

MEMBERS PRESENT: Chairman Glover
Vice-Chairman Chaney (late)
Mr. Beyer
Mrs. Ham
Mrs. Hayes (late)
Mr. Hickey (late)
Mr. Malone
Mr. Nicholas
Mr. Prengaman
Mr. Robinson (late)
Mr. Sader

MEMBERS ABSENT: None

GUESTS PRESENT: Andrew P. Grose, Research Director
Fred H. Dugger, Central Data Processing
J. Ken Creighton, Research Analyst
David Howard, Chief Deputy Secretary of State
Authur J. Palmer, Director, LCB
Gordon Harding, Central Data Processing
Assemblyman Dini
Chris Broderick, Las Vegas Review Journal
Corey Creasey, Douglas County
Don Carlson
Judy DuBois
Janice Goodhue, Intern
Kim Stoll, Intern

Chairman Glover called the meeting to order at 1:31 p.m. in Room 200. He informed the committee that it was his intention to begin all meetings on time and that he would appreciate their being on time.

Mr. Glover referred to the rules for the Election Committee from the 60th Session and said that the only changes that were necessary were in Rule 2, change four to six; Rule 4, change five to seven; and Rule 9, change four to six. Mr. Nicholas moved for the adoption of the rules with the necessary changes, seconded by Mr. Prengaman, and unanimously carried by the members present. A copy of these adopted rules is attached to these minutes as EXHIBIT A.

Chairman Glover suggested that if any member had bill drafting requests, the committee could meet at his desk to decide if the committee wished to introduce the measure. He added that it was his intention to take care of any housekeeping bills, such as a few clean-up bills from the Secretary of State's office, the first month and then move on to the problem of reapportionment in March.

Mr. Glover stated that Senator Ford had informed him that the Senate Government Affairs Committee had appointed a subcommittee to study the election laws stemming out of the problems that have arisen because of the challenges of this session. He then appointed a subcommittee consisting of Mrs. Ham, Mr. Sader, Mr. Prengaman, Mr. Hickey, and Mr. Nicholas to work with the Senate subcommittee.

Mr. Andrew P. Grose gave a presentation on reapportionment which included standards, Nevada data, staff process. A copy of this presentation is attached to these minutes as EXHIBIT B. In his presentation, Mr. Grose referred to Reapportionment Bulletin No. 81-27 from the Legislative Commission attached to the back of the Minute Book. He also commented on the outline of the presentation attached as EXHIBIT C, the comparisons of 1970 and 1980 Nevada Senate Districts attached as EXHIBIT D, comparisons of Nevada Assembly Districts 1970 and 1980 attached as EXHIBIT E, ideal district sizes and distribution for the Assembly attached as EXHIBIT F and ideal district sizes and distribution for the Senate attached as EXHIBIT G. He spoke of a list of census/reapportionment terms attached as EXHIBIT H which he felt could be useful for general reference and a list of questions attached as EXHIBIT I which will have to be answered early in discussions. He also provided a list of reapportionment materials available to all legislators attached as EXHIBIT J.

Mrs. Ham asked if there was anything that might be done about undeveloped land and Mr. Grose answered that if a person did not reside in an area in April 1980, he does not exist as far as the census is concerned. He added that apportionment may be changed at a later date only if the methods for acquiring data are equal to or better than the methods used by the United States Census Bureau which can be an expensive process.

Mr. Sader questioned how small the units would be in the statistics for Washoe and Clark Counties. Mr. Grose explained that a block will consist of approximately 100 to 125 people and that blocks will be aggregated into block groups consisting of 300 to 500 people. He added that these would be the units that will be available on the computer tapes.

Mr. Hickey questioned what problems would arise timewise in readjusting original policies of reapportionment and Mr. Grose replied there would be no problem.

Mr. Fred Dugger, Central Data Processing, reported that reapportionment by computer was only used in 1971 in the metropolitan areas and the intention was to do the same in 1981. Mr. Dugger explained that a program for redistricting was developed in 1967 by a group of DuPont engineers as an alternative to gerrymandering and this program was successfully used in Nevada in 1971. He added that for 1981 they were planning to use the same program augmenting it by automating the many manual procedures of the original process. He noted that the raw material for the computer

is a listing of all of the census districts to be redistricted and a specification of how many districts desired. He added that the computer will also take total population and divide it into exactly equal components making the districts as geographically compact as possible knowing where the districts are located. He noted that once the computer divides the population on an exactly equal basis, it recognizes that certain census districts must be assigned to one legislative district or another resulting in very fair population disparities.

When Mr. Robinson asked how much variation there can be between the districts, Mr. Grose answered that you could vary as much as 10 percent from the ideal but that from the smallest to the largest it can be only 10 percent meaning that 5 percent minus, 5 percent plus would be the maximum limits.

Mr. Dugger continued by saying that they have tried to extend the computer's capabilities by setting up different criteria, such as adding one more district or taking part of one county and adding it to another, for mathematical equality. He added that they are trying to put together an automatic map generation process so that computer data may be overlaid on city or county maps.

Mr. Robinson asked if the computer could form multi-member districts and Mr. Dugger replied that the computer basically could only form single-member districts which could be combined.

Mr. Grose explained that you could ask the computer to form twenty Assembly districts rather than forty and then assign two Assemblymen to each district.

When Mrs. Ham asked what would happen if there were two incumbents in the same district, Mr. Dugger answered that the computer does not realize very real boundaries such as freeways or normal divisions of cities such as South Virginia Street in Reno or Sahara Boulevard in Las Vegas, but populations can be switched around and reevaluated by the computer forming reasonable neighborhood boundaries.

When Mr. Hickey asked if the computer recognized county or township boundaries, Mr. Dugger responded that every census division respects these boundaries, but that you cannot instruct the computer to keep township boundaries within a larger county boundary.

