of representation for congressional districts, State legislative districts, and the districts for the State Board of Education and the Board of Regents of the University of Nevada; (c) the use of a population database for reapportionment and redistricting; (d) the use of census geography for district boundaries; (e) procedures for the Senate and Assembly committees tasked with reapportionment and redistricting; (f) compliance with the Voting Rights Act (42 U.S.C. § 1973(a)); and (g) public participation in the reapportionment and redistricting process.

**REPORT TO THE 76TH SESSION OF THE NEVADA LEGISLATURE BY THE
LEGISLATIVE COMMISSION’S COMMITTEE TO STUDY THE REQUIREMENTS
FOR REAPPORTIONMENT AND REDISTRICTING**

I. INTRODUCTION

The 2009 Nevada Legislature adopted Assembly Concurrent Resolution No. 19 (File No. 76, *Statutes of Nevada 2009*), which directs the Legislative Commission to study and make recommendations to the 2011 Legislative Session concerning the requirements for reapportionment and redistricting in Nevada in conjunction with the data from the decennial census of 2010. The resolution directs that the study include a continuing examination and monitoring of redistricting systems, including the requirements for computer equipment, computer software, and the training of personnel. In addition, the resolution provides that the study include a review of the case law concerning the legal requirements for redistricting and reapportionment, a review of the programs concerning planning for reapportionment and redistricting in other states, a continuation of the State’s participation in the programs of the United States Census Bureau (Census Bureau), and participation in the Census Bureau’s program to increase the awareness of the general public concerning the census to ensure a complete and accurate count of all Nevadans in 2010.

Members

The Legislative Commission appointed a joint interim study committee on reapportionment and redistricting consisting of nine members—five from the Senate and four from the Assembly. The members included the leadership of each political party in each house and represented legislative districts in Clark County, Washoe County, and Nevada’s rural counties:

Assemblyman Tick Segerblom, Chair
Senator Steven A. Horsford, Vice Chair
Senator John J. Lee
Senator Mike McGinness
Senator William J. Raggio
Senator Joyce Woodhouse
Assemblywoman Heidi S. Gansert (replaced)
Assemblyman Peter (Pete) J. Goicoechea
Assemblyman John Ocegüera
Assemblywoman Debbie Smith

Staff

The following Legislative Counsel Bureau (LCB) staff members provided support for the Committee:

Lorne J. Malkiewich, Director, LCB

Michael J. Stewart, Supervising Principal Research Analyst, Research Division

Donald O. Williams, Research Director, Research Division

Eileen G. O'Grady, Chief Deputy Legislative Counsel, Legal Division

Kristin C. Roberts, Senior Principal Deputy Legislative Counsel, Legal Division

Brian L. Davie, Legislative Services Officer, Administrative Division

Kathy L. Steinle, Geographic Information Systems (GIS) Manager, Administrative Division,
Information Technology Services Unit (ITS)

Patrick Guinan, Senior Research Analyst, Research Division

Jeanne Peyton, Senior Research Secretary, Research Division

This final report of the Legislative Commission's Committee to Study the Requirements for Reapportionment and Redistricting is designed to serve as an overview of the reapportionment and redistricting process. It includes information on the legal and technical issues relating to reapportionment and redistricting, along with an overview of the activities and recommendations of the Committee.

II. BACKGROUND

Every ten years, following the federal census, the Nevada Legislature is responsible for reapportioning and redistricting the districts for the:

- U.S. House of Representatives;
- Nevada Senate;
- Nevada Assembly;
- Board of Regents of the University of Nevada; and
- State Board of Education.

Discussion of the specific legal authorization for this process appears in Section IV(B) of this report.

A. THE DIFFERENCE BETWEEN REAPPORTIONMENT AND REDISTRICTING

The terms "reapportionment" and "redistricting" often need clarification. In general usage, court decisions, and legislative literature, the terms "apportionment," "reapportionment," and "redistricting" often are regarded as synonymous. However, there are subtle distinctions between these terms.

“Apportionment,” in the purest sense, is the division of a given number of elected members among established political subdivisions in accordance with an existing plan or formula. For example, the 435 members of the United States House of Representatives are “apportioned” pursuant to the *U.S. Constitution* among the 50 states under a formula established by Congress. Every ten 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. In other words, the terms “apportionment” and “reapportionment” refer to the allocation of seats among units, such as the states, for the House of Representatives or, as was the case during the Nevada Legislature’s efforts in 2001, the allocation of some existing legislative districts from northern Nevada to southern Nevada.

Meanwhile, “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. “Redistricting” pertains to redrawing lines for election districts. During the 2011 Legislative Session, the Legislature will “redistrict” itself by adjusting the boundaries of each of its Assembly districts and Senate districts. In short, reapportionment is the process of determining how many districts a jurisdiction will receive, and redistricting refers to the process of how new districts are drawn within a particular jurisdiction.

B. A BRIEF HISTORY OF REAPPORTIONMENT AND REDISTRICTING IN NEVADA

Since statehood in 1864, several original provisions in the *Nevada Constitution* have governed the size of the Legislature. Specifically, the Legislature shall have no more than 75 total members and the number of Senators shall be no less than one-third and no more than one-half the number of Assembly members.¹ From 1864 to 1919, the composition of the Legislature changed 16 times, ranging from a low of 45 members (15 Senators and 30 Assembly members) to the maximum 75 members (25 Senators and 50 Assembly members). Moreover, original constitutional provisions for redistricting by population were routinely ignored from 1919 to 1965, as the Senate was apportioned on the basis of one Senator from each county.² During this time, the Assembly also had at least one representative from each county. Interestingly, provisions setting forth equal representation by county in the Senate and at least one county representative in the Assembly were added to the *Nevada Constitution* in 1950. These provisions existed in conflict with the equal population provisions until 1970.

During the 1961 redistricting exercise, a drastic realignment was made to account for the State’s rapid growth and increased population concentrations in Clark and Washoe Counties. Clark and Washoe Counties were allocated 21 Assembly members (12 and 9)—about 57 percent of the Assembly—even though both counties represented approximately 75 percent of the State’s population. While the 1961 reapportionment did not closely reflect the equal population goal, it may have indicated that the Legislature recognized that population-based

¹ *Nevada Constitution*, Article 15, Section 6.

² *Nevada Constitution*, Article 1, Section 13.

apportionment was becoming an important nationwide issue. The 1961 apportionment scheme was challenged, however, in 1965. A special legislative session in October 1965 essentially paved the way for the establishment of the “one-person, one-vote” principle for equal representation. The 1965 redistricting plan had 20 Senators elected from 13 districts and the Assembly had 40 members elected from 16 districts. This started the era of “multimember” legislative districts in Nevada (see Section IV[B] of this report for more information regarding multimember districts).

Redistricting during the 1971 Legislative Session was less tumultuous, as there seemed to be a greater acceptance of population-based apportionment. The 1971 Legislature retained the size of the Legislature at 60 members (20 Senators and 40 Assembly members). In 1981, the size of the Legislature was increased to its current size—63 (21 Senators and 42 Assembly members) and it appears that the 1981 round of reapportionment and redistricting remained relatively free of intense conflict. Greater controversy existed with the 1991 round of reapportionment, however. In 1991, the Democrat and Republican margins were so close that both parties had to compromise. In addition, the huge population growth of the 1980s, especially in southern Nevada, meant that representation in the north would have to be shifted to the south. The 1990s also marked the beginning of computer mapping, thereby increasing the sophistication of the process.

In 2001, the redistricting process, while made simpler due to technological advances, was also challenging due to significant political and demographic factors. In 2001, the size of the Legislature remained at 63. Representation was again shifted to southern Nevada due to population growth. In the Senate, one seat shifted entirely to Clark County and one seat included portions of rural Nevada and Clark County. In the Assembly, three seats shifted from northern and rural Nevada to Clark County. Another significant challenge was the addition of a new congressional seat for Nevada. A more comprehensive discussion on the history of reapportionment and redistricting in Nevada, including overview maps of legislative districts, can be found in Chapter 8 of the *Political History of Nevada* (Eleventh Edition) (see <http://nsla.nevadaculture.org/dmdocuments/NVPoliticalHistory2006.pdf>).

C. STATISTICS ON CURRENT DISTRICTS—CONGRESSIONAL, LEGISLATIVE, BOARD OF REGENTS OF THE UNIVERSITY OF NEVADA, AND THE STATE BOARD OF EDUCATION

During the 2001 round of reapportionment and redistricting, the Legislature retained the size of the Nevada State Assembly and Senate, reduced the size of the State Board of Education (by one member), increased the size of the Board of Regents of the University of Nevada, and, based on 2000 Census data, added a third congressional seat. The following highlights general statistics for each of these reapportionment and redistricting plans as approved during the 17th Special Session in June 2001.

Current Congressional Districts (2001–2011)

According to the 2000 Census, each of the three congressional districts contains about 666,086 Nevada residents. Two congressional seats are wholly within Clark County and one (Congressional District No. 2) includes a portion of Clark County and all the rest of Nevada. In 2001, Congressional District No. 1 had the highest percentage of residents identified as Hispanic or Latino (28.19 percent) as well as the highest percentage of Black or African American residents at 13.23 percent. This congressional district is currently held by Congresswoman Shelley Berkley. Meanwhile, Congressional District No. 2, currently held by Congressman Dean Heller, had the highest percentage of White or Caucasian population in 2001 at 81.92 percent. According to the voter registration figures at the time, Congressional District No. 1 had the highest percentage of persons identified as Democrat at 49.32 percent, while Congressional District No. 2 had the highest percentage of Republican voters at 46.8 percent. Like the Senate and Assembly Districts, there was a relatively consistent range of nonpartisan voters among all three congressional districts (ranging from 13.62 in Congressional District No. 2 to 14.22 percent on Congressional District No. 3).

Current Senate Districts (2001–2011)

Each member of the Nevada Senate, according to the 2000 Census, represents about 95,155 Nevada residents. Two of the 21 Senate seats are two-member districts (multimember) representing about 190,000 people each (Clark No. 5 and Clark No. 7). The Senate has 12 districts (14 Senators) representing Clark County and 7 districts representing the rest of the State. In 2001, the Senate district with the highest percentage of residents identified as Hispanic or Latino (60.18 percent) was Senate District No. 2, currently held by Senator Moises “Mo” Denis. Senate District No. 4, currently held by Senate Majority Leader Steven A. Horsford, had the highest percentage of Black or African American residents at 28.45 percent. The district with the highest percentage White or Caucasian population was the Capital Senatorial District, currently held by Senator James A. Settelmeyer, at 88.69 percent. According to the voter registration figures at the time, Senate District No. 2 also had the highest percentage of persons identified as Democrat at 63 percent, while the Capital Senatorial District had the highest percentage of Republican voters at 52.34 percent. There was a relatively consistent range of nonpartisan voters among all the Senate districts (ranging from 11.89 percent to 16.07 percent). Geographically, the smallest Senate District is 10.72 square miles (Clark No. 2) and the largest is the Rural Nevada Senatorial District at 73,114 square miles (currently held by Senator Dean A. Rhoads).

Current Assembly Districts (2001–2011)

Each member of the Assembly, according to the 2000 Census, represents about 47,580 Nevada residents. The Assembly includes 29 districts representing Clark County, 6 districts entirely within Washoe County, and 7 districts in rural Washoe County and the remaining rural counties. In 2001, the Assembly District with the highest percentage of residents identified as Hispanic or Latino (65.16 percent) was Assembly District No. 28, currently held by Assemblywoman Lucy Flores. The two Assembly Districts with the highest percentage of

Black or African American residents were Assembly District Nos. 6 and 7 at 33.75 percent and 33.60 percent, respectively. These districts are currently held by Assemblyman Harvey J. Munford and Assemblywoman Dina Neal. The district with the highest percentage of White or Caucasian population was Assembly District No. 39, currently held by Assemblyman Kelly Kite, at 91.5 percent. According to the voter registration figures at the time, Assembly District No. 28 also had the highest percentage of persons identified as Democrat at 63.67 percent, while Assembly District No. 39 had the highest percentage of Republican voters at 57.69 percent. Like the Senate, there was a relatively consistent range of nonpartisan voters among all the Assembly Districts (ranging from 11.07 percent to 16.13 percent). Geographically, the smallest Assembly District is 4.14 square miles (Assembly District No. 28) and the largest is Assembly District No. 36 at 36,951 square miles (currently held by Assemblyman Ed Goedhart).

Board of Regents of the University of Nevada

During the 2001 reapportionment and redistricting exercise, the Legislature increased the size of the Board of Regents of the University of Nevada from 11 to 13 members. The 13 districts included in the plan had an average population of 153,712 residents per district. The redistricting plan established nine districts entirely within Clark County; two districts wholly within Washoe County; one district encompassing Carson City, Douglas County, Lyon County, Storey County, and a portion of Washoe County; and one district that includes the remaining rural counties of the State. The measure created two new open seats wholly within Clark County.

State Board of Education

At the request of the State Board of Education, the approved reapportionment and redistricting plan in 2001 reduced the size of the Board from 11 to 10 members. The average population of each district at the time was 199,826. The plan created seven districts wholly contained within the boundaries of Clark County; one district entirely within Washoe County; one district encompassing Carson City, Douglas County, and a portion of Washoe County; and one district that includes northern Washoe County and the other 13 counties.

III. SUMMARY OF COMMITTEE ACTIVITIES

The Committee to Study the Requirements for Reapportionment and Redistricting held four meetings in 2010 (held in February, May, July, and December) and heard briefings and presentations on numerous topics, including:

- The general scope and requirements for reapportionment and redistricting;
- Census Bureau activities and updates and efforts to promote the 2010 Census;
- An overview of the legal parameters associated with this process;
- A review of available computer technology and GIS mapping capabilities;

- The use of census geography in redistricting;
- Historical summaries of past reapportionment and redistricting efforts;
- The impacts of redistricting on election procedures and practices, especially those procedures dealing with ballot preparation;
- Public participation and participation by members of ethnic minority communities in redistricting; and
- The use of election data in the reapportionment and redistricting process.

In addition, the Committee sponsored the ongoing publication of a newsletter to help inform and educate Nevada's legislators and the public about the 2010 Census and redistricting issues during the 2009–2010 Legislative Interim and during the 2011 Legislative Session. Copies of these newsletters are available on the Nevada Legislature's Internet website for reapportionment and redistricting at <http://leg.state.nv.us/Division/Research/Districts/Reapp/2011/index.cfm>.

A. FEBRUARY 12, 2010, MEETING

During the first meeting of the Legislative Commission's Committee to Study the Requirements for Reapportionment and Redistricting, the Committee heard a presentation by Secretary of State Ross Miller concerning Nevada's efforts to promote participation in the 2010 Census, including the rationale for the effort, its goals and strategies, the key audiences, core communication elements, public relations, advertising, and Hispanic outreach. Next, the Committee heard a presentation by David A. Byerman, the Chief Government Liaison for Nevada, United States Department of Commerce, concerning the activities of the Census Bureau and plans for the 2010 Decennial Census. Mr. Byerman's presentation included an overview of the census process, a discussion of job opportunities and economic stimulus in connection with the census, the timeline for delivering reapportionment numbers to the President, the cost of an undercount, the importance of early organization, and a status report on the statewide census promotion campaign and local campaigns.

The Committee also received an update on the Phase II Voting District/Block Boundary Suggestion Project (VTD/BBSP) from Kathy Steinle, GIS Manager, ITS, LCB (see page 15 for more information on the VTD/BBSP). A review of the basics of reapportionment and redistricting, and the reapportionment and redistricting newsletter was presented by Michael J. Stewart, Supervising Principal Research Analyst, Research Division, LCB.

B. MAY 17, 2010, MEETING

The second meeting of the Committee once again featured a presentation from Mr. Byerman regarding Nevada's 2010 Census Campaign. Mr. Byerman discussed the overall response rate for the census in Nevada and highlighted strategies for "nonresponse" follow up. He further discussed the use of approximately 250 "questionnaire assistance centers" located throughout Nevada and praised the work of numerous private and public sector organizations and agencies in their efforts to promote Census 2010.

The Committee also received an update on Phase II of the VTD/BBSP from Ms. Steinle and Brian L. Davie, Legislative Services Officer, Administrative Division, LCB, who noted that the “verification phase” of the project was completed on March 29, 2010. Ms. Steinle also discussed with the Committee various options for the use of redistricting software during the 2011 reapportionment and redistricting exercise. She compared the “Citygate” GIS product, which produces the autoBound Redistricting and Reapportionment System with Caliper Corporation’s “Maptitude” software. She noted that the Nevada Legislature has used the autoBound platform for the past 20 years. After further discussion concerning its functionality, licensing, and service contracts, the Committee voted to “tentatively” approve the use of the autoBound program from Citygate GIS and directed LCB staff to seek additional participation from other interested governmental entities concerning the possible purchase of usage licenses in the same bundle as the Nevada Legislature. Ms. Steinle and Eric Dugger, Network Services/Support Services Manager, ITS, LCB, also provided an overview of redistricting hardware needs—computers, printers, screens, et cetera—some of which would be used to outfit two public workstations in Las Vegas and Carson City. Finally, during the public comment period, the Committee heard from a representative of the Board of Regents of the University of Nevada, who expressed an interest in purchasing an autoBound license for use in the Board’s redistricting efforts.

C. JULY 21, 2010, MEETING

During its third meeting, the Committee received a final status report from Mr. Byerman, concerning the Census Bureau and the 2010 Decennial Census. He noted that the Bureau’s nonresponse follow-up activities in Nevada were successfully completed and that the Census Bureau was in the final phases of revisiting every household that has been reported as vacant to ensure that no one was left uncounted. Mr. Byerman further highlighted the hierarchy of census geography and set forth the schedule for the release of various data products from the Census Bureau. He noted that over 1,500 partners in Nevada helped make Nevada’s census campaign a success.