Mr. Grose referred to an article from Congressional Quarterly discussing reapportionment of the House of Representatives which is attached to these minutes as EXHIBIT K. He drew attention to the underlined portion of this article and noted that Nevada would not be affected by any change and would retain the additional seat in the House. He added that districting standards are more stringent for Congressional districting than for state legislative districting as far as the Supreme Court is concerned.

Mr. J. Kenneth Creighton, Research Analyst, reviewed his memorandum which is attached to these minutes as EXHIBIT L covering the history of Congressional requirements, constitutional requirements and present requirements for Congressional districting.

Mr. Grose introduced David Howard, Chief Deputy Secretary of State, who was previously the chief election official for Washoe County and asked him to give his perspective of the local official in regard to reapportionment.

Mr. Howard enumerated some of the problems that arose from the 1971 reapportionment. He explained that once the district lines have been drawn they affect other entities such as county commissioners and school trustees. He noted that in 1971 Washoe County had ten Assembly districts and seven school trustees and discussed the problems of dividing seven school trustees among ten districts. He also said there were instances where next door neighbors were voting for different Assemblymen which caused numerous calls from upset citizens to the registrar of voters. He explained that because of 1971 reapportionment there were fifty different ballots in Washoe County which caused \$9,000 over budget for the 1972 election. He said that with the help of the county commissioners, the school district and the legislature the number of ballots was reduced to eleven which effected a savings of \$15,000 in the cost of an election. He added that in 1972 in Washoe County there were 298 precincts required of which 72 had no one in them but that over the years the number of precincts was reduced to 240. He explained that everything an election official does is keyed to the precinct and that the fewer the precincts the more efficient and economical the election process can be. He pointed out that in the 1971 reapportionment a whole condominium complex was severed.

Mr. Howard concluded by asking the committee, if possible, to draw the lines where they can be seen physically by voters and by election officials; for example, don't draw a line you can't drive a car down.

When Mr. Sader asked what the correlation was between district lines and precinct lines, Mr. Howard replied that once the district lines have been drawn, the election officials have until July of 1982 to adjust the precincts within these lines.

When Mrs. Hayes asked if there could be a court case because of rapid growth in certain areas causing unequal population in districts, Mr. Grose responded that the courts have said very clearly that decennial redistricting is as much as can constitutionally be required of a government.

Mr. Hickey commented that he felt everyone should keep in mind that reapportionment is based on population figures and not on registered voters.

Mr. Glover suggested that all members of the committee look over the reapportionment policy questions before next week's meeting when the committee will discuss these questions, particularly the size of the legislature, as well as SCR 1. He added that the time of the meeting would be either Monday or Tuesday afternoon.

Since there was no further business, the meeting was adjourned at 2:55 p.m.

Respectfully submitted,

Patricia Hatch

Patricia Hatch
Secretary

RULES

COMMITTEE ON ELECTIONS

61st SESSION

1. The standard by which this committee shall be organized and governed is as follows:
 - a) Constitution of the State of Nevada
 - b) Nevada Revised Statutes
 - c) Standing rules of the Nevada Assembly
 - d) Standing rules of the Assembly Elections Committee
 - e) Mason's Manual of Parliamentary Procedure
2. A quorum consists of at least six (6) committee members.
3. It will require at least a quorum to hear a bill.
4. Action on a bill will require a second. An affirmative vote of seven (7) members of the committee will be required to reconsider an action on a bill.
5. Action on a bill will require a majority vote of the entire committee.
6. The committee members shall address the chair at all times for permission to be heard or to question witnesses.
7. Subcommittees may be formed at the discretion of the chairman.
8. Any member of the committee may request an item on the agenda by contacting the chairman a day ahead of time.
9. Committee bill introduction will be by affirmative vote of six (6) members present. Committee introduction does not imply in any way a commitment on the part of any committee member to support the bill.
10. The secretary of the committee shall call the roll at each meeting and record in the minutes the members present and the members not present. Excused absences will be so recorded.
11. The secretary shall record the majority vote by the number of votes and the minority vote by the names of the members.
12. When the chairman is not present, the vice-chairman shall conduct the meeting. If both are absent, the chairman shall designate a member of the committee to conduct the meeting.
13. Any final voting action of the committee will not be made until all witnesses have been heard, questioned and dismissed. The chairman shall determine when a final action is to be taken.
14. A minority report can be filed with the Chief Clerk at the same time as the committee actions are reported.
15. All meetings of the Assembly Elections Committee and/or subcommittee shall be open to the general public and to any and all members of the media.

REAPPORTIONMENT PRESENTATION

GENERAL INTRODUCTION

IT IS NOT OUR INTENT TODAY TO EVEN IDENTIFY ALL THE QUESTIONS ON REAPPORTIONMENT LET ALONE ANSWER THEM FOR YOU. RATHER, IN THE PREPARATIONS FOR REAPPORTIONMENT OVER THE PAST COUPLE OF YEARS WE HAVE DISCOVERED A FEW THINGS, COME UP WITH QUESTIONS FOR YOU TO THINK ABOUT AND PROPOSED AN INTERNAL SYSTEM FOR DOING THE STAFF WORK. WE'VE ALSO RECOMMENDED CERTAIN ADVANCE PREPARATIONS AND THE LEGISLATIVE COMMISSION SET ASIDE AMPLE FUNDS FOR THE INITIAL WORK AND IT SHOULD BE MORE THAN ENOUGH TO COMPLETE THE JOB.