The Committee also heard an overview of the legal issues relating to reapportionment and redistricting from Eileen G. O’Grady, Chief Deputy Legislative Counsel, and Kristin C. Roberts, Senior Principal Deputy Legislative Counsel, Legal Division, LCB. Additional information regarding the legal parameters of reapportionment and redistricting are found in Section IV(B) of this report. In addition, Lorne J. Malkiewich, Director, LCB, outlined the following three items for the redistricting process that required approval from the Legislative Commission at its August meeting:

1. Purchase eight autoBound software licenses—four to be used by the caucuses, two for staff and two for public workstations;
2. Parallel to the software, the hardware required is: (a) four workstations to be used by the caucuses, each including a laptop computer with a docking station, a large monitor, and a small desktop color plotter; (b) two projectors that would be shared for

presentations; (c) four desktop computers, including a large monitor and a desktop color plotter that would be needed for the two public workstations and two staff workstations; and

3. Hire four session-only employees—one for each caucus—who would be located in the ITS of LCB so they could help with basic technical support as well as work on redistricting.

The Committee voted to approve these three items and, on August 13, 2010, the Legislative Commission authorized the purchase of the software and hardware and approved the hiring of the session-hire employees within ITS.

Ms. Steinle provided the Committee with information on census geography and discussed its relationship to the redistricting process. She noted that, according to the Census Bureau, Nevada will have between 61,500 and 62,000 census blocks. There are approximately 1,300 voting districts (precincts) in Clark County and over 600 voting districts in Washoe County. The Committee also heard from Larry Lomax, Registrar of Voters, Clark County, who highlighted the challenges for county election officers that typically follow the State's reapportionment and redistricting exercise. In particular, he discussed the potential for an inordinate number of ballot styles due to the lack of "nesting" or coterminous political districts. Mr. Lomax even cited examples where political boundaries were drawn right through someone's home, splitting the home into two districts. Alan Glover, Carson City Clerk-Recorder, also commented on these challenges and noted that the more precincts created, the more expensive it is to create an election ballot.

Finally, Mr. Stewart provided a review of possible rules for redistricting for the Nevada Legislature for initial consideration by the Committee.

D. DECEMBER 6, 2010, MEETING

The fourth meeting of the Legislative Commission's Committee to Study the Requirements for Reapportionment and Redistricting included an update on the 2010 Decennial Census from Gerald L. O'Donnell of the Census Bureau. Mr. O'Donnell noted that Nevada will receive its complete dataset of the 2010 Decennial Census from the Bureau in mid-February 2011.

Testimony was also received from several leaders of ethnic minority communities in southern and northern Nevada concerning minority outreach and increasing minority participation in redistricting. Participants in this agenda item included representatives from the Hispanic Chamber of Commerce, the Urban Chamber of Commerce, and the Asian Chamber of Commerce, all of which are based in Las Vegas. The Committee also heard from representatives of the Yerington Paiute Tribe, the Nevada Indian Commission, and the National Association for the Advancement of Colored People. These representatives all noted the importance of public outreach regarding reapportionment and redistricting and

the significance of the process in ensuring adequate representation of minorities in the Nevada Legislature.

Ms. Steinle and Mr. Davie discussed options for the selection of elections to be used for the redistricting database. The Committee selected the four elections—one from 2006, one from 2008, and two from 2010—for the elections database. In a follow-up to his presentation in July 2010, Mr. Stewart provided recommendations for the adoption of rules for redistricting by the 2011 Nevada Legislature, which the Committee unanimously approved. Additional details regarding the Committee’s recommendations made at the December 6, 2010, meeting appear in Section V of this report.

IV. TOPICS DISCUSSED BY THE COMMITTEE DURING THE 2009–2010 INTERIM

As noted above, the Legislative Commission’s Committee to Study Requirements for Reapportionment and Redistricting discussed and heard testimony on numerous topics. This section of the report summarizes a number of these issues.

A. 2010 DECENNIAL CENSUS—IMPORTANCE, PARTICIPATION, AND RELATION TO REAPPORTIONMENT AND REDISTRICTING

Article 1, Section 2 of the *United States Constitution* sets forth the requirement for a national census to be conducted every ten years:

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers The actual Enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.

United States marshals conducted the enumeration between 1790 and 1870, and specially trained enumerators carried out the census beginning in 1880. The earliest decennial censuses were conducted under the authority of the Secretary of State. The Department of the Interior assumed responsibility in 1849. Finally, upon its creation in 1902, the Department of Commerce and Labor’s permanent U.S. Census Bureau oversaw the census. The first decennial census was a “simple” count. It consisted of six questions and counted approximately 3.9 million people for purposes of apportioning the U.S. House of Representatives. In 2010, roughly 1 million enumerators assisted the Census Bureau in counting more than 300 million of the nation’s inhabitants. In addition to apportioning state representation, 2010 Census data will be used to make decisions effecting legislation and spending on housing, highways, hospitals, schools, assistance programs, and scores of projects

and programs that are vital to the health and welfare of the United States' population and economy.³

Importance of a Complete and Accurate Count of Nevada's Population

Provisions in the *United States Constitution* relating to the census provide important reasons for the Nevada Legislature's interest in helping to ensure that all of the State's residents are counted.

Representation in the United States Congress

As noted earlier, "apportionment" is the process of dividing the 435 memberships, or seats, in the House of Representatives among the 50 states. At the conclusion of each census, the results are used for calculating the number of House memberships each state is entitled to have over the next ten-year period. On December 21, 2010, the Census Bureau released population totals for states. The U.S. House of Representatives will be reapportioned for the 113th Congress based on those figures. When that event occurs, Nevada will have four seats in the House of Representatives each with an "ideal population" of 675,138. Nevada received its third congressional representative following the 2000 Census and its second congressional representative following the 1980 Census.

Redistricting of Legislative and Other District Boundaries

The Nevada Legislature is responsible for redrawing the districts of a number of elected officers. In order to provide for the correct number of people in each district, State lawmakers need accurate population counts. The results of the 2010 Census are used for this purpose to ensure that the "one-person, one-vote" principle is adhered to (see the legal requirements section of this report for more information on the "one-person, one-vote" principle). While there are currently 21 Senators and 42 Assembly members, the 2011 Legislature may change those numbers as long as the total number of members does not exceed 75 and the Assembly is from two to three times larger than the Senate. The Legislature also must redraw the districts of the State Board of Education and the Board of Regents of the University of Nevada. Currently, these bodies have 10 and 13 members, respectively. An accurate census count is vital to this process.

Distribution of Federal Revenues

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 largest undercount percentage among the 50 states in the nation. According to an August 2001 PricewaterhouseCoopers study, the undercount for the State of Nevada in 2000 was approximately 1.68 percent

³ From the U.S. Census Bureau, "History" of the U.S. Census, <http://www.census.gov>.

(over 34,144).⁴ In preparation for the 2000 Census, it was determined that for each person not counted in the 2000 Census, the State of Nevada would potentially lose \$670 in per capita federal funding. Using this per capita loss, it is possible that Nevada may have “lost out” on over \$225 million of federal funding (over \$22 million per year) during the past decade. In February 2009, it was determined that for each person *not* counted in the 2010 Census, the State of Nevada would potentially lose \$917 per person, per year (over the next 10 years) in federal aid. This figure was calculated using data from the *Statistical Abstract of the United States* (table: “Federal Aid to States for Fiscal Year 2005”) and the Population Estimates Program of the Census Bureau.

While an official undercount has not yet been calculated for the 2010 Census, based on the 2010 total population of Nevada (2,700,551) and the \$917 per capita federal funding figure, an undercount of 2.3 percent would equal 62,113 Nevadans for a potential impact of nearly \$57 million annually. An undercount of 1.68 percent would equal 45,369 residents and represent a potential loss of over \$41.6 million in federal funding annually.

Distribution of State Revenues

In addition to federal dollars, many taxes authorized or imposed under Nevada law are distributed in whole or in part on the basis of population. These taxes include those distributed from the Local Government Tax Distribution Account (such as the Basic City-County Relief Tax, Supplemental City-County Relief Tax, Real Property Transfer Tax, Government Services Tax, and the local portions of the cigarette and liquor tax), certain elements of the gasoline tax collected in each county, and taxes on hard liquor.

These taxes are all within Title 32 of *Nevada Revised Statutes* (NRS). Pursuant to NRS 360.285, for the purposes of Title 32 (Chapters 360 through 377B), the Governor shall, on or before March 1 of each year, certify the population of each town, township, city, and county in the State from the determination submitted by the Department of Taxation. Where any tax is collected by the Department of Taxation for apportionment, in whole or in part, to any political subdivision, and the basis of the apportionment is the population of the political subdivision, the Department shall use the populations certified by the Governor. Thus, for the existing taxes that are distributed according to “population,” it is the annual population estimates as certified by the Governor that control the distribution, and not the “population” as reported by the Census Bureau. The Office of the State Demographer, however, provides the Department with these population estimates and they are largely based on current Census Bureau data.

“Complete Count” Campaign for the 2010 Census

In a concerted effort to reduce the undercount for the 2010 Census below the 2000 undercount level, the Interim Finance Committee, at its September 17, 2009, meeting, approved

⁴ *Effect of Census 2000 Undercount on Federal Funding to States and Selected Counties, 2002-2012*, prepared for the U.S. Census Monitoring Board, Presidential Members, by PricewaterhouseCoopers, August 7, 2001.

\$961,055 to fund the State's census outreach. This funding was also recommended by the Nevada Spending and Government Efficiency (SAGE) Commission. Nevada was the only western state that appropriated funds for a statewide census outreach campaign. According to Secretary of State Ross Miller, Chair, Statewide Complete Count Committee, \$265,816 in fees was obligated to Weber Shandwick and the Ferraro Group for coordinating the Complete Count Campaign, \$620,239 was designated for advertising, and \$75,000 was used for statewide radio advertising. The tagline for the State's campaign was "We All Count" and the key messaging tactics used focused on: (1) the importance of the census to Nevada; (2) the ease of filling out the census form ("10 Questions, 10 Minutes"); and (3) the fact that census information is confidential and safe.



Nevada's Complete Count Campaign also included "complete count committees" at the local level—in southern Nevada, Washoe County, the Carson/Douglas County region, Elko County, and the Pahrump/Nye County region. Over 1,500 organizations officially partnered with the Census Bureau to communicate the importance of the census to Nevada. There was strong participation from both the public and private sectors including: (1) a series of promotional videos produced by KLVX Channel 10 (Las Vegas) that ran on YouTube, as well as a one-hour live telephone call-in program in which a variety of community leaders participated to encourage people to take part in the census process; (2) messages from the MGM Mirage, a major partner in the 2010 Census campaign, encouraging participation in the census to its 60,000 employees; and (3) coordinated events by Storey County, the City of Reno, and the City of Sparks, with the local Complete Count committees in areas where the Census Bureau had difficulty obtaining responses.

The American Community Survey

During the 2010 Census, many Nevadans asked why they did not receive the Census Bureau's "long form" as part of the 2010 Decennial Census. Launched in 2005, the American Community Survey (ACS) is part of the census program and is essentially what used to be the Bureau's "long form." Data from the ACS is collected continuously throughout the year and throughout the decade from a relatively small sample of the population (3 million addresses annually). During the decennial census program, about 250,000 households a month received both the ACS and the 2010 Census form. The ACS collects detailed information on the characteristics of population and housing on an ongoing basis. This data was previously collected only in census years in conjunction with the decennial census. During Census 2000, the Census Bureau asked for this detailed information from one in every six addresses using the long form. The ACS questionnaire collects nearly the same information and is sent to approximately the same number of addresses over a five-year period. However, since the ACS is conducted every year, rather than once every ten years, it provides more current data throughout the decade. Like the 2010 Census, participation in the ACS is mandatory by law

and the public's participation is helpful in providing data that impacts policy decisions on the local, state, and federal level.

2010 Census Participation Rates for Nevada

Nevada “held the line” for Census response compared to the 2000 Census under some very challenging economic and social scenarios. Nevada’s housing and foreclosure crisis, for example, was a significant obstacle in achieving accurate counts because of the number of vacant homes and a variety of living situations across Nevada.

The “mail participation rate” is the percentage of forms mailed back by households that received them. The Census Bureau developed this new measure in 2010, in part because of the current economy and higher rates of vacant housing. The rate excludes households whose forms were returned to the Census Bureau by the U.S. Postal Service as “undeliverable,” strongly suggesting the house was vacant. Any missed addresses or households that did not respond to the initial questionnaire were visited by an enumerator by July 10, 2010, to ensure that everyone was counted. The mail participation rate for Nevada as a whole was 71 percent, slightly higher than the participation rate in 2000. Nationwide, the mail participation rate was 74 percent. According to testimony before the interim study committee, when comparing the 2000 and 2010 mail participation rates, increased participation was observed in northern Nevada and rural counties in northwest Nevada; Clark County’s participation was comparable to 2000; and central and eastern Nevada rural counties showed a decline in participation.

Mail Participation Rates for Nevada 2010 vs. 2000 Census		
County	2010 Mail Participation Rate	2000 Mail Participation Rate
Carson City	80 %	81 %
Churchill	81 %	71 %
Clark	70 %	71 %
Douglas	73 %	70 %
Elko	63 %	69 %
Esmeralda	32 %	n/a
Eureka	40 %	49 %
Humboldt	69 %	69 %
Lander	58 %	56 %
Lincoln	54 %	67 %
Lyon	80 %	69 %
Mineral	55 %	58 %
Nye	57 %	13 %
Pershing	59 %	57 %
Storey	85 %	66 %
Washoe	76 %	73 %
White Pine	56 %	58 %
Nevada (Total)	71%	69%
Source: U.S. Census Bureau’s “Take 10” Map		

Census Bureau’s Redistricting Data Program

Public Law (P.L.) 94-171, enacted by Congress in December 1975, requires the Census Bureau to provide state legislatures with the small area census population tabulations necessary for legislative redistricting. The law also specifies:

- The Census Bureau will issue technical criteria for definition of these small areas to the state participants by April 1, 2006;
- The states choosing to participate in this voluntary program will define the small areas for which specific data tabulations are desired and submit these areas following

timelines established by the Census Bureau. These small areas include census block boundaries, voting districts, and state legislative districts; and

- The Census Bureau must transmit the total population tabulations to the states by April 1, 2011.

The 2010 Census Redistricting Data Program provided states the opportunity to delineate voting and state legislative districts and to suggest census block boundaries for use in the 2010 Census redistricting data tabulations (P.L. 94-171 Redistricting Data File). The program also ensures continued dialogue with the states concerning 2010 Census planning, thereby allowing states ample time for planning, response, and participation. As in 1990 and 2000, the State of Nevada participated in all phases of the Census Bureau's Redistricting Data Program. This program involves the following five phases:

- **Phase 1: State Legislative District Project (2005–2006).** Participating states provided their legislative district plans, codes, and names to the Census Bureau. A verification phase followed resulting in the issuance of data products for the post-2000 Census legislative districts. The State of Nevada provided this information to the Census Bureau during this period.
- **Phase II: Voting District/Block Boundary Suggestion Project (2007–2009).** This phase requires the Census Bureau to provide state legislatures with small area census population tabulations necessary for legislative redistricting. Most states, including Nevada, conduct reapportionment using precinct-level data, and this program allows states to submit precinct/voting district boundaries and codes to the Census Bureau and suggest other features so they can be assigned as census tabulation blocks for the 2010 Census. When final tabulations are released by the Census Bureau, population statistics will be available at the precinct level. This phase of the Redistricting Data Program is the most “hands on” for legislatures nationwide. Staff of the LCB worked with all 17 counties in Nevada to ensure that accurate precinct maps and descriptions were submitted to the Census Bureau by the May 1, 2009, deadline. The verification phase of the VTD/BBSP began in February 2010 and was completed by LCB staff on March 29, 2010.
- **Phase III: Data Delivery for the 2010 Census Redistricting Data Program (2010–2011).** This phase involves the delivery (no later than April 1, 2011, as mandated by P.L. 94-171) of all available geographic products and population totals for the small areas defined in Phases I and II to the Governor and the majority and minority leaders in both houses of the Nevada Legislature. Statewide population totals were released to the President of the United States and the states on December 21, 2010. The remainder of the Phase III data, which includes information based on census blocks, precincts, census tracts, counties, cities, and towns necessary for the reapportionment and redistricting exercise, was delivered to the State of Nevada on

February 24, 2011. For more information on this data, please refer to Section IV(C) of this report.

- **Phase IV: Collection of the Post–2010 Census Redistricting Plans (2012–2013).** The Census Bureau will collect state legislative and congressional district plans using Phase III materials as the geographic base. The Census Bureau will provide geographic and data products, as required by law, to the U.S. Postal Service, the U.S. Department of Justice, and the U.S. Congress.
- **Phase V: Evaluation and Recommendation for Census 2020 (2012–2014).** This Phase allows states to conduct a review documenting the actions of the Census Bureau in their efforts to meet the P.L. 94-171 requirements. A final publication from the Census Bureau will summarize the view of the states.

Please see Appendix B for a number of letters and other documents that discuss Nevada’s participation in the Census Bureau’s Redistricting Data Program, including a letter from Lorne J. Malkiewich, Director, LCB, requesting consideration for the early release to Nevada of the P.L. 94-171 Census data.

B. LEGAL REQUIREMENTS FOR REAPPORTIONMENT AND REDISTRICTING⁵

The legal parameters under which reapportionment and redistricting are framed are set forth in the *United States Constitution*, the *Nevada Constitution*, various federal and state laws, and numerous court decisions. Many of the legal principles dictating the actual practice of reapportionment and redistricting come from these court rulings.

The Nevada Legislature is responsible for redistricting congressional, State legislative, the Board of Regents of the University of Nevada, and the State Board of Education districts and the initiative petition districts. The two most important factors the Nevada Legislature must consider when conducting the reapportionment and redistricting exercise are: (1) equal population among the districts; and (2) equitable treatment of minorities.