WE PLAN TO TELL YOU ABOUT THE NATURE OF OUR PREPARATION, DISCUSS THE DECISIONS YOU WILL NEED TO START MAKING AND DESCRIBE THE BASIC REAPPORTIONMENT STANDARDS THAT WILL CIRCUMSCRIBE YOUR DECISIONS. I'LL TOUCH ONLY BRIEFLY ON THE HISTORICAL CONTEXT. THAT IS LAID OUT IN SOME DETAIL IN BULLETIN 81-27 WHICH YOU HAVE IN FRONT OF YOU.

REAPPORTIONMENT STANDARDS

I WOULD REFER YOU TO ARTICLE 4, SECTION 5, OF THE NEVADA CONSTITUTION. ALSO, ARTICLE 15, SECTION 13. THESE ARE AT PAGE 1 IN THE BULLETIN.

BEYOND THE STATE CONSTITUTION, THE U.S. SUPREME COURT HAS INVOKED THE EQUAL PROTECTION CLAUSE OF THE 14TH AMENDMENT TO BRING THE FEDERAL COURTS INTO ANY REPRESENTATION CASE ANYWHERE.

YOU ARE ALL FAMILIAR WITH THE GENERAL STRING OF CASES FROM COLEGROVE V. GREEN IN 1946, WHEN REAPPORTIONMENT WAS CALLED A "POLITICAL THICKET" BY JUSTICE FRANKFURTER, AND BAKER V. CARR IN 1962, IN WHICH THE COURT SAID CONGRESSIONAL DISTRICTING WAS A JUSTICIABLE ISSUE. IN 1964, REYNOLDS V. SIMS ORDERED STATE LEGISLATIVE REAPPORTIONMENT. THE CASES SINCE, RIGHT UP TO MOBILE V. BOLTEN LAST YEAR ARE OF HISTORICAL INTEREST FOR SURE. THEY ARE OF INTEREST TO YOU, HOWEVER, FOR THE STANDARDS THEY ENUNCIATE FOR REAPPORTIONMENT. BEGINNING ON PAGE 10 OF THE BULLETIN, THE CASES AND THE STANDARDS ARE PRESENTED. WE SHOULD HIGHLIGHT A FEW OF THEM.

FIRST, ON EQUAL POPULATION. HOW EQUAL IS EQUAL? THE COURT WRESTLED WITH THIS UNTIL AT LEAST 1977 WHEN THEY PRETTY MUCH SAID 10 PERCENT DISPARITY WAS THE POINT WHERE THE BURDEN OF PROOF SHIFTS FROM SOMEONE WHO CHALLENGES A PLAN TO THOSE WHO DRAW THE PLAN. KEEP IN MIND, THIS MEANS 10 PERCENT FROM THE

SMALLEST TO THE LARGEST, NOT 10 PERCENT FROM THE IDEAL POPULATION. IF THE IDEA-DISTRICT IS 40,000, YOU MAY NOT HAVE A LOW OF 36,000 AND A HIGH OF 44,000. THAT IS NOT 10 PERCENT BUT 20 PERCENT DISPARITY. INSTEAD, YOUR DISTRICTS COULD RANGE FROM 38,000 TO 42,000 AT THE OUTSIDE.

WE SHOULD ALSO HIGHLIGHT MAHAN V. HOWELL, DECIDED IN 1973. IN THAT CASE, THE COURT ALLOWED A 16 PERCENT DISPARITY BASED ON A RATIONAL STATE INTEREST IN PRESERVING CITY AND COUNTY BOUNDARIES. IN SHORT THE STATE WAS ABLE TO SUSTAIN THE BURDEN OF PROOF REQUIRED WHEN THE DISPARITY EXCEEDS 10 PERCENT. THEY DID THIS BY POINTING TO THE CONSTITUTIONAL RESPONSIBILITY OF THE VIRGINIA LEGISLATURE TO ENACT MANY SPECIAL AND LOCAL ACTS. MOST STATES INCLUDING NEVADA, HAVE SPECIFIC CONSTITUTIONAL PROHIBITIONS AGAINST SUCH LAWS.

A FINAL OBSERVATION ON THE 10 PERCENT RULE OF THUMB IS NECESSARY. THE COURT HAS ALLOWED 10 PERCENT FOR THE EXTREMES. TO BE SUSTAINED, THE OVERALL PLAN WOULD HAVE TO HAVE MUCH LOWER AVERAGE DISPARTY THAN 10 PERCENT. ALSO, A PLAN WITH OTHER PROBLEMS MAY WELL BE STRUCK DOWN EVEN IF IT MEETS THIS 10 PERCENT TEST.

GERRYMANDERING IS A TERM WITH SEVERAL MEANINGS. FIRST, AND MOST CLASSICALLY, IT MEANS ADVERSELY DEALING WITH ONE'S OPPONENTS IN ONE OF TWO WAYS: (1) PACKING YOUR OPPONENTS IN THE MINIMUM NUMBER OF DISTRICTS SO THEY CANNOT BE A THREAT IN ANY OTHER DISTRICTS, AND (2) DISPERSING YOUR OPPONENTS OVER A MAXIMUM NUMBER OF DISTRICTS SO THEY CANNOT THREATEN IN ANY DISTRICT. OBVIOUSLY, THESE APPROACHES CAN BE COMBINED. THERE ARE OTHER APPROACHES TO REDISTRICTING THAT CAN ALSO BE CONSIDERED GERRYMANDERING BUT WITH A DIFFERENT PURPOSE. RACIAL GERRYMANDERING CAN BE THE CLASSICAL SORT OR A MORE BENIGN VARIETY IN WHICH A DISTRICT IS DESIGNED SO THAT A RACIAL GROUP CAN BE RELATIVELY ASSURED OF WINNING WHEN OTHERWISE THEY PROBABLY WOULD NOT. THE CONNECTICUT DISTRICTING PLAN CHALLENGED IN GAFFNEY V. CUMMINGS WAS PURPOSELY GERRYMANDERED SO THAT THE DISTRICTS REFLECTED THE STATEWIDE DISTRIBUTION OF DEMOCRATS AND REPUBLICANS. THE SUPREME COURT FOUND NO PROBLEM WITH THIS SORT OF GERRYMANDER. THERE ARE ALSO FORMS OF GERRYMANDERS DESIGNED TO PROTECT THE SEATS OF INCUMBENTS. THIS IS DONE IN TWO WAYS: (1) DESIGNING A DISTRICT SO THAT NO OTHER INCUMBENT WILL BE IN IT; AND (2) DESIGNING A DISTRICT SO THAT THE MAXIMUM NUMBER OF ONE'S CURRENT CONSTITUENTS IS IN IT.