United States Constitutional Requirements

Article 1, Section 2 of the *United States Constitution* provides that congressional representatives shall be apportioned among the several states according to their respective numbers. On the basis of this provision, the U.S. Supreme Court has held that the population of congressional districts must be “as nearly equal as practicable.” In addition, the Equal Protection Clause of the Fourteenth Amendment to the *United States Constitution* is the basis for the equal population requirement for state legislative districts, also known as the

⁵ Much of the information discussed in this section comes from *Redistricting Law 2010*, prepared by the National Conference of State Legislatures, November 2009.

“one-person, one-vote” principle. On the basis of this provision, the U.S. Supreme Court has held that state legislative districts must achieve “substantial equality of population.”

Equal Population Considerations

It is useful to understand how the courts measure population equality as it relates to reapportionment and redistricting. The first consideration is “ideal population,” which is a simple mathematical calculation of the total state population divided by the total number of districts. Secondly, the concept of population deviation is also an important component of any redistricting plan that may be considered by the courts. Population deviation is the degree by which a single district’s population differs from the ideal population and it can be expressed as an actual number of people (“actual deviation”) or as a percentage (“relative deviation”). A third consideration is the *overall range* of population deviation between the smallest district and the largest district. For example, if the ideal population of a particular district is 100,000 people and the largest district is 102,000 (+2 percent) and the smallest district is 99,000 (-1 percent), the overall range of deviation is 3 percent.

Equal Population for Congressional Districts

Based on Article 1, Section 2 of the *United States Constitution*, congressional district populations must be “as nearly equal as practicable” (meaning they must have virtually exact mathematical equality). The courts have consistently opined that any population deviation among congressional districts, no matter how small, could render a redistricting plan unconstitutional if an alternative plan with a smaller population deviation could have been adopted. It is especially the case today that the Legislature may be expected to draw each congressional district with almost exact mathematical equality due to improvements in Census Bureau calculations and enhanced GIS mapping capabilities. With regard to congressional districts, even minute deviations from the ideal may be legally significant. For example, if a challenging party can demonstrate that a redistricting plan with a smaller range of population deviation could have been drawn, the burden would be on the state to demonstrate that the deviation was necessary to achieve a legitimate purpose (such as avoiding contests between incumbents, making compact districts, preserving the cores of prior districts, or respecting municipal boundaries). In short, if a congressional redistricting plan does not have exact mathematical equality, it should not be assumed that a plan with a smaller range of population deviation cannot be drawn.

After the 2000 Census, 19 states drew congressional plans with an overall range of either zero or one person, and 10 more states, including Nevada, drew plans with an overall range of two to ten persons.

Equal Population for Legislative Districts

Relating to state legislative districts, the U.S. Supreme Court has set forth the standard of achieving “substantial equality of population” among the various districts. Courts have ruled

that, based on the Equal Protection Clause, a state legislative redistricting plan may withstand a constitutional challenge only if it has “minor deviations” in population among districts. This is a more flexible standard from the strict, nearly mathematical equality required of congressional districts. Beginning in the early 1970s, the courts indicated that a redistricting plan with a maximum deviation under 10 percent likely would fall within the “minor deviation” category. A deviation of 10 percent or less would not create a *prima facie* case of discrimination in the redistricting plan. Such plans were presumed constitutional and the burden of proof would be on the challengers to a plan to prove discrimination. If a plan’s overall deviation is greater than 10 percent, the burden would shift to the state to justify the deviation if the plan was challenged.

For many years, this “10-percent rule” was, essentially, a burden-shifting standard. However, since the last redistricting exercise in 2001, a federal district court in 2004 struck down two redistricting plans from the State of Georgia where the overall range of population deviation was 9.98 percent (*Larios v. Cox*, 300 F. Supp. 2d 1320 (N.D. Ga. 2004)). In this case, which was ultimately affirmed by the U.S. Supreme Court, the drafters of the plan assumed that 10 percent was a “safe harbor” and that the plan would be immune from challenge. However, the court found that the plan drafters were primarily concerned with protecting incumbents and certain rural areas in Georgia that were losing population rather than relying on the full range of “traditional districting principles” (see page 22 for information regarding these principles). The decision in *Larios v. Cox* demonstrated that less than a 10 percent population deviation from the smallest to the largest district may not necessarily be a “safe harbor” for redistricting plans if it can be shown that the plan did not rely on traditional districting principles. It is recommended that such principles, therefore, should be clearly articulated by the Nevada Legislature when developing redistricting plans.

A redistricting plan with a maximum population deviation greater than 10 percent creates a *prima facie* case of discrimination and must be justified by the state. A state that adopts a plan with a deviation of more than 10 percent would have the burden of showing that: (a) the more-than-10-percent range is necessary to implement a “rational state policy”; and (b) it does not dilute or take away the voting strength of any particular group of citizens. Affording representation to political subdivisions is the only “rational state policy” that has expressly been accepted by the U.S. Supreme Court as justification for a legislative districting plan that has an overall deviation of more than 10 percent. Lower courts have also recognized traditional districting principles as a rational state policy in justifying a deviation of greater than 10 percent. Court-drawn plans are typically held to a higher standard; that is, they usually will have a deviation of substantially less than 10 percent.

The deviation between the largest and smallest Nevada Senate districts in 1991 was 2.6 percent, while the maximum deviation in the Nevada Assembly was 4.5 percent. In 2001, the deviation between the largest and smallest Nevada Senate districts was 9.91 percent (4.93 positive deviation and 4.98 percent negative deviation), while the overall deviation for Nevada Assembly districts was 1.97 percent (1.07 percent positive deviation and 0.90 percent negative deviation).

Ethnic and Language Minority Considerations

In addition to equal population, another important factor that must be considered when drawing reapportionment and redistricting plans is the equitable treatment of minorities. The Fourteenth Amendment to the *United States Constitution* guarantees to all persons equal protection and due process under law. The Fifteenth Amendment prohibits the abridgement or denial of the right to vote on the basis of race or color. Discriminatory purpose and discriminatory results are necessary elements of a successful challenge under the Fourteenth or Fifteenth Amendments.

*Voting Rights Act of 1965*⁶

Section 2 of the Voting Rights Act of 1965 (42 U.S.C. § 1973) prohibits a state from imposing any voting qualification, standard, practice, or procedure that results in the denial or abridgement of any citizen's right to vote on account of race, color, or status as a member of a language minority group. Section 2 of the Act was enacted to prohibit "minority vote dilution," which is the minimization or cancelling out of minority voting strength. Under Section 2 of the Voting Rights Act, a voting practice is unlawful if it *results in* a denial or abridgement of the right to vote on account of race, color, or membership in a language minority group. Therefore, it is not necessary to prove a discriminatory intent to establish a violation of Section 2 of the Act.

Drawing Minority Districts

In the case of *Thornburg v. Gingles*, 478 U.S. 30 (1986), the U.S. Supreme Court articulated three preconditions a minority group must meet to challenge a redistricting plan: (1) the minority group is sufficiently large and geographically compact to constitute a majority in a single-member district⁷; (2) the minority group is politically cohesive; and (3) the white majority of the district votes sufficiently as a bloc so that the majority usually defeats the preferred candidate of the minority. If a minority group meets these preconditions, the Court must also find that, based upon the totality of the circumstances, members of a protected class have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

Generally, Section 2 cases involve claims based upon three different types of line-drawing which operate to dilute the voting strength of a minority group: (1) the use of multimember districts; (2) the packing of minorities into a single district; and (3) the fracturing of minorities

⁶ Nevada is not subject to the preclearance requirements of Section 5 of the Voting Rights Act of 1965, and therefore, Section 5 is not discussed in this report.

⁷ In 2009, the U.S. Supreme Court in *Bartlett v. Strickland*, 129 S.Ct. 1231 (2009), resolved the issue of whether there is a requirement to create "crossover" districts, whereby the majority group is not a numerical majority of the voting age population, but is potentially large enough to elect its preferred candidate by persuading enough majority voters to cross over to support the minority's preferred candidate. The Court held that Section 2 of the Voting Rights Act does not require the creation of such "crossover" districts.

into several districts. The Legislature should be aware of these three concepts while it draws its district lines.

1. Multimember Districts

Multimember districts are districts that elect two or more members to a legislative body. (Please see page 22 for more information on multimember districts.) Minority groups have challenged the multimember form of districting claiming their minority group could be a majority of the population if they were placed in a single-member district but were unable to be a majority when placed in a multimember district. The case of *Thorngburg v. Gingles*, discussed above, was based upon a challenge to a multimember districting plan.

2. “Packing” and “Fracturing”

Packing occurs when district boundaries are drawn such that members of a minority group are concentrated, or “packed,” into so few districts that they become a supermajority in the packed districts. As members of a “packed” district, they can elect representatives of their choice in that district, but their votes in excess of a simple majority are “wasted” to the extent that they are not available to help elect representatives in other districts. Fracturing is drawing district lines so that the minority population is broken up. Rather than allowing the minority to concentrate voting strength in a few districts—enabling the minority to elect representatives of their choice in those districts—the members of a minority are dispersed among many districts, resulting in the minority group being a minority of the population in every district.

To avoid a legal challenge based upon Section 2 of the Voting Rights Act, the Legislature may be required to create “majority-minority districts,” which are districts in which a minority group constitutes an effective majority. Following the 2001 redistricting exercise, Nevada had one majority-minority Senate district (Clark No. 2) and two majority-minority Assembly districts (District Nos. 11 and 28).

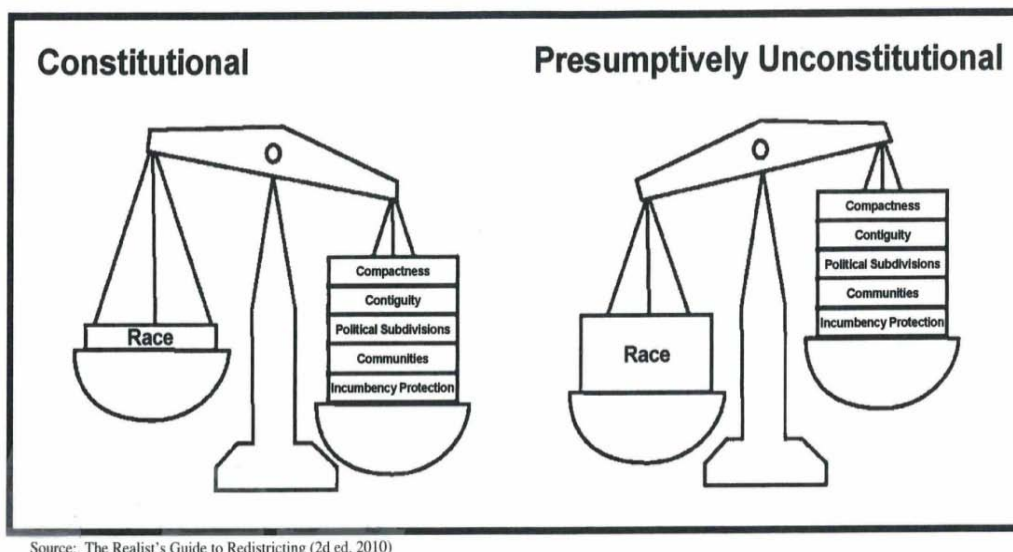
Racial Gerrymandering

In its redistricting plan, the Legislature must be careful not to make race the dominant factor. The U.S. Supreme Court has defined racial gerrymandering as “the deliberate and arbitrary distortion of district boundaries . . . for [racial] purposes.”⁸ To succeed in a racial gerrymandering case, the plaintiffs must prove that: (1) race is the dominant and controlling rationale in drawing district boundaries; (2) the Legislature subordinated traditional race-neutral districting principles to racial considerations; and (3) there was no compelling state interest and the district was not narrowly tailored to achieve that interest. The three key categories of evidence used to determine whether legitimate districting principles were

⁸ *Shaw v. Reno (Shaw I)*, 509 U.S. 630, 640 (1993).

subordinated to race are: (1) district shape (particularly oddly-shaped districts) and demographics; (2) testimony and correspondence directly stating the legislative motives for drawing the redistricting plan; and (3) the nature of the data used in the redistricting process.

The U.S. Supreme Court has clarified that race-conscious redistricting is not always unconstitutional. The Legislature is typically aware of racial considerations when drawing district boundaries, just as it is aware of other factors such as age, political affiliation, and other demographic data. Race *can* play a role in the redistricting process as long as it is only one factor alongside, and does not subordinate, traditional race-neutral districting principles and political considerations. The diagram below illustrates this concept visually:



Partisan Gerrymandering

Partisan gerrymandering cases are justiciable under the Equal Protection Clause of the Fourteenth Amendment. Unconstitutional discrimination occurs only when the electoral system is arranged in a manner that will consistently degrade the influence of a group of voters on the political process as a whole. To successfully challenge a redistricting plan on this basis, the plaintiff must show intentional discrimination against an identifiable political group and an actual discriminatory effect on that group. However, the U.S. Supreme Court has been unable to agree upon a standard to determine whether a redistricting plan is so unfair as to deny a partisan minority equal protection of the laws. The challenge for the Court has been that the Justices realize that politics is inherent to the reapportionment and redistricting process.⁹ However, the Legislature should be cognizant that such a claim is still viable. Traditional districting principles, as discussed below, should not be subordinated to partisan considerations.

⁹ In *Gaffney v. Cummings*, 412 U.S. 735 (1973) the Court wrote, “politics and political considerations are inseparable from districting and apportionment.”

Traditional Districting Principles

In addition to equal population and the equitable treatment of minorities, states use other secondary factors or criteria that have been recognized by the courts to constitute traditional districting principles. These principles are not found in the *United States Constitution*, but are found in numerous state constitutions, laws, and resolutions and have been determined to be legitimate considerations in the reapportionment and redistricting process. These criteria include:

- Compactness of districts;
- Contiguity of districts;
- Preservation of political subdivisions (e.g., counties and cities);
- Preservation of communities of interest;
- Preservation of cores of prior districts;
- Protection of incumbents; and
- Compliance with Section 2 of the Voting Rights Act.

The Use of Multimember Legislative Districts in Nevada and Nationwide

Multimember legislative districts are those districts in which the same voters elect more than one representative to serve a geographical area that could be divided into several areas, each represented by a single person. The trend in the United States over the past few decades has been to move away from the use of multimember districts, largely due to the litigation that has occurred over these districts. While federal law prohibits the use of multimember districts for congressional districts, they are permissible for state legislative districts. The explanation below highlights the legal status of multimember districts and their use in Nevada and other states.

Legal Status of Multimember Legislative Districts

In the case of *Reynolds v. Sims*, 377 U.S. 533 (1964), the U.S. Supreme Court held that both houses of a bicameral legislature must be apportioned on the basis of population. It was this decision that started the process of putting an end to the practice of assigning legislators in one house just on the basis of counties regardless of population. The Court held that multimember legislative districts could be used in one or both houses of the legislature. In 1971, the Court reaffirmed its holding that the use of multimember state legislative districts is not *per se* unconstitutional but may be subject to a challenge where the circumstances of a particular case serve to minimize or cancel out the voting strength of a minority group.

In 1972, a federal district court, in *Stewart v. O'Callaghan*, 345 F. Supp. 1080 (D. Nev. 1972), held that the use of multimember districts in Nevada for the election of Senators in urban counties was not constitutionally impermissible in the absence of a showing that their use operated to dilute or cancel the voting strength of any segment of political grouping. While the U.S. Supreme Court has held that the use of multimember districts is not

unconstitutional *per se*, in cases of court-ordered redistricting plans, the Court prefers single-member districts to large multimember districts.

Multimember Legislative Districts in Nevada

Multimember legislative districts have been used in Nevada since statehood. From 1861 through 1961, counties were the basic unit of redistricting. Several different counties—apparently depending on population and the boom and bust cycles—served as multimember districts ranging in size from 2 to 4 members in the Senate and from 2 to 14 members in the Assembly. With the advent of population-based redistricting for both houses of the Legislature in 1965, the use of multimember districts continued. In the 1965 reapportionment, the 20-member Senate had 11 single-member districts and two multimember districts. The multimember Senate districts included a five-member Clark County district and a four-member Washoe/Storey County district. The 40-member Assembly had 7 single-member districts; 2 nine-member districts (one each in Clark and Washoe/Storey Counties); 1 three-member district (in Washoe County); and 6 two-member districts (in Clark, Douglas/Ormsby, Elko, and Lincoln/White Pine Counties).

Under the 1971 reapportionment, the Senate had 7 single-member districts, a four-member district in Washoe County, and a seven-member and two-member districts in Clark County. The Assembly in 1971, largely due to the efforts of Assemblyman Frank Young (a three-term Republican from Clark County), shifted to all single-member districts and has remained under the same configuration ever since. In the 1981 reapportionment, the 21-member Nevada Senate created 7 single-member districts: 5 two-member districts in Clark County and 2 two-member districts in Washoe County.

Under the 1991 reapportionment plan, the Senate provided for 11 single-member districts and only retained multimember districts in Clark County, with 5 two-member districts. During the 2001 round of reapportionment and redistricting, the number of multimember districts in the Nevada Senate was reduced again. Currently, two Senate districts have two members, each representing about 190,000 people (Clark No. 5 and Clark No. 7).

Multimember Legislative Districts in Other States

Multimember legislative districts are used not only in Nevada, but in 12 other states as well, with 9 states using multimember districts in their Assembly or House of Representatives and only 3 states using multimember districts in both houses. Nevada is the only state to use multimember districts only in its State Senate. (Please see Appendix C.) New Hampshire and Vermont have the largest number of seats in multimember districts. For example, Vermont has 30 state senators and 13 Senate districts. There are 6 senators in that state's largest multimember district. New Hampshire has 400 House members and only 103 House districts. There are 13 House members in that state's largest multimember district.

Nevada Constitutional Requirements

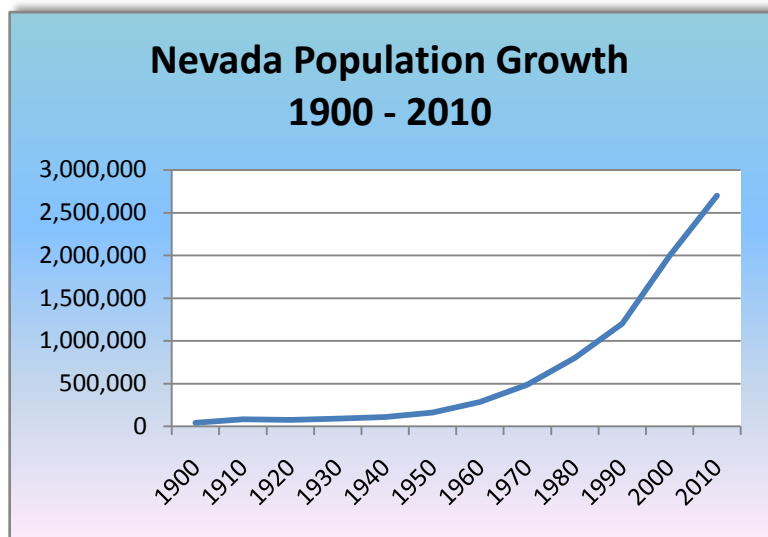
Several provisions of the *Nevada Constitution* relate directly to the method of reapportionment and redistricting used in this state:

- Article 1, Section 13 of the *Nevada Constitution* requires representation to be apportioned according to population. The purpose of this section is to secure to each citizen equal representation in the making of the laws of this State. (*State ex rel. Winnie v. Stoddard*, 25 Nev. 452, 62 Pac. 237 (1900)).
- Article 4, Section 5 of the *Nevada Constitution* requires that, after each decennial census of the United States, the Legislature shall fix by law the number of senators and members of the Assembly and apportion them among legislative districts according to the number of inhabitants in them respectively.
- Article 15, Section 6 of the *Nevada Constitution* provides that the aggregate number of members of both branches of the Legislature must never exceed 75. Section 5, Article 4 requires that the number of Senators shall not be less than one-third nor more than one-half of the number of Assembly members.
- Article 15, Section 13 of the *Nevada Constitution* provides that the census taken under the direction of Congress every ten years shall serve as the basis of representation in both houses of the Nevada Legislature.

C. CENSUS DATA—2010 POPULATION AND POSSIBLE REDISTRICTING SCENARIOS

On December 21, 2010, the U.S. Census Bureau submitted to President Barack Obama the final actual population counts from Census 2010, by state. The final resident total for Nevada, as of Census Day on April 1, 2010, was 2,700,551. This total represented a 35.1 percent increase in Nevada's population over the ten-year period from April 1, 2000, which was the smallest increase since 1940. Nonetheless, Nevada remained the fastest growing state in the U.S. from 2000 to 2010, ahead of Arizona (24.6 percent growth), Utah (23.8 percent), and Idaho (21.1 percent). Overall growth in the United States was flat, with the past decade showing the slowest population growth in America since the Great Depression.

On February 24, 2011, the U.S. Census Bureau released detailed 2010 Census population totals and demographic characteristics to Nevada Governor Brian Sandoval and leadership of the Nevada Legislature. This data provides complete population counts for small areas and race, Hispanic origin, voting age, and housing unit data released from the 2010 Census. This detailed data shows that the five most populous incorporated places in Nevada are the Cities of Las Vegas (583,756);



Henderson (257,729); Reno (225,221); North Las Vegas (216,961); and Sparks (90,264). Las Vegas grew by 22 percent since the 2000 Census, while Henderson grew by 47 percent. Reno experienced a growth rate of 24.8 percent, North Las Vegas grew by 87.9 percent, and Sparks grew by 36.1 percent. Clark County remains Nevada's largest county, with a population of 1,951,269, an increase of 41.8 percent since 2000. The other most populous counties are Washoe County, with a population of 421,407 (an increase of 24.1 percent); Carson City at 55,274 (an increase of 5.4 percent); Lyon County at 51,980 (an increase of 50.7 percent); Elko County at 48,818 (an increase of 7.8 percent); and Douglas County at 46,997 (an increase of 13.9 percent). Nevada's two smallest counties are Esmeralda County, with 783 residents, and Eureka County, with a population of 1,987.

Population Trends

Nevada has been the fastest growing state in the nation, by percentage increase, for each of the last five decades. Moreover, Nevada was second only to Florida in percentage increase (78.7 percent in Florida and 78.0 percent in Nevada) between 1950 and 1960. Following its statehood in 1864, Nevada remained the smallest state in the nation for 95 years until Alaska joined the union in 1959. Today, Nevada ranks 35th in population among the 50 states and represents 0.86 percent of the total population of the United States. As noted earlier, Nevada's population in 1980 earned the State a second member in the U.S. House of Representatives, while its count in 2000 resulted in a third representative.

Census Year	Nevada Population	Percentage Increase or Decrease Over Prior Census
1900	42,335	(-10.6)
1910	81,875	93.4
1920	77,407	(-5.5)
1930	91,058	17.6
1940	110,247	21.1
1950	160,247	45.2
1960	285,278	78.0
1970	488,738	71.3
1980	800,508	63.8
1990	1,201,833	50.1
2000	1,998,257	66.3
2010	2,700,551	35.1

A fourth representative was gained following the 2010 Census and the 2011 Nevada Legislature will be tasked with drawing the boundaries for this new congressional seat. According to the Census Bureau, the “ideal population” for each of the four congressional seats in Nevada will be 675,138.

The rate of population growth in Clark County has continued to outpace that of the rest of the State since World War II. In 1940, Clark County had just 14.9 percent of Nevada’s population. By 1950, that number had increased to 29.9 percent. In 1963, Clark County’s population exceeded half of the State total for the first time. In 2000, Clark County was 68.8 percent of Nevada’s total population. Today, Clark County represents 72.3 percent of the total State population, while Washoe County represents 15.6 percent. As shown in the table below, three counties experienced a drop in population during the past decade: Esmeralda (-19.4 percent), Mineral (-5.9 percent), and Lander (-0.3 percent).

2010 POPULATION OF COUNTIES IN NEVADA

County	2010 Census Population	Percent of State Total	2000 Census Population	Percent of State Total	1990 Census Population	Percent of State Total	Percent Change 1990 to 2000	Percent Change 2000 to 2010
Carson City	55,274	2.0	52,457	2.6	40,443	3.4	29.7	5.4
Churchill County	24,877	0.9	23,982	1.2	17,938	1.5	33.7	3.7
Clark County	1,951,269	72.3	1,375,765	68.8	741,459	61.7	85.5	41.8
Douglas County	46,997	1.7	41,259	2.1	27,637	2.3	49.3	13.9
Elko County	48,818	1.8	45,291	2.3	33,530	2.8	35.1	7.8
Esmeralda County	783	0.0	971	0.0	1,344	0.1	(-27.8)	(-19.4)
Eureka County	1,987	0.1	1,651	0.1	1,547	0.1	6.7	20.4
Humboldt County	16,528	0.6	16,106	0.8	12,844	1.1	25.4	2.6
Lander County	5,775	0.2	5,794	0.3	6,266	0.5	(-7.5)	(-0.3)
Lincoln County	5,345	0.2	4,165	0.2	3,775	0.3	10.3	28.3
Lyon County	51,980	1.9	34,501	1.7	20,001	1.7	72.5	50.7
Mineral County	4,772	0.2	5,071	0.3	6,475	0.5	(-21.7)	(-5.9)
Nye County	43,946	1.6	32,485	1.6	17,781	1.5	82.7	35.3
Pershing County	6,753	0.3	6,693	0.3	4,336	0.4	54.4	0.9
Storey County	4,010	0.1	3,399	0.2	2,526	0.2	34.6	18.0
Washoe County	421,407	15.6	339,486	17.0	254,667	21.2	33.3	24.1
White Pine County	10,030	0.4	9,181	0.5	9,264	0.8	(-0.9)	9.2
State Total	2,700,551	100.0	1,998,257	100.0	1,201,833	100.0	66.3	35.1

Source: 2010 Census Public Law 94-171 Redistricting Data as provided by the U.S. Bureau of the Census and validated by the Legislative Counsel Bureau. Compiled by Legislative Counsel Bureau, February 25, 2011.

Additional charts showing the population of current Senate and Assembly districts for Nevada appear in Appendix D.

Population Data and Demographic Details for Legislative Districts and Possible Reapportionment and Redistricting Scenarios

The notable increase in population in the urban portions of Nevada will have a significant impact on the reapportionment and redistricting process for 2011. Based on 2010 Census data, staff of the ITS of the LCB has compiled tables and data sets showing population and ethnic/racial data for each current Senate and Assembly district. This data, combined with certain election data, will be helpful to the Legislature in making redistricting decisions. Tables showing population and ethnic/racial data by legislative district are included in this report under Appendix E.

If the 2011 Nevada Legislature decides to retain a 21-member Senate and a 42-member Assembly, it is estimated that Clark County (since it represents 72.3 percent of the total state population) will gain one Senate district, one Assembly district, and possibly a portion of another Assembly district. Of course, this would result in a corresponding net reduction of one Senate seat and one Assembly seat in northern and rural Nevada. As noted earlier, the 2011 Legislature may authorize an increase in the number of its members, so long as the total does not exceed 75 and the Assembly has from two to three times more members than the Senate. The table below shows the “ideal population” of each district based on the number of seats that may be apportioned in the Senate and Assembly during the 2011 reapportionment and redistricting exercise:

Ideal Population of Single-Member Senate Districts Based on 2010 Census Data	Ideal Population of Assembly Districts Based on 2010 Census Data
21 Senate Districts—128,598	42 Assembly Districts—64,299
22 Senate Districts—122,752	43 Assembly Districts—62,803
23 Senate Districts—117,415	44 Assembly Districts—61,376
24 Senate Districts—112,523	45 Assembly Districts—60,012
25 Senate Districts—108,022	46 Assembly Districts—58,708
	47 Assembly Districts—57,459
	48 Assembly Districts—56,261
	49 Assembly Districts—55,113
	50 Assembly Districts—54,011

V. COMMITTEE RECOMMENDATIONS

During the course of the 2009–2010 Legislative Interim, the Legislative Commission’s Committee to Study the Requirements for Reapportionment and Redistricting heard numerous presentations, several of which related directly to the final recommendations adopted at the Committee’s meeting on July 21, 2010, and at its work session on December 6, 2010. While no formal bill draft requests were proposed, the following four recommendations relate to important aspects of the reapportionment and redistricting process.

Use of Software and Hardware for Reapportionment and Redistricting

At its meetings in May and July 2010, the Committee explored various options for the use of redistricting software during the 2011 reapportionment and redistricting exercise. Committee members compared the “Citygate” GIS product, which produces the autoBound Redistricting and Reapportionment System with Caliper Corporation’s “Maptitude” software. The Nevada Legislature has used the autoBound platform for the past 20 years. The functionality, licensing, and available service contracts were also discussed. Based on the information received and reviewed, the Committee voted to:

Recommend to the Legislative Commission the purchase of eight autoBound redistricting software licenses—four to be used by caucuses of the Senate and Assembly, two for staff, and two for public workstations—and the required parallel hardware, including: (a) four workstations to be used by the caucuses, each including a laptop computer with a docking station, a large monitor, and a small desktop color plotter; (b) two projectors that would be shared for presentations; and (c) four desktop computers, including a large monitor and a desktop color plotter to be used for the two public workstations and two staff workstations.

Legislative Staff Services for GIS Support During the 2011 Legislative Session

During the previous reapportionment and redistricting cycle in 2001, the Legislative Commission authorized the hiring of four session-only employees to assist each caucus in the Senate and the Assembly with GIS technical support. The assistance these GIS Specialists provided was very useful and greatly appreciated by Nevada legislators. Moreover, the increased functionality of GIS technologies and the availability of more GIS products required the assistance of additional GIS staff. Therefore, the Committee voted to:

Recommend to the Legislative Commission the hiring of four session-only employees (one for each caucus), who would be located in the Information Technology Services Unit of the LCB in order to assist with GIS support and provide related services for reapportionment and redistricting during the 2011 Legislative Session.

Use of an Election Database for Reapportionment and Redistricting

During its final meeting and work session, the Committee discussed the selection of an election database for use during the 2011 reapportionment and redistricting exercise. Committee staff noted that, based on a U.S. Supreme Court case in 1986 (*Davis v. Bandemer*, 478 U.S. 109 (1986)), political gerrymandering was determined to be a justiciable issue under the Equal Protection Clause of the Fourteenth Amendment to the *United States Constitution*. According to *Redistricting Law 2010* by the National Conference of State Legislatures:

The issue of whether courts should adjudicate partisan gerrymandering claims remains unsettled more than 20 years after *Bandemer* appeared to resolve that question. This uncertainty, however, has not stopped political parties from bringing litigation claiming they have been unconstitutionally burdened by partisan gerrymandering. A plaintiff's burden in these claims remains the subject of much debate. The courts agree that more than discriminatory intent is required. A discriminatory effect also must be demonstrated. The extent of the showing, however, has been the subject of numerous and diverse opinions. (Page 126)

In response to the 1986 case, national experts at that time indicated that state legislatures should have sufficient election and voter registration data to compare the effects of their redistricting plans to help ensure that unconstitutional discrimination does not result. Therefore, in conjunction with the last two redistricting processes (in 1991 and 2001), the Nevada Legislature has created an elections database to provide some measure of comparison of voting patterns over several election cycles between the two major political parties for the most competitive statewide election contests. This database also provides another method for party caucuses to evaluate the political effects of various redistricting plan alternatives. In addition, this data was of value in analyzing voting patterns of nonpartisan registrants.

Voter registration data is included in the redistricting database as of the close of registration before each general election. The elections and voter registration databases include information that is useful for the analysis and evaluation of the political effects of redistricting alternatives throughout the process. Therefore, the Committee voted to:

Select, for use during the 2011 reapportionment and redistricting exercise, an elections database that includes comprehensive election information from the following elections:

- (a) 2006 General Election contest for Nevada Governor—Gibbons (R) (48 percent) vs. Titus (D) (44 percent);**
- (b) 2008 General Election contest for President of the United States—McCain (R) (43 percent) vs. Obama (D) (55 percent);**
- (c) 2010 General Election contest for United States Senate—Angle (R) (45 percent) vs. Reid (D) (50 percent); and**
- (d) 2010 General Election contest for State Treasurer—Marshall (D) (48 percent) vs. Martin (R) (44 percent).**

Finally, it is important to recognize and understand that these databases are based solely on precinct level data, and any efforts to disaggregate this data to lower levels of census geography (such as census blocks) may not be accurate and cannot be verified.

Rules for Reapportionment and Redistricting

Previous interim committees charged with studying the requirements for reapportionment and redistricting have made formal recommendations for legislative rules for the ensuing legislative session. These rules typically cover committee jurisdiction over reapportionment and redistricting, discuss the importance of adhering to federal provisions relating to equal population and the equal treatment of minorities, and public participation. Therefore, the Committee voted to:

Recommend the adoption of rules for inclusion in the Joint Rules of the Senate and Assembly for the 2011 Legislative Session addressing: (a) the responsibility for redistricting measures; (b) equality of representation for congressional districts, state legislative districts, and the districts for the State Board of Education and the Board of Regents of the University of Nevada; (c) the use of a population database for reapportionment and redistricting; (d) the use of census geography for district boundaries; (e) procedures for the Senate and Assembly committees tasked with reapportionment and redistricting; (f) compliance with the Voting Rights Act (42 U.S.C. § 1973(a)); and (g) public participation in the reapportionment and redistricting process.

On February 7, 2011, the Nevada Legislature adopted Assembly Concurrent Resolution No. 1 (File No. 1, *Statutes of Nevada*), which adopts the Joint Standing Rules of the Senate and Assembly for the 76th Session of the Nevada Legislature. The rules specifically addressing reapportionment and redistricting are Rule 13 through Rule 13.6. Please refer to Appendix F for a copy of these joint rules.

VI. CONCLUDING REMARKS

This report was prepared and designed to be of particular assistance to its primary audience—the members of the 76th Session of the Nevada Legislature. The goals for the report were to be comprehensive yet concise while covering a wide range of topics. The appendices offer greater details on a number of these topics. During the course of the 2011 Legislative Session, this report will be supplemented with various maps, charts, and tabulations as analysis of the recently released 2010 Census data continues. Staff of the LCB may be contacted for additional information on the following topics:

<i>LCB Staff Contact</i>	<i>Topic</i>
Michael J. Stewart, Supervising Principal Research Analyst, Research Division 775-684-6825; mstewart@lcb.state.nv.us	Demographic and geographical considerations; regional analysis; historical data; and general information concerning reapportionment and redistricting.
Kathy L. Steinle, GIS Manager, Information Technology Services Unit 775-684-6810; steinle@lcb.state.nv.us	Training and assistance with computer reapportionment and redistricting software; population calculations and statistical analysis of demographic information; and participation of the State in the Census 2010 Redistricting Data Program.
Patrick Guinan, Senior Research Analyst, Research Division 775-684-6825; pguinan@lcb.state.nv.us	Activities of the Assembly Committee on Legislative Operations and Elections.
Carol M. Stonefield, Supervising Principal Research Analyst, Research Division 775-684-6825; cstonefield@lcb.state.nv.us	Activities of the Senate Committee on Legislative Operations and Elections.
Eileen G. O'Grady, Chief Deputy Legislative Counsel, Legal Division 775-684-6830; ogrady@lcb.state.nv.us	Analysis of legal issues relating to redistricting.
Kristin C. Roberts, Senior Principal Deputy Legislative Counsel, Legal Division 775-684-6830; kroberts@lcb.state.nv.us	Analysis of legal issues relating to redistricting.
Brian L. Davie, Legislative Services Officer Las Vegas Office 702-486-2800; davie@lcb.state.nv.us	Historical data and analysis and technical assistance with computer redistricting software in southern Nevada.

For 2011, staff of the LCB has developed a comprehensive Internet website housing numerous documents, reports, tables, charts, and maps relating to reapportionment and redistricting. Please visit the Nevada Legislature's homepage at www.leg.state.nv.us and select the "Nevada Reapportionment & Redistricting" icon for more information.