IN 1966 AND 1973, THE SUPREME COURT SAID THAT REDISTRICTING TO PROTECT INCUMBENTS WAS NOT IN AND OF ITSELF DISCRIMINATORY BUT IT MAY INCREASE THE BURDEN ON THE LEGISLATURE TO SHOW THAT SUCH A PLAN DOES NOT DISCRIMINATE.

MULTIMEMBER DISTRICTS HAVE BEEN A NEVADA CONCERN FOR THE PAST DECADE. WASHOE SENATE DISTRICT 1 AND CLARK 3 ARE THE MOST OBVIOUS OBJECTS OF CONCERN. AT THE THEORETICAL LEVEL, MULTIMEMBER DISTRICTS CAN BE ARGUED BOTH WAYS. ON THE POSITIVE SIDE, THEY FORCE CANDIDATES AND INCUMBENTS TO ADOPT A BROADER VIEW BECAUSE THE CONSTITUENCY IS MORE DIVERSE THAN IN A SINGLE MEMBER DISTRICT. THIS ALSO MEANS, IN THEORY, THAT THE SPECIAL INTEREST PRESSURES ARE DILUTED THEREBY GIVING THE OFFICEHOLDER MORE LATITUDE IN SERVING THE BROADER INTEREST. ON THE NEGATIVE SIDE, MULTIMEMBER DISTRICTS MAKE CAMPAIGNS MORE EXPENSIVE WHICH MEANS CANDIDATES HAVE TO RAISE MORE MONEY WHICH MAKES THEM MORE BEHOLDEN. SUCH DISTRICTS BECOME MUCH HARDER FOR CHALLENGERS BECAUSE OF GREATER NAME RECOGNITION FOR INCUMBENTS. ALSO, MULTIMEMBER DISTRICTS CAUSE VOTER CONFUSION. IT HAS BEEN 10 YEARS UNDER THE PRESENT SYSTEM AND THERE ARE STILL MEMBERS OF THE PRESS, LET ALONE THE GENERAL PUBLIC, WHO

DON'T UNDERSTAND HOW THE BIGGER MULTIMEMBER DISTRICTS WORK. FINALLY, CHALLENGERS ALSO HAVE A PROBLEM BECAUSE THEY DON'T RUN AGAINST PARTICULAR INCUMBENTS. THIS MEANS INCUMBENTS ARE FAR LESS LIKELY TO HAVE TO DEFEND THEIR RECORD OR TO TAKE A FIRM STAND ON CURRENT ISSUES.

THE COURTS, UNTIL LAST YEAR, TOOK A SOMEWHAT JAUNDICED VIEW OF MULTIMEMBER DISTRICTS. THE SUPREME COURT WENT SO FAR AS TO SAY COURT ORDERED PLANS COULD NOT USE MULTIMEMBER DISTRICTS. GENERALLY, THE COURTS HAVE LOOKED TO THE EFFECT OF MULTIMEMBER DISTRICTS.

IF THAT EFFECT HAS BEEN TO PREVENT ACCESS TO THE POLITICAL PROCESS BY SOME GROUP THEN MULTIMEMBER PLANS WERE UNCONSTITUTIONAL. THE COURT UPHELD A MULTIMEMBER PLAN IN INDIANA IN 1971, BUT STRUCK DOWN TWO SUCH PLANS IN TEXAS IN 1973. THE 1980 CASE, CITY OF MOBILE V. BOLTEN SEEMS TO HAVE CHANGED THE TEST FROM DISCRIMINATORY EFFECT TO DISCRIMINATORY INTENT WHICH, OF COURSE IS FAR MORE DIFFICULT TO PROVE. THE BOLTEN CASE, HOWEVER, WAS A 5-4 DECISION WITH ONE OF THE MAJORITY VOTING THAT WAY FOR VERY DIFFERENT REASONS THAN THE OTHER FOUR SO THE SUBJECT REMAINS LEGALLY VOLATILE AND FAR FROM SETTLED. [AS SENATOR FORD WILL RECALL,] LAST MONTH IN SALT LAKE CITY I ASKED PHILIP HANCOCK, WHO HEADS THE VOTING

RIGHTS SECTION OF THE JUSTICE DEPARTMENT'S CIVIL RIGHTS DIVISION, ABOUT SINGLE MEMBER DISTRICTS THAT CURRENTLY ELECT MINORITY LEGISLATORS. MR. HANCOCK WAS QUITE CERTAIN THAT TO SUBMERGE SUCH DISTRICTS IN MULTIMEMBER DISTRICTS WOULD MEET BOTH THE EFFECT AND INTENT TESTS.