Finally, the Chair and members of the Legislative Commission's Committee to Study the Requirements for Reapportionment and Redistricting would like to express their appreciation and gratitude to representatives of the Census Bureau, the various leaders of ethnic minority communities in southern and northern Nevada, LCB staff, and other interested parties who shared their thoughts and opinions with the Committee and offered suggestions regarding the 2011 reapportionment and redistricting exercise.

VII. APPENDICES

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APPENDIX A

Assembly Concurrent Resolution No. 19 (File No. 76, *Statutes of Nevada 2009*)

Assembly Concurrent Resolution No. 19
(File No. 76, *Statutes of Nevada 2009*)

Assembly Concurrent Resolution No. 19—Committee on Elections,
Procedures, Ethics, and Constitutional Amendments

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the
Legislative Commission to conduct an interim study of
the requirements for reapportionment and redistricting in the
State of Nevada.

WHEREAS, The 76th Session of the Nevada Legislature will be required to reapportion and redistrict the election districts for the members of the Legislature, the members of the United States House of Representatives from the State of Nevada, the Board of Regents of the University of Nevada and the State Board of Education; and

WHEREAS, The Bureau of the Census of the United States Department of Commerce is required to deliver redistricting data from the decennial census in 2010 to the states not later than April 1, 2011, when the Nevada Legislature will already be in session; and

WHEREAS, The amount of data from the census in 2010 and the necessity to accomplish reapportionment and redistricting in an expeditious manner during the 76th Session of the Nevada Legislature will require additional computer software and extensive preparation and testing to allow for the generation and analysis of proposals concerning reapportionment and redistricting; and

WHEREAS, The reapportionment and redistricting must comply with current case law and constitutional and statutory legal requirements; and

WHEREAS, The Nevada Legislature has been working with the Bureau of the Census on the Voting District/Block Boundary Suggestion Project and other programs in preparation for the census in 2010 and the process of reapportionment and redistricting; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to study the requirements for reapportionment and redistricting in this State in conjunction with the data from the decennial census of 2010; and be it further

RESOLVED, That the study include:

1. A continuing examination and monitoring of any redistricting systems established or recommended by the 75th Session of the Nevada Legislature, or to be established pursuant to any legislation enacted by the 75th 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 planning for reapportionment and redistricting in other states;

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 2010; and be it further

RESOLVED, That the Legislative Commission may enter into contracts or other necessary agreements to establish and test reapportionment and redistricting programs and computer equipment to provide for the timely and efficient commencement of data processing for reapportionment and redistricting before the Legislature convenes in 2011; and be it further

RESOLVED, That no action may be taken by the interim study committee on recommended legislation unless it receives a majority vote of the Assemblymen on the committee and a majority vote of the Senators on the committee; and be it further

RESOLVED, That the Legislative Commission report to the 76th Session of the Nevada Legislature the results of the study and any action taken in preparation for and any recommendations concerning reapportionment and redistricting.



APPENDIX B

Various Correspondence With the U.S. Census Bureau Regarding the Redistricting Process

JAN 11 2005



UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

The Honorable William J. Raggio
Senate Majority Floor Leader
Nevada Legislature
401 S. Carson Street
Carson City, NV 89701

Dear Senator Raggio:

Although the next census is 5 years away, the planning for the 2010 census is well under way. I am writing to invite you to identify a nonpartisan liaison to work with the U.S. Census Bureau on the 2010 Census Redistricting Data Program. This program offers each state an opportunity to help define census block boundaries, to provide voting district boundaries and codes, legislative and congressional district boundaries, and codes for tabulation of the 2010 Census Redistricting Data file. Under the provisions of Public Law 94-171 (enclosed), the Census Bureau is obligated to furnish information on this program to "the officers or public bodies having initial responsibility for the legislative apportionment or districting of each state. . . ." To the best of our knowledge, the officers or public bodies with this responsibility in your state are those to whom we are sending this letter (see enclosed list). We are asking that you and your colleagues designate the individual(s) who will serve as liaison(s) with our staff in a letter jointly signed by the governor and both the majority and minority party leaders of the House and Senate. If there have been recent changes to your leadership, please provide the updated information to the Census Redistricting Data Office at (301) 763-4039.

Once we have established the liaison(s), we will begin working together by planning an organizational meeting during the spring/summer of 2005. We will invite the Office of the Governor, Office of the Secretary of State, representatives for the majority and minority parties for the Senate and House, state election directors, state and local election officials, planning officials, and others. In February 2005, we also will invite states to participate in Phase 1—the State Legislative District Project of the 2010 Census Redistricting Data Program. The Census Bureau is dedicated to ensuring that local officials understand the economic benefit of a complete census.

Participation is voluntary. Public Law 94-171 requires that state participation be nonpartisan. If you have any questions, please contact Ms. Cathy McCully, Chief of our Census Redistricting Data Office, at (301) 763-4039. Her fax number is (301) 457-4348.

Sincerely,

Charles Louis Kincannon
Director

Enclosures

NV Leadership

TITLE	SALUTATION	FIRST NAME MI	LAST NAME, SUFF.
Assembly Majority Floor Leader	Ms.	Barbara E.	Buckley
Assembly Minority Floor Leader	Mr.	Lynn	Hettrick
Chief Deputy	Mr.	Scott	Wasserman
Director	Mr.	Lorne J.	Malkiewich
Governor of Nevada	Governor	Kenny	Guinn
Legislative Service Officer	Mr.	Brian	Davie
Lt. Governor/Senate President	Lt. Governor	Lorraine T.	Hunt
President Pro Tem	Senator	Mark	Amodei
Principal Research Analyst	Mr.	Michael J.	Stewart
Research Director	Mr.	Donald O.	Williams
Senate Majority Floor Leader	Senator	William J.	Raggio
Senate Minority Floor Leader	Senator	Dina	Titus
Speaker of the Assembly	Speaker	Richard D.	Perkins
Speaker Pro Tem	Speaker	Chris	Giunchigliani



Copy

Nevada Legislature

January 24, 2005

Charles Louis Kincannon
United States Department of Commerce
United State Census Bureau
Washington, D.C. 20233-0001

Dear Director Kincannon:

Thank you for your letter of January 11, 2005, inviting the State of Nevada to participate in the 2010 Census Redistricting Data Program, which will begin this year. We hereby accept your invitation to participate and designate Mr. Lorne J. Malkiewich and Mr. Scott G. Wasserman as our liaisons with your staff. Mr. Malkiewich is the Director of the Legislative Counsel Bureau, the central, non-partisan staff of the Nevada Legislature. Mr. Wasserman, a member of the non-partisan legal staff of the Legislative Counsel Bureau, serves as the Chief Deputy Legislative Counsel to the Nevada Legislature.

You may contact these liaisons as follows:

Lorne J. Malkiewich, Director
Legislative Counsel Bureau
401 South Carson Street
Carson City, Nevada 89701
Telephone: (775) 684-6800
FAX: (775) 684-6600

Scott G. Wasserman, Chief Deputy Legislative Counsel
Legislative Counsel Bureau
401 South Carson Street
Carson City, Nevada 89701
Telephone: (775) 684-6830
FAX: (775) 684-6761

Thank you for affording us the opportunity to participate in this excellent program.

Sincerely,

William J. Raggio (R)
Senate Majority Floor Leader

Richard D. Perkins (D)
Speaker of the Assembly

Dina Titus (D)
Senate Minority Floor Leader

Lynn C. Hettrick (R)
Assembly Minority Floor Leader

Kenny C. Guinn,
Governor of Nevada

FEB 15 2005



UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

Mr. Lorne J. Malkiewich
Legislative Staff
Legislative Counsel Bureau
401 South Carson Street
Carson City, NV 89701

Dear Mr. Malkiewich:

I am writing to invite you to participate in Phase 1 of the 2010 Census Redistricting Data Program. Under the provisions of Public Law 94-171 (Enclosed), the objective of the program is to provide each state with population totals for election precincts or other geographic areas to assist with redistricting efforts after the 2010 Census. Towards this goal, the Census Bureau offers states the opportunity to provide updates to their legislative district and voting district plans as well as to provide suggestions for 2010 Census tabulation block boundaries. A brochure describing this program is enclosed.

Phase 1 of this program, the State Legislative District Project (SLDP), offers states the opportunity to provide their post-Census 2000 state legislative district boundaries, names and codes and to submit this information to the Census Bureau using products from Census 2000 (Guidelines enclosed). In turn, we will produce Census 2000 tabulations for these new areas. As the American Community Survey (ACS) expands, the Census Bureau also will produce current long form data using the ACS on a flow basis for current legislative districts.

If you and your colleagues wish to participate in Phase 1, please let us know as quickly as possible but no later than August 1, 2005. If you previously have designated a liaison to work with the Census Bureau, we will initiate planning an organizational meeting with officials from your state. If you have not designated a liaison, please consider doing so at this time. The Census Bureau is dedicated to ensuring that local officials understand the economic benefit of a complete census.

Participation is voluntary. Public Law 94-171 requires that state participation be nonpartisan. If you have any questions, please contact Ms. Cathy McCully, Chief of our Census Redistricting Data Office, at (301) 763-4039. Her fax number is (301) 457-4348.

Sincerely,

Charles Louis Kincannon
Director

Enclosures

PUBLIC LAW 94-171-DEC. 23, 1975

89 STAT. 1023

Public Law 94-171
94th Congress

An Act

To amend section 141 of title 13, United States Code, to provide for the transmittal to each of the several States of the tabulation of population of that State obtained in each decennial census and desired for the apportionment or districting of the legislative body or bodies of that State, in accordance with; and subject to the approval of the Secretary of Commerce, a plan and form suggested by that officer or public body having responsibility for legislative apportionment or districting of the State being tabulated, and for other purposes.

Dec. 23 1975

[H.R. 1753]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 141 of title 13, United States Code, is amended by adding at the end thereof the following new subsection:

Population,
tabulation for
State legislative
apportionment.

"(c) The officers or public bodies having initial responsibility for the legislative apportionment or districting of each State may, not later than three years prior to the census date, submit to the Secretary a plan identifying the geographic areas for which specific tabulations of population are desired. Each such plan shall be developed in accordance with criteria established by the Secretary, which he shall furnish to such officers or public bodies not later than April 1 of the fourth year preceding the census date. Such criteria shall include requirements which assure that such plan shall be developed in a nonpartisan manner. Should the Secretary find that a plan submitted by such officers or public bodies does not meet the criteria established by him, he shall consult to the extent necessary with such officers or public bodies in order to achieve the alterations in such plan that he deems necessary to bring it into accord with such criteria. Any issues with respect to such plan remaining unresolved after such consultation shall be resolved by the Secretary, and in all cases he shall have final authority for determining the geographic format of such plan. Tabulations of population for the areas identified in any plan approved by the Secretary shall be completed by him as expeditiously as possible after the census date and reported to the Governor of the State involved and the officers or public bodies having responsibility for legislative apportionment or districting of such State, except that such tabulations of population of each State requesting a tabulation plan, and basic tabulations of population of each State, shall, in any event, be completed, reported and transmitted to each respectively State within one year after the census date."

— more —

SEC. 2. (a) The heading for section 141 of title 13, United States Code, is amended by adding at the end thereof the following: "; tabulation for legislative apportionment".

(b) The table of sections for chapter 5 of title 13, United States Code, is amended by striking out the item relating to section 141 and inserting in lieu thereof the following:

"141. Population, unemployment, and housing; tabulation for legislative apportionment."

Approved December 23, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-456 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 94-539 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Nov. 7, considered and passed House.
Dec. 15, considered and passed Senate.



UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

MAR 9 - 2005

Mr. Lorne J. Malkiewicz, Director
Legislative Counsel Bureau
401 South Carson Street
Carson City, NV 89701

Mr. Scott G. Wasserman
Chief Deputy Legislative Counsel
Legislative Counsel Bureau
401 South Carson Street
Carson City, NV 89701


Dear Mr. Malkiewicz:

As the primary contact identified by your state's legislative leadership, you will be the US Census Bureau's primary point of contact for the 2010 Census Redistricting Data Program. As prescribed by P.L. 94-171 we will work closely with you to ensure your state's redistricting data needs are met. We look forward to this working relationship as we begin this important program.

I am writing to request that you assist us in scheduling a 2010 Census Redistricting Data Program organizational meeting in Carson City in the near future. The goal of this meeting is to inform those key officials within your state who are involved in redistricting and conducting elections how participation in the 2010 Census Redistricting Data Program can benefit the state and how important the interaction between local and state government is to the success of the redistricting data program. To that end, we wish to extend invitations to the Office of the Governor, Office of the Secretary of State, representatives from the majority and minority parties for both the State Senate and House of Representatives, state election directors, state and local election officials, state and local planning officials, and state Geographic Information System (GIS) coordinators. We look forward to your assistance in helping us to arrange for this meeting.

We are enclosing a brochure that provides additional information on the Census Redistricting Data Program. You may reach either Deirdre Bishop, Assistant Chief or me on 301-763-4039. We look forward to hearing from you soon.

Sincerely,


Cathy McCully, Chief
Census Redistricting Data Office

Enclosure

cc:

Governor Kenny Guinn, Governor of Nevada

Lieutenant Governor Lorraine T. Hunt, Lt. Governor/Senate President

Secretary Dean Heller, Secretary of State

Senator Mark Amodei, President Pro Tem

Senator William J. Raggio, Senate Majority Floor Leader

Senator Dina Titus, Senate Minority Floor Leader

Speaker Richard D. Perkins, Speaker of the Assembly

Speaker Chris Giunchigliani, Speaker Pro Tem

Representative Barbara E. Buckley, Assembly Majority Floor Leader

Representative Lynn Hettrick, Assembly Minority Floor Leader

Mr. Scott Wasserman, Chief Deputy Legislative Counsel

Mr. Michael J. Stewart, Legislative Staff

Mr. Lorne J. Malkiewicz, Director

Mr. Brian Davie, Legislative Staff

Mr. Donald O. Williams, Legislative Staff

Ms. Mona Reno, State Data Center Contact

JUL 23 2007



UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

Mr. Lorne J. Malkiewich
Director
Legislative Counsel Bureau
401 South Carson Street
Carson City, NV 89701

Dear Mr. Malkiewich:

I am writing to invite you to participate in Phase 2 of the 2010 Census Redistricting Data Program. Under the provisions of Public Law 94-171 (Enclosure 1), the objective of the Redistricting Data Program is to provide each state with population totals for election precincts or other geographic areas to assist with redistricting efforts after the 2010 Census. To assist in this endeavor, the U.S. Census Bureau offers states the opportunity to provide updates to their legislative districts and voting district plans, as well as provide suggestions for 2010 Census tabulation block boundaries.

The Census Bureau announced Phase 2, the Voting District/Block Boundary Suggestion Project, in a *Federal Register* Notice on April 20, 2007 (Enclosure 2). If you confirm participation in Phase 2 by December 15, 2007, the Census Bureau will provide one county of realigned data from the Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) system database for your state in January 2008. We also will provide a copy of the MAF/TIGER Partnership Software (MTPS) to enable your participation in Phase 2. You are not required to use the MTPS; however, you are required to provide the Phase 2 submission to the Census Bureau electronically through specified formats provided by the Census Bureau.

Once you have received your initial county, the Census Bureau will provide training and support in the use of the MTPS. We will work with you on this initial county through all steps of Phase 2, including verification, prior to the release of the balance of counties in the fall of 2008.

Phase 2 is a voluntary program. If you wish to participate in Phase 2, please have a member of your staff confirm your participation by December 15, 2007. Public Law 94-171 requires that state participation be nonpartisan. If you have any questions, please contact Ms. Cathy McCully, Chief, Census Redistricting Data Office, at (301) 763-4039.

Sincerely,

Charles Louis Kincannon
Director

Enclosures

U S C E N S U S B U R E A U

Helping You Make Informed Decisions

cc:

The Honorable Jim Gibbons, Governor of Nevada
The Honorable Brian Krolicki, Lieutenant Governor/Senate President
The Honorable Ross Miller, Secretary of State, Governor's Liaison
The Honorable Mark Amodei, President Pro Tem
The Honorable William J. Raggio, Senate Majority Floor Leader
The Honorable Dina Titus, Senate Minority Floor Leader
The Honorable Barbara Buckley, Speaker of the Assembly
The Honorable Bernie Anderson, Speaker Pro Tem
The Honorable John Ocegüera, Assembly Majority Floor Leader
The Honorable Garn Mabey, Assembly Minority Floor Leader
Ms. Katie Armstrong, Deputy Attorney General
Mr. Lorne J. Malkiewicz, Director, Legislative Counsel Bureau
Ms. Mona Reno, State Data Center Contact

PUBLIC LAW 94-171—DEC. 23, 1975

89 STAT. 1023

Public Law 94-171
94th Congress

An Act

To amend section 141 of title 13, United States Code, to provide for the transmittal to each of the several States of the tabulation of population of that State obtained in each decennial census and desired for the apportionment or districting of the legislative body or bodies of that State, in accordance with, and subject to the approval of the Secretary of Commerce, a plan and form suggested by that officer or public body having responsibility for legislative apportionment or districting of the State being tabulated, and for other purposes.

Dec. 23, 1975

[H.R. 1753]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 141 of title 13, United States Code, is amended by adding at the end thereof the following new subsection:

Population,
tabulation for
State legislative
apportionment.

“(c) The officers or public bodies having initial responsibility for the legislative apportionment or districting of each State may, not later than three years prior to the census date, submit to the Secretary a plan identifying the geographic areas for which specific tabulations of population are desired. Each such plan shall be developed in accordance with criteria established by the Secretary, which he shall furnish to such officers or public bodies not later than April 1 of the fourth year preceding the census date. Such criteria shall include requirements which assure that such plan shall be developed in a nonpartisan manner. Should the Secretary find that a plan submitted by such officers or public bodies does not meet the criteria established by him, he shall consult to the extent necessary with such officers or public bodies in order to achieve the alterations in such plan that he deems necessary to bring it into accord with such criteria. Any issues with respect to such plan remaining unresolved after such consultation shall be resolved by the Secretary, and in all cases he shall have final authority for determining the geographic format of such plan. Tabulations of population for the areas identified in any plan approved by the Secretary shall be completed by him as expeditiously as possible after the census date and reported to the Governor of the State involved and the officers or public bodies having responsibility for legislative apportionment or districting of such State, except that such tabulations of population of each State requesting a tabulation plan and basic tabulations of population of each State, shall, in any event, be completed, reported and transmitted to each respectively State within one year after the census date.”