NEVADA DATA

WITH THIS BACKGROUND, THE COMMITTEE MIGHT BE INTERESTED IN LOOKING AT SOME SPECIFICS ON NEVADA. WE HAVE DONE SOME APPROXIMATIONS OF WHERE EXISTING SENATE AND ASSEMBLY DISTRICTS STAND WITH 1980 POPULATION DATA. THE FIRST PAGE IN YOUR HANDOUT, AFTER THE HEARING OUTLINE, IS A COMPARISON OF SENATE DISTRICTS 1971 AND 1980. THESE ARE ROUGH FIGURES FOR WASHOE AND CLARK. FOR THE REST, PLUS CLARK #1, THE FIGURES ARE QUITE ACCURATE. OBVIOUSLY, THERE ARE MAJOR REALIGNMENTS NECESSARY. FOR ANYONE FOLLOWING THE CENSUS AT ALL, THERE ARE NO BIG SURPRISES. IN CLARK COUNTY, THE NORTH LAS VEGAS TOWNSHIP GREW BY ONLY 26.7 PERCENT IN 1970 TO 1980 WHILE THE COUNTY GREW BY 69.1 PERCENT. THIS MEANS MAJOR SHIFTS IN THE CURRENT DISTRICTS WHETHER OR NOT THE SENATE SIZE IS CHANGED. WITHIN THE RURAL COUNTIES, THE PROBLEMS ARE OBVIOUS. MOST OF THE RAPID GROWTH HAS BEEN IN WESTERN NEVADA. NORTHERN

AND CENTRAL NEVADA HAVE GROWN SLOWLY. TWO COUNTIES IN THE CENTRAL SENATORIAL DISTRICT, WHITE PINE AND ESERALDA, HAVE ACTUALLY LOST POPULATION.

THE NEXT PAGE DOES THE SAME COMPARISON FOR THE ASSEMBLY. AGAIN, IN THE URBAN AREAS, WE CAN ONLY APPROXIMATE BUT ANY ERROR IS NOT GOING TO CHANGE THE BASIC RELATIONSHIPS SHOWN. AS WITH THE SENATE, NORTH LAS VEGAS WILL BE MOST ADVERSELY AFFECTED BY SHIFTS WITHIN CLARK COUNTY. IN THE RURAL AREAS, DISTRICTS 33-38 ALL ARE DEFICIENT IN 1980 POPULATION. ONLY THE CARSON-DOUGLAS DISTRICTS GREW AS FAST OR FASTER THAN THE STATE AS A WHOLE.

ON THE NEXT PAGE, IDEAL DISTRICT SIZES FOR AN ASSEMBLY FROM 36 TO 56 MEMBERS ARE SHOWN. IN EACH CASE, WE ALSO SHOW HOW THE NUMBER OF SEATS WOULD DISTRIBUTE AMONG CLARK, WASHOE AND THE REST OF THE STATE. IF A PRIORITY IS PLACED ON NOT CROSSING COUNTY LINES, AT LEAST FOR WASHOE AND CLARK, THE BEST SIZES ARE THOSE THAT PRODUCE THE CLOSEST TO WHOLE NUMBERS. FOR EXAMPLE, THE CURRENT ASSEMBLY SIZE OF 40 WOULD MEAN 23 FOR CLARK, 10 FOR WASHOE AND 7 FOR THE RURAL COUNTIES. EVEN BETTER WOULD BE 45 MEMBERS WHICH COMES ALMOST EXACTLY TO WHOLE NUMBERS.

THE NEXT PAGE SHOWS THE SAME BREAKOUT FOR SENATE DISTRICTS. USING THE WHOLE NUMBER CRITERION, 21 AND 24 SEAT SENATES WORK PRETTY WELL.

FINALLY IN THIS PARTICULAR PACKET, THE LAST ITEM IS A LIST OF TERMS THAT YOU'LL BE HEARING OVER THE NEXT FEW MONTHS. IT SHOULD BE USEFUL FOR GENERAL REFERENCE BUT I CALL YOUR ATTENTION TO NUMBER 5. WE WILL TALK IN TERMS OF CITIES, COUNTIES AND TOWNSHIPS AND FOR ALL THE CENSUS UNITS, WE'LL SIMPLY SAY "CENSUS DISTRICT."

FINALLY, YOU HAVE A HANDOUT OF QUESTIONS FOR WHICH YOU WILL HAVE TO PROVIDE ANSWERS EARLY ON. IT IS A PRELIMINARY LIST. THERE MAY WELL BE ADDITIONAL QUESTIONS THAT COME UP. FOR NOW, THEY ARE THINGS TO START THINKING ABOUT.

STAFF PROCESS

BEFORE TURNING THIS OVER TO FRED DUGGER, LET ME GIVE YOU AN OVERVIEW OF THE STAFF END. IT IS OUR JOB TO RELATE TO YOU THE RULES OF THE GAME. WE HAVE DONE THIS. AS YOU DEVELOP PARTICULAR PLANS, SPECIFIC QUESTIONS MAY ARISE AND YOU WILL NEED LEGAL ADVICE A WELL. IT IS ALSO OUR JOB TO HAVE TRAINED STAFF AND TECHNICAL RESOURCES AVAILABLE TO CARRY OUT THE

REQUESTS OF THE LEGISLATIVE COMMISSION, WE THINK THIS IS THE CASE TOO. WE SHOULD RECEIVE CENSUS MAPS WITHIN TWO WEEKS. WE WILL THEN DIGITIZE THEM, A PROCESS THAT WILL BE EXPLAINED IN A FEW MINUTES. THE ACTUAL DATA SHOULD BE PROVIDED BY MARCH 1. WITH CHECK OUT AND OTHER PREPARATION, WE WILL NOT BE READY TO RUN PLANS UNTIL ABOUT MID-MARCH. WE NOW COME TO THE QUESTION OF HOW THE STAFF AND RESOURCES ARE TO BE UTILIZED.

AT THE CONCLUSION OF BULLETIN 81-27, THERE IS A RECOMMENDATION RELATED TO THE USE OF STAFF RESOURCES. THAT IS NOW S.C.R. 1. THE SENATE GOVERNMENT AFFAIRS COMMITTEE HAS AMENDED THAT PROPOSED JOINT RULE TO TAKE OUT ANY REFERENCE TO INTRODUCTION OF BILLS. IT WILL READ ALONG THESE LINES:

"REQUESTS FOR STAFF WORK ON REAPPORTIONMENT BY THE RESEARCH DIVISION OF THE LEGISLATIVE COUNSEL BUREAU SHALL BE PROCESSED THROUGH THE ASSEMBLY ELECTIONS COMMITTEE OR THE SENATE GOVERNMENT AFFAIRS COMMITTEE."

AS PART OF THE STAFF STUDY ON REAPPORTIONMENT, WE SUGGESTED SOMETHING OF THIS NATURE. WITHOUT A PROCEDURE OF THIS SORT, STAFF RESOURCES WILL NOT BE VERY EFFECTIVELY USED. BY HAVING DIRECTION TO THE STAFF COME THROUGH EITHER OF TWO

COMMITTEES, WE SHOULD BE ABLE TO MAINTAIN SOME ORDER WITHOUT ANY INDIVIDUAL LEGISLATOR BEING DENIED THE OPPORTUNITY TO HAVE HIS PLAN WORKED ON. WITHOUT A RULE OF THIS SORT, THE WORK FOR THE RESPONSIBLE COMMITTEES COULD BE DELAYED. THIS RULE WOULD NOT PREVENT ANY LEGISLATOR FROM COMING TO OUR STAFF TO DISCUSS REAPPORTIONMENT IDEAS OR GET ANY DATA OR MATERIALS HE OR SHE WOULD WANT. IT WOULD ONLY REQUIRE THAT A REQUEST TO HAVE A PLAN RUN ON THE COMPUTER OR DRAWN UP GO THROUGH THE COMMITTEE IN EACH HOUSE. THE STAFF FEELS STRONGLY THAT WE NEED SOME SORT OF PROTECTION IN THIS REGARD.

LEST ANYONE FEAR THAT THERE IS ANY INTENT TO KEEP ANY LEGISLATOR FROM FULL PARTICIPATION IN THE REAPPORTIONMENT PROCESS, WE FELT IT WOULD BE HELPFUL AT THIS TIME TO POINT OUT THE SORT OF INFORMATION AND TOOLS THAT WILL BE AVAILABLE TO EVERY LEGISLATOR. THE MEMORANDUM YOU HAVE, DATED JANUARY 27, OUTLINES THIS MATERIAL. THE INTENT BEHIND THIS FULL ACCESS BY EVERY LEGISLATOR TO ALL MATERIALS IS STRONGLY SUPPORTED BY CHAIRMEN GLOVER AND GIBSON.

BEFORE I INTRODUCE FRED DUGGER, I'D LIKE TO TOUCH UPON TWO OTHER POINTS. FIRST, MANY OF YOU MAY HAVE READ OR HEARD

ABOUT SUPER SOPHISTICATED SYSTEMS AT PLACES LIKE THE ROSE INSTITUTE OR THE NEW YORK SYSTEM WHICH WAS ON DISPLAY DURING THE NCSL ANNUAL MEETING IN NEW YORK. THESE SYSTEMS CAN PRODUCE COLOR GRAPHICS AND THEY CAN TELL YOU ALL SORTS OF THINGS ABOUT THE VOTING PATTERNS OF DISTRICTS AS THEY ARE DRAWN. THE ROSE COMPUTER HAS ELECTION DATA ON BALLOT QUESTIONS AND CANDIDATES BY PRECINCT FOR ALL ELECTIONS SINCE 1970 IN CALIFORNIA. WE HAVE NOT OPTED FOR SUCH A SYSTEM FOR A COUPLE OF REASONS. THEY ARE EXTREMELY EXPENSIVE, PERHAPS \$500,000 FOR NEVADA. ALSO, USE OF SOME OF THE DATA IN SUCH SYSTEMS MAKES A PLAN MORE SUBJECT TO LEGAL CHALLENGE. FINALLY,, THE LEGISLATIVE COMMISSION WAS PRESENTED WITH THE RANGE OF POSSIBILITIES BUT NEVER MADE AN AFFIRMATIVE DECISION ON A NEW APPROACH. IN THAT EVENT, THE STAFF TOOK ACTION TO REBUILD THE 1971 CAPABILITY WITH IMPROVEMENTS.

THE LAST THING I WANT TO TALK ABOUT IS THE RELATIONSHIP BETWEEN CENTRAL DATA PROCESSING AND THE LEGISLATURE. THE LCB ENTERED A CONTRACT WITH CDP TO BRING UP THE PROGRAM AND DO THE ADDITIONAL PROGRAMMING WORK REQUIRED. THEY WILL ALSO PROVIDE THE TECHNICAL ASSISTANCE THAT MIGHT BE NEEDED THROUGHOUT THE SESSION. OUR STAFF, HOWEVER, WILL DO THE PLAN REQUESTS FROM A COMPUTER TERMINAL HERE IN THE BUILDING

SO CDP PERSONNEL WILL NOT BE HANDLING REQUESTS WHETHER FROM THE COMMITTEES OR INDIVIDUAL LEGISLATORS.

I'D LIKE TO HAVE FRED DUGGER, WHO IS MANAGEMENT SCIENCES SUPERVISOR FOR THE CENTRAL DATA PROCESSING DIVISON, DISCUSS WHAT THE COMPUTER WILL ACTUALLY DO FOR US. I'D LIKE TO POINT OUT THAT FRED WAS A KEY PERSON IN THE 1971 REAPPORTIONMENT AND WE'RE CERTAINLY FORTUNATE HE IS WITH US AGAIN.
FRED.