SEC. 2. (a) The heading for section 141 of title 13, United States Code, is amended by adding at the end thereof the following: “; tabulation for legislative apportionment”.

(b) The table of sections for chapter 5 of title 13, United States Code, is amended by striking out the item relating to section 141 and inserting in lieu thereof the following:

“141. Population, unemployment, and housing; tabulation for legislative apportionment.”

Approved December 23, 1975.

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800
RANDOLPH J. TOWNSEND, *Senator, Chairman*
Lorne J. Malkiewicz, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821
MORSE ARBERRY JR., *Assemblyman, Chairman*
Mark W. Stevens, *Fiscal Analyst*
Gary L. Ghiggeri, *Fiscal Analyst*

LORNE J. MALKIEWICH, *Director*
(775) 684-6800

BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830
PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815
DONALD O. WILLIAMS, *Research Director* (775) 684-6825

November 27, 2007

Mr. Charles Louis Kincannon, Director
United States Census Bureau
United States Department of Commerce
Economics and Statistics Administration
Washington, D.C. 20233-0001

Re: Phase 2 of the 2010 Census Redistricting Data Program

Dear Mr. Kincannon:

I am writing to confirm Nevada's acceptance of your invitation to participate in Phase 2 of the 2010 Census Redistricting Data Program, the Voting District/Block Boundary Suggestion Project. Please provide the appropriate data from the Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) system data base and related software to our office. We will coordinate the state's participation in the project.

Please feel free to contact me, or to have any member of your staff contact me, if you need any additional information or assistance with respect to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lorne J. Malkiewicz".

Lorne J. Malkiewicz, Director
Legislative Counsel Bureau

Mr. Charles Louis Kincannon
November 27, 2007
Page 2

cc: Honorable Jim Gibbons, Governor
Honorable Brian Krolicki, Lieutenant Governor
Honorable Ross Miller, Secretary of State
Senator William J. Raggio, Senate Majority Leader
Senator Mark Amodei, Senate President Pro Tem
Senator Dina Titus, Senate Minority Floor Leader
Assemblywoman Barbara E. Buckley, Speaker of the Assembly
Assemblyman John Ocegueara, Assembly Majority Leader
Assemblyman Bernie Anderson, Assembly Speaker Pro Tem
Assemblywoman Heidi Gansert, Assembly Minority Leader
Mr. Ned Reed, Senior Deputy Attorney General
Ms. Mona Reno, State Data Center contact

JAN 09 2008



UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

Mr. Lorne J. Malkiewich
Director
Legislative Counsel Bureau
401 South Carson Street
Carson City, NV 89701

Dear Mr. Malkiewich:

Thank you for your recent correspondence confirming your participation in Phase 2 of the 2010 Census Redistricting Data Program. We will forward to you guidelines for participation, the Master Address File/Topologically Integrated Geographic Encoding Reference (MAF/TIGER) Partnership Software (MTPS) tool, and a TIGER/Line Spatial data file for a single county in February of 2008.

The Census Bureau will use the county you select to train you on the software and guidelines. Staff from our Regional Office will call you to set up an appointment for training that is convenient to you and your staff. It is our hope that by working on an initial county together that you will be prepared for the balance of the state that will arrive in the fall of 2008.

The enclosure provides you with a listing of counties in your state that have completed the MAF/TIGER realignment program. As you know considerable effort was spent this decade improving the spatial reliability of the TIGER database. It is anticipated that these realigned files will match your state and local databases making your efforts to provide voting district plans and block boundary suggestions a simpler task. Please review the list of counties available and select one by checking it off in the right hand column. You may fax it to me at 301-763-4348 or by return mail.

We look forward to working with you over the next several years in preparation for the 2010 Census and the resulting P.L. 94-171 data sets.

Do not hesitate to call me or Deirdre Bishop, Assistant Chief; at 301-763-4039 should you have any questions.

Sincerely,


Cathy McCully, Chief
Census Redistricting Data Office

Enclosure

Nevada

County Code	County Name	Selection
32005	Douglas	_____
32007	Elko	_____
32009	Esmeralda	_____
32011	Eureka	_____
32013	Humboldt	_____
32015	Lander	_____
32017	Lincoln	_____
32021	Mineral	_____
32023	Nye	_____
32027	Pershing	_____
32029	Storey	_____
32031	Washoe	_____
32033	White Pine	_____
32510	Carson City	_____

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747
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LEGISLATIVE COMMISSION (775) 684-6800
RANDOLPH J. TOWNSEND, *Senator, Chairman*
Lorne J. Malkiewich, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821
MORSE ARBERRY JR., *Assemblyman, Chairman*
Mark W. Stevens, *Fiscal Analyst*
Gary L. Ghiggeri, *Fiscal Analyst*

LORNE J. MALKIEWICH, *Director*
(775) 684-6800

BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830
PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815
DONALD O. WILLIAMS, *Research Director* (775) 684-6825

January 23, 2008

Cathy McCully, Chief
Census Redistricting Data Office
United States Department of Commerce
Economics and Statistics Administration
U.S. Census Bureau
Washington, D.C. 20233-0001

Dear Ms. McCully:

Enclosed is the form for selecting a county to train on the software and guidelines for participation in Phase 2 of the 2010 Census Redistricting Data Program. We have decided to use Washoe County, County Code 32031, for these purposes. In addition to being convenient (located just north of our offices in the Capital), this county offers sufficient challenges to ensure an adequate test of the software. This will also allow us to finish this work on the second largest county in the State while we have adequate time and resources to devote to the project.

I am faxing this information to you so that you will have our decision as soon as possible. The original letter will follow in the mail shortly. Please feel free to contact me if you have any questions or need any additional information concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lorne J. Malkiewich".

Lorne J. Malkiewich, Director
Legislative Counsel Bureau

Enclosure



Nevada

County Code	County Name	Selection
32005	Douglas	_____
32007	Elko	_____
32009	Esmeralda	_____
32011	Eureka	_____
32013	Humboldt	_____
32015	Lander	_____
32017	Lincoln	_____
32021	Mineral	_____
32023	Nye	_____
32027	Pershing	_____
32029	Storey	_____
32031	Washoe	_____X_____
32033	White Pine	_____
32510	Carson City	_____

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800
JOHN OCEGUERA, *Assemblyman, Chairman*
Lorne J. Malkiewicz, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821
BERNICE MATHEWS, *Senator, Co-Chair*
STEVEN HORSFORD, *Senator, Co-Chair*
Gary L. Ghiggeri, *Fiscal Analyst*
Mark W. Stevens, *Fiscal Analyst*

LORNE J. MALKIEWICH, *Director*
(775) 684-6800

BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830
PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815
DONALD O. WILLIAMS, *Research Director* (775) 684-6825

October 13, 2009

Catherine Clark McCully, Chief
Census Redistricting Data Office
United States Department of Commerce
Bureau of the Census
4700 Silver Hill Road
Washington, D.C. 20233-7000

Dear Ms. McCully:

During a recent "webinar" hosted by the National Conference of State Legislatures, you noted that states should contact you concerning any special requests for release of the Public Law 94-171 census data for statewide reapportionment and redistricting purposes. This correspondence is intended to set out the time constraints facing the Nevada Legislature for redistricting in this State and request consideration for priority delivery of the tabulation of population under Public Law 94-171. Section 5 of Article 4 of the *Nevada Constitution* provides that it is "the mandatory duty of the Legislature" to apportion itself at its first session after the taking of the decennial census.

We are hopeful that the tabulation of population under Public Law 94-171 can be reported to the Nevada Legislature as early as possible to allow the redistricting task to be completed during the 2011 Legislative Session as required by the *Nevada Constitution*. While pursuant to federal law the Secretary of Commerce is required to report the tabulation of population of each state by April 1, 2011, if the data is not received by the Nevada Legislature until April 1, 2011, the Legislature will have only 2 months to accomplish all of its redistricting tasks. Receipt of this data during the month of February of 2011 would facilitate the Nevada Legislature's completion of their redistricting task as required by the *Nevada Constitution* and ensure adequate time for the Nevada Legislature to consider redistricting alternatives during the 2011 Legislative Session.

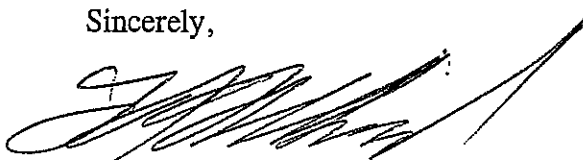
As you are aware, Nevada participated in all phases of the Census 1990 and Census 2000 Redistricting Data Programs and, most recently, has completed all phases of the Census 2010 Redistricting Data Program in a timely manner. Please let me know if there are any additional

steps our State can undertake to help facilitate early delivery of the tabulation of population under Public Law 94-171.

As a result of the constitutional duty of the Nevada Legislature to apportion itself at its first session after the taking of the decennial census, and because the legislative session is constitutionally required to conclude its business no later than June 6, 2011, the Nevada Legislature requests consideration by the United States Census Bureau for priority delivery of the tabulation of population under Public Law 94-171.

Thank you for your kind attention and consideration of the redistricting needs of the Nevada Legislature.

Sincerely,



Lorne J. Malkiewich

Director

Legislative Counsel Bureau

LJM/rd:G91778.11D

cc: Governor Jim Gibbons

Ross Miller, Secretary of State

Senator Steven A. Horsford, Senate Majority Floor Leader

Assemblywoman Barbara E. Buckley, Speaker of the Assembly

Senator William J. Raggio, Senate Minority Floor Leader

Assemblywoman Heidi S. Gansert, Assembly Minority Floor Leader

Assemblyman John Ocegura, Assembly Majority Floor Leader

Senator Michael A. Schneider, Senate President Pro Tempore

Assemblyman Bernie Anderson, Speaker Pro Tempore

Assemblyman Lynn D. Stewart, Assistant Minority Floor Leader

Assemblyman Tick Segerblom, Chair, Interim Study of Requirements for

Reapportionment and Redistricting

Members of Interim Study of Requirements for Reapportionment and Redistricting

Nevada's Congressional Delegation



UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

May 26, 2010

Mr. Lorne J. Malkiewich
Director
Legislative Counsel Bureau
401 South Carson Street
Carson City, NV 89701

Dear Mr. Malkiewich:

This is in regard to the 2010 Census Redistricting Data Program.

In the very near future, the Census Bureau will provide the governor and the majority and minority legislative leaders in each state with population data and associated geographic products from the 2010 Census. To satisfy the requirements of the Public Law (P.L.) 94-171 (copy enclosed), we will furnish you a copy of the 2010 Census P.L. 94-171 Redistricting Summary file on DVD by April 1, 2011. Delivery on a state-by-state flow basis will begin in early February 2011.

In addition, we will provide single copies of our geographic product suite on DVD. This suite will include the 2010 Census Redistricting TIGER/Line™ Spatial Files that will be released on a flow basis beginning in December of this calendar year. The suite will also include the Census Bureau's 2010 Census Redistricting Map Series, including county block maps, census tract reference maps, school district reference maps and voting district reference maps. These maps will be in Portable Document Format (PDF) on DVD. We will deliver these DVDs on a flow basis beginning in early 2011.

As we prepare for this legally required data delivery I ask for your assistance. Because products will be delivered between late November and late March, the Census Bureau must know which addresses you would like us to use to ensure prompt delivery. For example, if you intend to be in your home district office during December then we should mail the TIGER/Line™ files to your home office while possibly shipping the data in February/March to your mailing address at the State Capitol. Please advise us of your preferences in addressing as well as to whom you might want the data sent in your name. For example, in Census 2000, several legislators asked that the data be delivered either to their Chief of Staff or to a particular vendor. When providing this information to us, please use the enclosed form. In an effort to communicate quickly with you during this busy time period we are also asking for your email address. Providing your email address is optional.

cc:

The Honorable Jim Gibbons, Governor of Nevada

The Honorable Brian Krolicki, Lieutenant Governor/Senate President

Ms. Katie Armstrong, Deputy Attorney General

The Honorable Michael Schneider, President Pro Tem

The Honorable Steven Horsford, Senate Majority Floor Leader

The Honorable William Raggio, Senate Minority Floor Leader

The Honorable Barbara Buckley, Speaker of the Assembly

The Honorable Bernie Anderson, Speaker Pro Tem

The Honorable John Ocegüera, Assembly Majority Floor Leader

The Honorable Heidi Gansert, Assembly Minority Floor Leader

Mr. Jeff Hardcastle, State Demographer, Governor's Liaison

Ms. Karen Starr, State Data Center Contact

Mr. Lorne J. Malkiewicz, Director, Legislative Bureau

2010 Census P.L. 94-171 Redistricting Data Program Data Recipient Mailing Addresses

Name
Title
e-mail

Please do not list a P.O. Box address. We deliver via Fed-Ex and therefore a street address AND phone number is required.

Capitol Address:

Address
City
State Zip Code
Phone

Home District Address:

Address
City
State Zip Code
Phone

Alternate Delivery Delegate Address:

Address
City State Zip Code
Phone
Title
Role
e-mail

Please check all that should receive the described materials.

Delivery Window: Late November 2010 through February 2011

Product: 2010 Census Redistricting TIGER/Line™ Shapefiles

☐ Capitol Address ☐ District Address ☐ Alternate Delegate Address

Delivery Window: Middle to late February, 2011

Product: 2010 Census Redistricting Data Map Series

☐ Capitol Address ☐ District Address ☐ Alternate Delegate Address

Delivery Window: Early February 2011 through the end of March, 2011

Product: 2010 Redistricting Data (P.L. 94-171) Summary Files

☐ Capitol Address ☐ District Address ☐ Alternate Delegate Address

Return to Census Redistricting Data Office via fax 301-763-4348 or email Catherine.clark.mccully@census.gov or James.whitehorne@census.gov.

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE COMMISSION (775) 684-6800

JOHN OCEGUERA, Assemblyman, Chairman
Lorne J. Malkiewicz, Director, Secretary

CARSON CITY OFFICE:

Legislative Building, 401 S. Carson Street
Carson City, Nevada 89701-4747

Fax No.: (775) 684-6600

LORNE J. MALKIEWICH, Director (775) 684-6800

BRENDA J. ERDOES, Legislative Counsel (775) 684-6830

PAUL V. TOWNSEND, Legislative Auditor (775) 684-6815

DONALD O. WILLIAMS, Research Director (775) 684-6825



INTERIM FINANCE COMMITTEE (775) 684-6821

BERNICE MATHEWS, Senator, Co-Chair

STEVEN HORSFORD, Senator, Co-Chair

Mark Krmpotic, Fiscal Analyst

Tracy W. Raxter, Fiscal Analyst

LAS VEGAS OFFICE:

555 E. Washington Avenue, Room 4400

Las Vegas, Nevada 89101-1049

Fax No.: (702) 486-2810

BRIAN L. DAVIE, Legislative Services Officer (702) 486-2800

June 23, 2010

Cathy McCully, Chief
2010 Census Redistricting Data Office
United States Department of Commerce
Economic and Statistics Administration
U.S. Census Bureau
Washington, D.C. 20233-0001

Dear Ms. McCully:

Your letter of May 6, 2010, concerning the 2010 Census Redistricting Data Program included a Distribution List for the State of Nevada. I am writing to request that you update the list to reflect changes in the State Legislature. Two of the Legislators on the distribution list will not be members of the 2011 Legislature: Assemblyman Bernie Anderson, the Speaker Pro Tem of the Assembly, is subject to term limits and cannot run for reelection; Assemblywoman Heidi Gansert, the Assembly Minority Floor Leader, did not file for reelection. Please remove them from the distribution list.

In both instances I would like to add a Legislator to the Distribution List. First, Assemblyman Tick Segerblom is the chair of our interim study of the Requirements for Reapportionment and Redistricting, and should be added in place of Mr. Anderson. Assemblyman Pete Goicoechea has been elected to succeed Ms. Gansert by the Assembly Republican Caucus, and should be added to the distribution list in her place. Contact information for Mr. Segerblom and Mr. Goicoechea is as follows:

Assemblyman Tick Segerblom
700 S. Third Street
Las Vegas, Nevada 89101-6703

Assemblyman Pete Goicoechea
P.O. Box 97
Eureka, Nevada 89316-0097

Cathy McCully, Chief

Page 2

June 23, 2010

I previously indicated to you that the population data and associated geographic products described in your letter of May 26, 2010, could be sent to my office. We can provide that information to Mr. Segerblom and Mr. Goicoechea: it is not necessary to send an additional copy to either of them.

Please contact me if you have any questions concerning this request. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lorne J. Malkiewich', written in a cursive style.

Lorne J. Malkiewich
Director
Legislative Counsel Bureau

cc: Assemblyman Tick Segerblom
Assemblyman Pete Goicoechea



UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

DEC 27 2010

Mr. Lorne J. Malkiewich
Director, Legislative Counsel Bureau
301 South Stewart Street
Carson City, NV 89701

Dear Mr. Malkiewich:

On behalf of the U.S. Census Bureau Director, Dr. Robert M. Groves, I am writing this letter regarding the upcoming data releases for the 2010 Census Redistricting Data Program.

The results of the 2010 Census will come to you in a series of five mailings: one that will provide you with the 2010 Census Redistricting Data [P.L. 94-171] Summary Files, one that supplies you with the 2010 Census Redistricting Data [P.L. 94-171] Summary Files' technical documentation, and three that will supply the geographic support products. The purpose of this letter is to provide you with a copy of the 2010 Census Redistricting [P.L. 94-171] TIGER/Line™ Shapefiles for your state.