REAPPORTIONMENT PRESENTATION

Assembly Elections - January 27, 1981
Senate Government Affairs - January 28, 1981

I. Reapportionment - General

- A. Background
- B. Standards
- C. Decisions to be Made
- D. Process

(Andy Grose)

II. Computer Capabilities

- A. District Generation
- B. What Must Go In, What Must Come Out?
- C. Computer Logic as to Priorities
- D. Mapping

(Fred Dugger)

III. Second Congressional Seat

- A. How We Got It, Are We Sure We Can Keep It?
- B. Districting Standards
- C. Residency

(Andy Grose, Ken Creighton)

IV. Redistricting And The Local Election Official

(Dave Howard)

NEVADA STATE SENATE
1970 AND 1980 DISTRICT COMPARISONS

<u>District</u>	<u>1970 Population</u>	<u>1980 Population</u>	<u>1980 Ideal Size</u>	<u>1980 Deviation</u>
Washoe #1 (4 seats)	96,854	148,013*	159,236	- 7.05%
Washoe #2	24,214	45,857*	39,959	14.76%
Clark #1	25,787	41,086	39,959	2.82%
Clark #2 (7 seats)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Clark #3 (7 seats)	172,381	321,588*	279,713	14.96%
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Capital	22,350	51,614	39,959	29.17%
Western Nevada	22,099	32,406	39,959	-18.90%
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Northern Nevada	23,947	32,262	39,959	-19.26%
	<u>488,738</u>	<u>799,184</u>	<u>799,180</u>	

*Approximate only since small area figures to confirm 1980 district size are not available.

NOTE: With the exception of Clark #1, and possibly Washoe #1, there are no senate districts in the state that are within constitutional guidelines on deviation. Our largest variation currently is 59.43% while the maximum acceptable is 10%.

NEVADA STATE ASSEMBLY
1970 AND 1980 DISTRICT COMPARISONS

<u>District</u>	<u>1970 Population</u>	<u>1980 Population</u>	<u>1980 Ideal Size</u>	<u>1980 Deviation</u>
Clark 1-5	60,910	115,228*	99,897	15.35%
Clark 6	12,068	16,316*	19,979	-18.33%
Clark 7	12,070	16,317*	19,979	-18.33%
Clark 8-16	110,472	207,405*	179,811	15.35%
Clark 17-20	51,988	115,228*	99,897	15.35%
Clark 21-22	25,787	41,086	39,959	2.82%
Washoe 23-30	96,854	148,013*	159,832	- 7.39%
Washoe 31-32	24,214	45,857*	39,959	14.76%
33 (Rhoads)	12,602	16,145	19,979	-19.19%
34 (Marvel)	11,345	16,116	19,979	-19.34%
35 (Polish)	12,707	11,881	19,979	-40.53%
36 (Redelsperger)	13,279	16,061	19,979	-19.61%
37-38 (Rackley)				
(Dini)	22,099	32,406	39,959	-18.90%
39-40 (Bergevin)				
(Glover)	<u>22,350</u>	<u>51,614</u>	<u>39,959</u>	29.17%
	488,738	800,304**	799,166	

*Approximate only since small area figures to confirm 1980 district size are not available.

**Slight error due to use of preliminary figures.

NOTE: Clark 21 and 22 are within acceptable deviation. With minor adjustments between Washoe 23-30 and 31-32, Washoe County could be brought within limits. The rest of the state requires large scale alterations. The largest variation currently is 69.70 percent.

IDEAL DISTRICT SIZES FOR DIFFERENT SIZES
OF THE ASSEMBLY AND DISTRIBUTION
AMONG CLARK, WASHOE AND
BALANCE OF STATE

<u>No. of Seats</u>	<u>Ideal District</u>	<u>Clark</u>	<u>Washoe</u>	<u>Balance</u>
36	22,200	20.81%	8.75%	6.44%
37	21,600	21.39	8.99	6.62
38	21,031	21.96	9.24	6.80
39	20,492	22.54	9.48	6.98
40	19,980	23.12	9.72	7.16
41	19,492	23.70	9.96	7.34
42	19,028	24.28	10.21	7.52
43	18,586	24.85	10.45	7.70
44	18,163	25.43	10.69	7.88
45	17,760	26.01	10.94	8.05
46	17,374	26.59	11.18	8.23
47	17,004	27.17	11.42	8.41
48	16,650	27.75	11.66	8.59
49	16,310	28.32	11.91	8.77
50	15,984	28.90	12.15	8.95
51	15,670	29.48	12.39	9.13
52	15,369	30.06	12.64	9.30
53	15,079	30.63	12.88	9.49
54	14,800	31.21	13.12	9.67
55	14,531	31.79	13.36	9.85
56	14,271	32.37	13.61	10.02

IDEAL DISTRICT SIZES FOR DIFFERENT SIZES
OF THE SENATE AND DISTRIBUTION
AMONG CLARK, WASHOE AND
BALANCE OF STATE

<u>No. of Seats</u>	<u>Ideal District</u>	<u>Clark</u>	<u>Washoe</u>	<u>Balance</u>
15	53,278	8.67%	3.65%	2.68%
16	49,949	9.25	3.88	2.87
17	47,010	9.83	4.13	3.04
18	44,399	10.40	4.37	3.23
19	42,062	10.98	4.62	3.40
20	39,959	11.56	4.86	3.58
21	38,056	12.14	5.10	3.76
22	36,327	12.72	5.34	3.94
23	34,747	13.29	5.59	4.12
24	33,299	13.87	5.83	4.30
25	31,967	14.45	6.07	4.48