These files are designed to support the upcoming release of the 2010 Census Redistricting Data [P.L. 94-171] Summary Files that will be produced and shipped beginning in February 2011. The 2010 Census Redistricting [P.L. 94-171] TIGER/Line™ Shapefiles contain a wealth of geography including the new 2010 tabulation blocks. Web links to the data and documentation for all available redistricting related Census products are located on the Redistricting Data Office's website at www.census.gov/rdo on the "Data" tab.

If you have any questions or comments, please do not hesitate to contact me or the Assistant Chief, James Whitehorne, at 301-763-4039.

Thank you.

Cathy McCully, Chief
2010 Census Redistricting Data Office

Enclosures

cc:

The Honorable Brian Sandoval, Governor of Nevada

The Honorable Brian Krolicki, Lieutenant Governor/Senate President

The Honorable Michael Schneider, President Pro Tem

The Honorable Steven Horsford, Senate Majority Floor Leader

The Honorable Mike McGinness, Senate Minority Floor Leader

The Honorable John Ocegüera, Speaker of the Assembly

The Honorable Debbie Smith, Speaker Pro Tem

The Honorable Marcus Conklin, Assembly Majority Floor Leader

The Honorable Pete Goicoechea, Assembly Minority Floor Leader

Mr. Jeff Hardcastle, State Demographer, Governor's Liaison

Mr. Lorne J. Malkiewicz, Director, Legislative Counsel Bureau

Ms. Karen Starr, State Data Center Contact



UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

FEB 23 2011

Mr. Lorne J. Malkiewich
Director, Legislative Counsel Bureau
301 South Stewart Street
Carson City, NV 89701

Dear Mr. Malkiewich:

On behalf of the U.S. Census Bureau Director, Dr. Robert M. Groves, I am happy to provide you with a copy of the 2010 Census Redistricting Data (Public Law (P.L.) 94-171) Summary File for your state. These files contain tables on population and housing characteristics for the many geographic areas within your state including; counties, American Indian Areas, 2010 census tracts and block groups, places, townships, legislative and congressional districts and more.

These data meet the requirements prescribed in P.L. 94-171 to provide "Tabulations of population ...to the Governor of the State involved and the officers or public bodies having responsibility for legislative apportionment or districting of each state...within one year after the census date.". Web links to the data and documentation for all available redistricting related Census products are located on the Redistricting Data Office's website at www.census.gov/rdo/data. From this website you will be directed to both our data dissemination tool, the American Factfinder or the many geographic products prepared in order to support the summary data. We are pleased to bring you this portrait of your state.

If you have any questions or comments, please do not hesitate to contact me or Assistant Chief, James Whitehorne, at 301-763-4039.

Sincerely,

Cathy McCully, Chief
2010 Census Redistricting Data Office

Enclosures

cc:

The Honorable Brian Sandoval, Governor of Nevada

The Honorable Brian Krolicki, Lieutenant Governor/Senate President

The Honorable Michael Schneider, President Pro Tem

The Honorable Steven Horsford, Senate Majority Floor Leader

The Honorable Mike McGinness, Senate Minority Floor Leader

The Honorable John Ocegüera, Speaker of the Assembly

The Honorable Debbie Smith, Speaker Pro Tem

The Honorable Marcus Conklin, Assembly Majority Floor Leader

The Honorable Pete Goicoechea, Assembly Minority Floor Leader

Mr. Fred Hejazi, CEO - CityGate

Mr. Jeff Hardcastle, State Demographer, Governor's Liaison

Mr. Lorne J. Malkiewicz, Director, Legislative Counsel Bureau

Ms. Karen Starr, State Data Center Contact

Public Law 94-171
94th Congress

An Act

To amend section 141 of title 13, United States Code, to provide for the transmittal to each of the several States of the tabulation of population of that State obtained in each decennial census and desired for the apportionment or districting of the legislative body or bodies of that State, in accordance with, and subject to the approval of the Secretary of Commerce, a plan and form suggested by that officer or public body having responsibility for legislative apportionment or districting of the State being tabulated, and for other purposes.

Dec. 23, 1975

[H.R. 1753]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 141 of title 13, United States Code, is amended by adding at the end thereof the following new subsection:

“(c) The officers or public bodies having initial responsibility for the legislative apportionment or districting of each State may, not later than three years prior to the census date, submit to the Secretary a plan identifying the geographic areas for which specific tabulations of population are desired. Each such plan shall be developed in accordance with criteria established by the Secretary, which he shall furnish to such officers or public bodies not later than April 1 of the fourth year preceding the census date. Such criteria shall include requirements which assure that such plan shall be developed in a nonpartisan manner. Should the Secretary find that plan submitted by such officers or public bodies does not meet the criteria established by him, he shall consult to the extent necessary with such officers or public bodies in order to achieve the alterations in such plan that he deems necessary to bring it into accord with such criteria. Any issues with respect to such plan remaining unresolved after such consultation shall be resolved by the Secretary, and in all cases he shall have final authority for determining the geographic format of such plan. Tabulations of population for the areas identified in any plan approved by the Secretary shall be completed by him as expeditiously as possible after the census date and reported to the Governor of the State involved and the officers or public bodies having responsibility for legislative apportionment or districting of such State, except that such tabulations of population of each State requesting a tabulation plan, and basic tabulations of population of each State, shall, in any event, be completed, reported and transmitted to each respectively State within one year after the census date.”.

a Population,
tabulation for
State legislative
apportionment.

SEC. 2. (a) The heading for section 141 of title 13, United States Code, is amended by adding at the end thereof the following: “; tabulation for legislative apportionment”.

(b) The table of sections for chapter 5 of title 13, United States Code, is amended by striking out the item relating to section 141 and inserting in lieu thereof the following:

“141. Population, unemployment, and housing; tabulation for legislative apportionment.”.

Approved December 23, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-456 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 94-539 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Nov. 7, considered and passed House.
Dec. 15, considered and passed Senate.

APPENDIX C

Table Highlighting the Use of Multimember Districts in the United States

MULTIMEMBER DISTRICTS

13 States including Nevada use multimember districts
in at least one of their legislative bodies

State	State Houses						State Senates					
	Number of Districts		Number of Multimember Districts		Largest Number of Seats in a District		Number of Districts		Number of Multimember Districts		Largest Number of Seats in a District	
	1990s	2000s	1990s	2000s	1990s	2000s	1990s	2000s	1990s	2000s	1990s	2000s
Arizona	30	30	30	30	2	2						
Arkansas	97	100	2	0	3	1						
Idaho	35	35	35	35	2	2						
Maryland	63	65	44	44	3	3						
Nevada							16	19	5	2	2	2
New Hampshire	195	103	99	92	11	13						
New Jersey	40	40	40	40	2	2						
North Carolina	98	120	17	0	3	1	42	50	8	0	2	1
North Dakota	49	94	49	47	2	2						
South Dakota	35	37	35	33	2	2						
Vermont	108	108	42	42	2	2	13	13	10	10	6	6
Washington	49	49	49	49	2	2						
West Virginia	56	56	23	23	7	7	17	17	17	17	2	2

Source: *Redistricting Law 2010*, National Conference of State Legislatures, November 2009

APPENDIX D

Nevada State Senate and Assembly Districts—2010 Population

Nevada State Senate Districts - 2010 Population

District	Location	Current Member Representing District	2010 Population	Ideal Population	Percent Deviation from Ideal	Actual Deviation from Ideal
Clark 1	Clark (part)	Lee	153,647	128,598	19.5%	25,049
Clark 2	Clark (part)	Denis	96,601	128,598	-24.9%	-31,997
Clark 3	Clark (part)	Wiener	98,835	128,598	-23.1%	-29,763
Clark 4	Clark (part)	Horsford	123,865	128,598	-3.7%	-4,733
Clark 5*	Clark (part)	Breeden & Roberson	251,549	257,196	-2.2%	-5,647
Clark 6	Clark (part)	Copening	100,903	128,598	-21.5%	-27,695
Clark 7*	Clark (part)	Manendo & Parks	224,374	257,196	-12.8%	-32,822
Clark 8	Clark (part)	Cegavske	103,393	128,598	-19.6%	-25,205
Clark 9	Clark (part)	Halseth	354,161	128,598	175.4%	225,563
Clark 10	Clark (part)	Kihuen	96,111	128,598	-25.3%	-32,487
Clark 11	Clark (part)	Schneider	116,455	128,598	-9.4%	-12,143
Clark 12	Clark (part)	Hardy	212,656	128,598	65.4%	84,058
Washoe 1	Washoe (part)	Leslie	92,594	128,598	-28.0%	-36,004
Washoe 2	Lyon (part), Storey (part), Washoe (part)	Gustavson	136,968	128,598	6.5%	8,370
Washoe 3	Washoe (part)	Brower	115,261	128,598	-10.4%	-13,337
Washoe 4	Carson City (part), Washoe (part)	Kieckhefer	110,477	128,598	-14.1%	-18,121
Capital	Carson City (part), Douglas (part), Lyon (part), Storey (part)	Settelmeyer	102,152	128,598	-20.6%	-26,446
Central	Churchill, Clark (part), Douglas (part), Esmeralda, Lyon (part), Mineral, Nye (part)	McGinness	113,214	128,598	-12.0%	-15,384
Rural	Elko, Eureka, Humboldt, Lander, Lincoln, Nye (part), Pershing, White Pine	Rhoads	97,335	128,598	-24.3%	-31,263
Total			2,700,551			

* Two-member district

Note: The population database is derived from the 2010 Census Public Law 94-171 Redistricting Data as provided by the U.S. Bureau of the Census and validated by the Legislative Counsel Bureau.
Compiled by Legislative Counsel Bureau, February 25, 2011

Nevada State Assembly Districts - 2010 Population

District	Location	Current Member Representing District	2010 Population	Ideal Population	Percent Deviation from Ideal	Actual Deviation from Ideal
1	Clark (part)	Kirkpatrick	54,658	64,299	-15.0%	-9,641
2	Clark (part)	Hambrick	52,702	64,299	-18.0%	-11,597
3	Clark (part)	Pierce	46,686	64,299	-27.4%	-17,613
4	Clark (part)	McArthur	62,665	64,299	-2.5%	-1,634
5	Clark (part)	Dondero Loop	53,574	64,299	-16.7%	-10,725
6	Clark (part)	Munford	44,947	64,299	-30.1%	-19,352
7	Clark (part)	Neal	67,023	64,299	4.2%	2,724
8	Clark (part)	Frierson	50,075	64,299	-22.1%	-14,224
9	Clark (part)	Segerblom	46,326	64,299	-28.0%	-17,973
10	Clark (part)	Hogan	55,922	64,299	-13.0%	-8,377
11	Clark (part)	Diaz	41,753	64,299	-35.1%	-22,546
12	Clark (part)	Ohrenschall	54,397	64,299	-15.4%	-9,902
13	Clark (part)	Hammond	256,407	64,299	298.8%	192,108
14	Clark (part)	Carlton	59,761	64,299	-7.1%	-4,538
15	Clark (part)	Anderson	50,308	64,299	-21.8%	-13,991
16	Clark (part)	Ocegueda	53,921	64,299	-16.1%	-10,378
17	Clark (part)	Atkinson	96,850	64,299	50.6%	32,551
18	Clark (part)	Carrillo	72,545	64,299	12.8%	8,246
19	Clark (part)	Brooks	51,620	64,299	-19.7%	-12,679
20	Clark (part)	Hardy	58,569	64,299	-8.9%	-5,730
21	Clark (part)	Sherwood	46,750	64,299	-27.3%	-17,549
22	Clark (part)	Stewart	223,029	64,299	246.9%	158,730
23	Clark (part)	Woodbury	52,157	64,299	-18.9%	-12,142
24	Washoe (part)	Bobzien	56,487	64,299	-12.1%	-7,812
25	Washoe (part)	Hickey	65,061	64,299	1.2%	762
26	Washoe (part)	Kirner	69,333	64,299	7.8%	5,034
27	Washoe (part)	Benitez-Thompson	48,421	64,299	-24.7%	-15,878
28	Clark (part)	Flores	44,394	64,299	-31.0%	-19,905
29	Clark (part)	Mastroluca	57,661	64,299	-10.3%	-6,638
30	Washoe (part)	Smith	52,221	64,299	-18.8%	-12,078
31	Washoe (part)	Daly	45,927	64,299	-28.6%	-18,372
32	Humboldt (part), Lander (part), Washoe (part)	Hansen	80,177	64,299	24.7%	15,878
33	Elko, Humboldt (part)	Ellison	51,407	64,299	-20.1%	-12,892
34	Clark (part)	Horne	46,427	64,299	-27.8%	-17,872
35	Churchill (part), Eureka, Humboldt (part), Lander (part), Pershing, Washoe (part), White Pine	Goicoechea	51,108	64,299	-20.5%	-13,191
36	Churchill (part), Esmeralda, Lincoln, Mineral, Nye	Goedhart	59,012	64,299	-8.2%	-5,287
37	Clark (part)	Conklin	52,904	64,299	-17.7%	-11,395
38	Carson City (part) Churchill (part), Lyon, Storey	Grady	66,836	64,299	3.9%	2,537
39	Carson City (part), Douglas, Washoe (part)	Kite	53,415	64,299	-16.9%	-10,884
40	Carson City (part), Washoe (part)	Livermore	49,877	64,299	-22.4%	-14,422
41	Clark (part)	Aizley	48,017	64,299	-25.3%	-16,282
42	Clark (part)	Bustamante Adams	49,221	64,299	-23.4%	-15,078
Total			2,700,551			

Note: The population database is derived from the 2010 Census Public Law 94-171 Redistricting Data as provided by the U.S. Bureau of the Census and validated by the Legislative Counsel Bureau. Compiled by Legislative Counsel Bureau, February 28, 2011

APPENDIX E

Nevada State Senate and Assembly Districts—2010 Racial/Ethnic Data

Nevada State Senate Districts - 2010 Racial Population

District	Location	Current Member Representing District	White alone		Black or African American alone		American Indian and Alaskan Native alone		Asian alone		Native Hawaiian and Other Pacific Islander alone		Some Other Race alone		Two or More Races		Hispanic or Latino (of any race)*	
			2010 Population	Percent of 2010 Total	2010 Population	Percent of 2010 Total	2010 Population	Percent of 2010 Total	2010 Population	Percent of 2010 Total	2010 Population	Percent of 2010 Total	2010 Population	Percent of 2010 Total	2010 Population	Percent of 2010 Total	2010 Population	Percent of 2010 Total
Clark 1	Clark (part)	Lee	153,647	49.5%	26,411	17.2%	1,278	0.8%	9,308	6.1%	1,385	0.9%	30,162	19.6%	9,035	5.9%	58,878	38.3%
Clark 2	Clark (part)	Denis	96,601	38.97%	10,343	10.7%	868	0.9%	1,510	1.6%	350	0.4%	40,164	41.6%	4,439	4.6%	72,923	75.5%
Clark 3	Clark (part)	Wiener	98,835	55.77%	12,971	13.1%	765	0.8%	5,153	5.2%	839	0.8%	18,024	18.2%	5,311	5.4%	37,573	38.0%
Clark 4	Clark (part)	Horsford	123,865	44.2%	37,856	26.3%	1,031	0.8%	5,531	4.5%	898	0.7%	22,753	18.4%	6,319	5.1%	44,450	35.9%
Clark 5**	Clark (part)	Breiden & Roberson	251,549	74.2%	13,856	5.5%	1,528	0.6%	20,859	8.3%	1,867	0.7%	14,383	5.7%	12,517	5.0%	41,575	16.5%
Clark 6	Clark (part)	Copen	100,903	75.1%	8,444	8.4%	522	0.5%	6,661	6.6%	582	0.6%	4,517	4.5%	4,381	4.3%	14,392	14.3%
Clark 7**	Clark (part)	Manendo & Parks	224,374	123.72%	24,048	10.7%	1,881	0.8%	17,980	8.0%	1,684	0.8%	43,103	19.2%	11,957	5.3%	86,008	38.3%
Clark 8	Clark (part)	Cegauske	103,393	73.40%	8,345	8.1%	606	0.6%	9,732	9.4%	600	0.6%	5,691	5.5%	5,016	4.9%	16,571	16.0%
Clark 9	Clark (part)	Holseth	354,161	229.91%	28,555	8.1%	1,875	0.5%	53,403	15.1%	2,435	0.7%	18,871	5.3%	19,104	5.4%	55,113	15.6%
Clark 10	Clark (part)	Kihuen	96,111	48.37%	8,597	8.9%	988	1.0%	5,319	5.5%	469	0.5%	27,974	29.1%	4,389	4.6%	57,480	59.8%
Clark 11	Clark (part)	Schneider	116,455	60.87%	12,053	10.3%	927	0.8%	15,224	13.1%	863	0.7%	20,835	17.9%	5,674	4.9%	41,844	35.9%
Clark 12	Clark (part)	Hardy	212,656	149.92%	16,098	7.6%	1,859	0.9%	17,790	8.4%	1,619	0.8%	14,546	6.8%	10,824	5.1%	37,993	17.9%
Washoe 1	Washoe (part)	Leslie	92,594	59.83%	3,704	4.0%	1,843	2.0%	5,369	5.8%	972	1.0%	16,713	18.0%	4,154	4.5%	34,758	37.5%
Washoe 2	Washoe (part)	Gustavson	136,968	107.97%	2,699	2.0%	3,597	2.6%	5,811	4.2%	671	0.5%	10,989	8.0%	5,226	3.8%	26,450	19.3%
Washoe 3	Washoe (part)	Brower	115,261	95.18%	2,087	1.8%	1,209	1.0%	6,073	5.3%	586	0.5%	5,920	5.1%	4,200	3.6%	16,359	14.2%
Washoe 4	Carson City (part), Washoe (part)	Kieckhefer	110,477	89.08%	1,632	1.5%	1,149	1.0%	5,153	4.7%	397	0.4%	9,363	8.5%	3,698	3.3%	22,770	20.6%
Capital	Carson City (part), Douglas (part), Lyon (part), Storey (part)	Settelmeyer	102,152	85.4%	1,329	1.3%	2,372	2.3%	1,800	1.8%	193	0.2%	6,144	6.0%	3,097	3.0%	15,408	15.1%
Central	Churchill, Clark (part), Douglas (part), Esmeralda, Lyon (part), Mineral, Nye (part)	McGinness	113,214	94.18%	3,638	3.2%	3,244	2.9%	1,922	1.7%	339	0.3%	5,990	5.3%	3,896	3.4%	15,905	14.0%
Rural	Elko, Eureka, Humboldt, Lander, Lincoln, Nye (part), Pershing, White Pine	Rhoads	97,335	81.3%	1,262	1.3%	4,520	4.6%	838	0.9%	122	0.1%	8,651	8.9%	2,838	2.9%	20,051	20.6%
Total			2,700,551	1,786,688	218,626	8.1%	32,062	1.2%	195,436	7.2%	16,871	0.6%	324,793	12.0%	126,075	4.7%	716,501	26.5%

*Hispanic or Latino is reported by the Census Bureau as a language group, separately.

** Two-member district

Note: The population database is derived from the 2010 Census Public Law 94-171 Redistricting Data as provided by the U.S. Bureau of the Census and validated by the Legislative Counsel Bureau.

Racial population data is based on self-identification. Respondents have the option of selecting one or more races.

Compiled by Legislative Counsel Bureau, February 25, 2011

Nevada State Assembly Districts - 2010 Racial Population

District	Location	Current Member Representing District	2010 Population	White alone		Black or African American alone		American Indian and Alaskan Native alone		Asian alone		Native Hawaiian and Other Pacific Islander alone		Some Other Race alone		Two or More Races		Hispanic or Latino (of any race)*	
				2010 Population	Percent of 2010 Total	2010 Population	Percent of 2010 Total	2010 Population	Percent of 2010 Total	2010 Population	Percent of 2010 Total	2010 Population	Percent of 2010 Total	2010 Population	Percent of 2010 Total	2010 Population	Percent of 2010 Total	2010 Population	Percent of 2010 Total
1	Clark (part)	Kirkpatrick	54,658	34,902	63.9%	6,750	12.3%	434	0.8%	2,390	4.4%	340	0.6%	7,084	13.0%	2,758	5.0%	14,956	27.4%
2	Clark (part)	Hambick	52,702	39,647	75.2%	3,569	6.8%	215	0.4%	5,019	9.5%	287	0.5%	1,773	3.4%	2,192	4.2%	5,869	11.1%
3	Clark (part)	Pierce	46,686	29,022	62.2%	3,860	8.3%	428	0.9%	2,852	6.1%	348	0.7%	7,651	16.4%	2,525	5.4%	17,348	37.2%
4	Clark (part)	McArthur	62,665	49,614	79.2%	4,280	6.8%	314	0.5%	3,757	6.0%	328	0.5%	1,905	3.0%	2,467	3.9%	7,065	11.3%
5	Clark (part)	Dondoro Loop	53,574	33,052	61.7%	4,567	8.5%	261	0.5%	9,810	18.3%	314	0.6%	3,160	5.9%	2,410	4.5%	8,619	16.1%
6	Clark (part)	Munford	44,947	17,288	38.5%	13,381	29.8%	351	0.8%	1,563	3.5%	247	0.5%	9,910	22.0%	2,207	4.9%	18,414	41.0%
7	Clark (part)	Neal	67,023	24,171	36.1%	19,321	28.8%	548	0.8%	3,092	4.6%	509	0.8%	16,044	23.9%	3,338	5.0%	30,551	45.6%
8	Clark (part)	Frierson	50,075	24,773	49.5%	6,680	13.3%	381	0.8%	6,601	13.2%	370	0.7%	8,996	18.0%	2,274	4.5%	17,970	35.9%
9	Clark (part)	Segerblom	46,326	25,435	54.9%	6,076	13.1%	523	1.1%	3,188	6.9%	267	0.6%	8,911	19.0%	2,026	4.4%	19,027	41.1%
10	Clark (part)	Hogan	55,922	33,886	60.6%	5,132	9.2%	442	0.8%	6,583	11.8%	714	1.3%	5,942	10.6%	3,223	5.8%	13,059	23.4%
11	Clark (part)	Diaz	41,753	17,728	42.5%	3,364	8.1%	425	1.0%	1,142	2.7%	129	0.3%	17,019	40.8%	1,946	4.7%	31,918	76.4%
12	Clark (part)	Ohrnschall	54,397	28,367	52.1%	4,491	8.3%	453	0.8%	4,283	7.9%	279	0.5%	13,756	25.3%	2,768	5.1%	28,098	51.7%
13	Clark (part)	Hammond	256,407	170,784	66.6%	25,726	10.0%	1,471	0.6%	29,912	11.7%	1,626	0.6%	12,852	5.0%	14,036	5.5%	39,499	15.4%
14	Clark (part)	Carlton	59,761	28,603	47.9%	6,152	10.3%	444	0.7%	3,907	6.5%	384	0.6%	17,421	29.2%	2,850	4.8%	32,395	54.2%
15	Clark (part)	Anderson	50,308	30,563	60.8%	4,771	9.5%	509	1.0%	2,449	4.9%	349	0.7%	9,943	19.8%	2,324	4.6%	18,012	35.8%
16	Clark (part)	Orequera	53,921	34,003	63.1%	4,154	7.7%	347	0.6%	4,108	7.6%	520	1.0%	8,052	14.9%	2,737	5.1%	16,887	31.3%
17	Clark (part)	Atkinson	96,850	47,168	48.7%	20,111	20.8%	778	0.8%	6,955	7.2%	1,049	1.1%	14,335	15.0%	6,254	6.5%	30,394	31.4%
18	Clark (part)	Carrillo	72,545	42,488	58.6%	6,979	9.6%	572	0.8%	6,512	9.0%	558	0.8%	11,568	15.9%	3,668	5.3%	24,830	34.2%
19	Clark (part)	Brooks	51,620	25,314	49.0%	6,993	13.5%	489	0.9%	1,804	3.5%	308	0.6%	13,773	26.7%	2,939	5.7%	25,054	48.5%
20	Clark (part)	Hardy	58,569	49,526	84.6%	1,373	2.3%	808	1.4%	1,382	2.4%	184	0.3%	3,472	5.9%	1,824	3.1%	9,095	15.5%
21	Clark (part)	Sherwood	46,750	36,602	78.3%	2,279	4.9%	221	0.5%	3,351	7.2%	312	0.7%	1,787	3.8%	2,198	4.7%	6,013	12.9%
22	Clark (part)	Stewart	223,029	147,552	66.2%	13,978	6.3%	1,203	0.5%	35,068	15.7%	1,702	0.8%	11,500	5.2%	12,026	5.4%	33,234	14.9%
23	Clark (part)	Woodbury	52,157	40,012	76.7%	2,773	5.3%	550	1.1%	2,115	4.1%	313	0.6%	3,815	7.3%	2,579	4.9%	10,255	19.7%
24	Washoe (part)	Bobzien	56,487	39,952	70.7%	2,163	3.8%	767	1.4%	3,349	5.9%	556	1.0%	7,022	12.4%	2,678	4.7%	15,248	27.0%
25	Washoe (part)	Hickey	65,061	55,202	84.8%	855	1.3%	512	0.8%	3,787	5.8%	226	0.3%	2,441	3.8%	2,038	3.1%	7,666	11.8%
26	Washoe (part)	Kirner	69,333	58,984	85.1%	844	1.2%	591	0.9%	4,032	5.8%	269	0.4%	2,291	3.3%	2,322	3.3%	7,100	10.2%
27	Washoe (part)	Benitez-Thompson	48,421	34,645	71.5%	1,512	3.1%	719	1.5%	2,279	4.7%	315	0.7%	6,960	14.4%	1,991	4.1%	14,855	30.7%
28	Clark (part)	Flores	44,394	19,326	43.5%	3,200	7.2%	376	0.8%	673	1.5%	131	0.3%	18,692	42.1%	1,996	4.5%	35,418	79.8%
29	Clark (part)	Mastroluca	57,661	41,895	72.7%	3,980	6.9%	397	0.7%	4,042	7.0%	402	0.7%	3,799	6.6%	3,146	5.5%	10,851	18.8%
30	Washoe (part)	Smith	52,221	34,566	67.0%	1,472	2.8%	896	1.7%	2,372	4.5%	476	0.9%	9,836	18.8%	2,203	4.2%	20,109	38.5%
31	Washoe (part)	Daly	45,927	31,759	69.2%	1,433	3.1%	1,068	2.3%	2,258	4.9%	390	0.8%	7,155	15.6%	1,864	4.1%	16,436	35.8%
32	Humboldt (part), Lander (part), Washoe (part)	Hansen	80,177	65,968	82.3%	1,526	1.9%	1,576	2.0%	3,581	4.5%	301	0.4%	4,395	5.5%	2,830	3.5%	12,246	15.3%
33	Elko, Humboldt (part)	Ellison	51,407	40,578	78.9%	381	0.7%	3,012	5.9%	454	0.9%	70	0.1%	5,294	10.3%	1,618	3.1%	11,741	22.8%
34	Clark (part)	Horne	46,427	28,738	61.9%	4,734	10.2%	332	0.7%	2,569	5.5%	323	0.7%	7,248	15.6%	2,483	5.3%	15,724	33.9%
35	Churchill (part), Eureka, Humboldt (part), Lander (part), Pershing, Washoe (part), White Pine	Golicochea	51,108	40,978	80.2%	1,002	2.0%	3,222	6.3%	814	1.6%	71	0.1%	3,376	6.6%	1,645	3.2%	8,532	16.7%
36	Churchill (part), Esmeralda, Lincoln, Mineral, Nye	Guedhart	59,012	50,287	85.2%	1,297	2.2%	1,607	2.7%	778	1.3%	246	0.4%	2,694	4.6%	2,103	3.6%	7,298	12.4%
37	Clark (part)	Conklin	52,904	32,029	60.5%	7,044	13.3%	367	0.7%	3,513	6.6%	515	1.0%	6,048	12.1%	3,028	5.7%	15,048	28.4%
38	Carson City (part), Churchill (part), Lyon, Storey	Grady	66,836	57,326	85.8%	513	0.8%	1,522	2.3%	929	1.4%	167	0.2%	4,058	6.1%	2,321	3.5%	9,577	14.3%
39	Carson City (part), Douglas, Washoe (part)	Kite	53,415	47,581	89.1%	222	0.4%	922	1.7%	880	1.6%	71	0.1%	2,126	4.0%	1,613	3.0%	6,513	12.2%
40	Carson City (part), Washoe (part)	Livermore	49,877	40,350	80.9%	1,027	2.1%	1,226	2.5%	1,092	2.2%	85	0.2%	4,639	9.3%	1,458	2.9%	10,536	21.1%
41	Clark (part)	Aldley	48,017	27,566	57.4%	4,945	10.3%	369	0.8%	4,930	10.3%	438	0.9%	7,199	15.0%	2,570	5.4%	14,538	30.3%
42	Clark (part)	Bustamante Adams	49,221	28,058	57.0%	3,716	7.5%	414	0.8%	5,261	10.7%	382	0.8%	8,991	18.3%	2,399	4.9%	18,503	37.6%
Total			2,700,551	1,786,688	66.2%	218,626	8.1%	32,062	1.2%	195,436	7.2%	16,871	0.6%	324,793	12.0%	126,075	4.7%	716,501	26.5%

*Hispanic or Latino is reported by the Census Bureau as a language group, separately.

Note: The population database is derived from the 2010 Census Public Law 94-171. Redistricting Data as provided by the U.S. Bureau of the Census and validated by the Legislative Counsel Bureau.

Racial population data is based on self-identification. Respondents have the option of selecting one or more races.

Compiled by Legislative Counsel Bureau, February 25, 2011

APPENDIX F

Joint Standing Rules of the Senate and Assembly for the 2011 Legislative Session

Joint Standing Rules of the Senate and Assembly **for the 2011 Legislative Session**

Assembly Concurrent Resolution No. 1

(File No. 1, *Statutes of Nevada 2011*)

Rules Relating to Reapportionment and Redistricting **(Joint Standing Rule 13 through 13.6)**

Rule No. 13. Responsibility for Measures.

The Committee on Legislative Operations and Elections of the Senate and the Committee on Legislative Operations and Elections of the Assembly are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. These committees are hereby designated as the “redistricting committees” for the purposes of this Rule and [Joint Standing Rules Nos. 13.1, 13.2, 13.3, 13.4, 13.5, 13.6](#) and [14.6](#).
[Assembly Concurrent Resolution No. 1 of the 2011 Session (File No. 1)]

Rule No. 13.1. Equality of Representation.

1. Congressional Districts: The population of each of the Nevada congressional districts must be as nearly equal as practicable.

2. State Legislative Districts: The population of the state legislative districts must be substantially equal. In order to meet constitutional guidelines, a plan, or a proposed amendment thereto, will not be considered if the plan or proposed amendment results in an overall range of 10 percent or more, or a relative deviation in excess of plus or minus 5 percent, from the ideal district population.

3. Districts for the State Board of Education, the Board of Regents of the University of Nevada and Petition Districts: Equality of population in accordance with the standard for the state legislative districts is the goal of redistricting for the State Board of Education and the Board of Regents of the University of Nevada and for the establishment of petition districts in accordance with NRS 293.127561.

[Assembly Concurrent Resolution No. 1 of the 2011 Session (File No. 1)]

Rule No. 13.2. Population Database.

1. The total state population, and the population of defined subunits thereof, as determined by the 2010 federal decennial census must be the exclusive database for redistricting by the Nevada Legislature.

2. Such 2010 census data, as validated by the staff of the Legislative Counsel Bureau, must be the exclusive database used for the evaluation of proposed redistricting plans for population equality.

[Assembly Concurrent Resolution No. 1 of the 2011 Session (File No. 1)]

Rule No. 13.3. Districts.

All district boundaries created by a redistricting plan must follow the census geography.

[Assembly Concurrent Resolution No. 1 of the 2011 Session (File No. 1)]

Rule No. 13.4. Procedures of the Redistricting Committees and Exemptions.

1. A legislator or member of the public may present to the redistricting committees any plans or proposals relating to redistricting, including proposals for redistricting specific districts or all of the state legislative districts, congressional districts, districts for the Board of Regents of the

University of Nevada, districts for the State Board of Education or petition districts for consideration by the redistricting committees.

2. Bill draft requests, including bills in skeletal form, setting forth specific boundaries of the state legislative districts, congressional districts, districts for the Board of Regents of the University of Nevada, districts for the State Board of Education or petition districts, and amendments affecting a majority of the state legislative districts, may only be requested by the chairs of the redistricting committees.

3. The chairs of the redistricting committees are limited to one request each for a bill draft setting forth the specific boundaries of the state legislative districts, one request each for a bill draft setting forth the specific boundaries of the congressional districts, one request each for a bill draft setting forth the specific boundaries of the districts for the Board of Regents of the University of Nevada, one request each for a bill draft setting forth the specific boundaries of the districts for the State Board of Education and one request each for a bill draft setting forth the specific boundaries of the petition districts. At the direction of the chair of a redistricting committee, the bill draft requests setting forth the specific boundaries of the state legislative districts, the congressional districts, districts for the Board of Regents of the University of Nevada, districts for the State Board of Education and petition districts may be combined in any manner.

4. All bill drafts and measures requested by a redistricting committee pursuant to subsection 3 are exempt pursuant to subsection 4 of [Joint Standing Rule No. 14.6](#).
[Assembly Concurrent Resolution No. 1 of the 2011 Session (File No. 1)]

Rule No. 13.5. Compliance with the Voting Rights Act.

1. A redistricting committee will not consider a plan that the redistricting committee determines is a violation of section 2 of the Voting Rights Act, 42 U.S.C. § 1973(a), which prohibits any state from imposing any voting qualification, standard, practice or procedure that results in the denial or abridgment of any United States citizen's right to vote on account of race, color or status as a member of a language minority group.

2. A redistricting committee will not consider a plan that the redistricting committee determines is racially gerrymandered. Racial gerrymandering exists when:

- (a) Race is the dominant and controlling rationale in drawing district lines; and
- (b) The Legislature subordinates traditional districting principles to racial considerations.

3. For the purpose of analyzing the 2010 census data, the redistricting committees shall adopt the method set forth in the Office of Management and Budget (OMB) Bulletin No. 0002 for aggregating and allocating the 63 categories of race data that will be reported to Nevada by the United States Census Bureau as part of the federal decennial census.

[Assembly Concurrent Resolution No. 1 of the 2011 Session (File No. 1)]

Rule No. 13.6. Public Participation.

1. The redistricting committees shall seek and encourage:

- (a) Public participation in all aspects of the reapportionment and redistricting activities; and
- (b) The widest range of public input into the deliberations relating to those activities.

2. Notices of all meetings of the redistricting committees must be transmitted to any member of the public who so requests, without charge.

3. All interested persons are encouraged to appear before the redistricting committees and to provide their input regarding the reapportionment and redistricting activities. The redistricting committees shall afford a reasonable opportunity to any interested persons to present plans for redistricting, or amendments to plans for redistricting, unless such plans demonstrably fail to meet the minimally acceptable criteria set forth in this rule and [Joint Standing Rules Nos. 13](#), [13.1](#), [13.2](#), [13.3](#), [13.4](#) and [13.5](#).

4. Each of the redistricting committees shall fully utilize available videoconferencing capabilities and shall, either jointly or separately, hold at least one hearing in the southern portion of the State and at least one hearing in a rural portion of the State to allow residents throughout the State an opportunity to participate in the deliberations relating to the reapportionment and redistricting activities.

5. The Legislative Counsel Bureau shall make available to the public copies of the validated 2010 census database for the cost of reproducing the database.

6. The redistricting committees shall make available for review by the public, copies of all maps prepared at the direction of the committees.

[Assembly Concurrent Resolution No. 1 of the 2011 Session (File No. 1)]