CENSUS/REAPPORTIONMENT TERMS

1. Enumeration District (ED) - The basic census unit used for all reapportionment work in 1971. It is approximately 600 people. In 1970, there were ED's in both rural and urban areas. In 1980, the census stopped using ED's in urbanized areas. They will still be used for the rural counties and the rural areas of urban counties.
2. Census Tract - All urbanized areas within Standard Metropolitan Statistical Areas (SMSA's) have been divided into tracts for several decades. For 1980, any city not within an SMSA but with at least 10,000 population could be tracted on request. Carson City did this. No other Nevada city of 10,000 or more people is outside an SMSA. Tracts can range from about 1,000 to 6,000 people.
3. Block - The smallest census enumerating area. Within a tracted area, every dwelling is assigned to a block and that block has an identifying number. Block populations will vary considerably but average about 125. Blocks don't always have drawn external boundaries although such boundaries can be inferred.
4. Block Group - This is a aggregate of census blocks averaging three blocks per block group. For urbanized areas, these block groups will be reported by the census and will be the basic units on the computer tape for urbanized areas that we will use for redistricting. Block groups will average from 300 to 400 people.
5. Census Districts - This is a term that the staff will use in referring to any census unit used in reapportionment whether block, block group, enumeration district or tract. We will do this to avoid confusion and because to legislators making the decisions, it is irrelevant what names are used for different census units.

6. Minor Civil Division (MCD) - In Nevada, these are the political townships (not to be confused with unincorporated towns). No enumeration districts, blocks, block groups or tracts will cross these lines.
7. Census County Division (CCD) - Statistical divisions of counties where there are no minor civil divisions.
8. Census Designated Place (CDP) - These are new for 1980. Working with states and local governments, the Census Bureau has separately counted many places that are unincorporated but for which census data would be very useful. The CDP program has also made possible the enumeration of population in many of the small unincorporated towns.
9. Incorporated Place - All incorporated towns and cities are separately enumerated whether in a rural or urban area.
10. Standard Metropolitan Statistical Area (SMSA) - Usually a central city of at least 50,000, the county or counties in which it is located and adjacent counties that are also metropolitan in character and are socially and economically integrated with the central city. Clark and Washoe counties are SMSA's. By 1990, it is probable that Carson-Douglas will also be an SMSA.

REAPPORTIONMENT POLICY QUESTIONS

The following questions must be considered and preliminary answers given prior to the first attempts to draw maps.

A. State Legislature

1. Size of each house?
(Maximum of 75 with senate at least 1/3rd of the assembly but no more than 1/2 the assembly.)
2. Single member, multi-member or mixed?
3. If the assembly is divisible evenly by the senate, should pairs of assembly districts be coterminous with a senate district?
4. Priority of political boundaries. Should county lines be adhered to and, if that is not possible, township lines?
5. Should population equality be tried prior to political boundary adherence, or vice versa?
6. Other considerations.

B. Congressional Seats

1. Greater Las Vegas and the rest of the state?
2. A split of Clark County so each district is statewide in character?
3. Other considerations.

C. Other Redistricting

1. Should university regents' districting be maintained along current lines? (Single member)
2. Should the state board of education districting be maintained along current lines? (Single member)

ARTHUR J. PALMER, *Director*
(702) 885-5627



FRANK W. DAYKIN, *Legislative Counsel* (702) 885-5627
JOHN R. CROSSLEY, *Legislative Auditor* (702) 885-5620
ANDREW P. GROSE, *Research Director* (702) 885-5637

January 27, 1981

M E M O R A N D U M

TO: Assembly Elections Committee
Senate Government Affairs Committee

FROM: Andrew P. Grose, Research Director

SUBJECT: Reapportionment Materials Available to All Legislators

It is the intent of the research division to make available to every legislator, upon request, the following:

1. Statewide township maps with population data.
2. Base maps of any part of the state with census districts overlaid.
3. Census district listings from computer tape by county which would include data down to the block group level.
4. Copy of the final count summary for the state. (Census publication)

In short, every legislator would have everything the staff has except direct access to the state computer.

As the session progresses, current displays of maps reflecting various plans will be maintained in room 243 and room 200. In addition, a weekly newsletter will be produced for all legislators to keep them informed of all reapportionment developments that take place each week.

APG/llp



Redistricting Still Plagued by Confusion

The road to congressional redistricting remains littered with obstacles, despite two Supreme Court orders last month enabling the Census Bureau to release its population figures.

There are still more than 20 court suits against the bureau, most of which demand that the national head count be adjusted for members of minority groups missed by census takers. The Supreme Court resolved none of these disputes; it merely allowed the bureau to report its numbers while waiting for the outcome of the court fights.

Beyond that problem lies a new round of litigation over the actual drawing of the districts. Plans for redistricting will be subject to court challenges in almost every state. Since 1970, the Supreme Court has reaffirmed its direction that congressional districts in a state be as equal in population as is "reasonably possible" — leaving districts with even the slightest population variation open to challenge.

Minority groups, better organized than they were ten years ago, are already planning to contest any plan that dilutes their representation. They will find willing allies in urban political leaders determined to limit the erosion of their constituencies. Common Cause, the citizens' group, has also promised to enter the process in an effort to "minimize political gerrymandering."

In such an environment, delays and detours are inevitable. As an attorney for the House Republican Research Committee put it, "A single federal judge can screw up the works."

Painful Scenarios

The most pessimistic prognosticators envision a maze of litigation preventing the 98th Congress from seating itself in January of 1983.

Not as farfetched is the possibility that the difficult and often painful process of redrawing the nation's 435 congressional districts will not be completed in time for the 1982 elections.

—By Alan Murray

The Last Few Seats in the House

If 7,300 more people had responded to the Census Bureau in Indiana last year, that state would be spared a painful political decision it now faces. And New York would be an even bigger loser than it seems likely to be. Every decade, the reapportionment process produces its share of near-misses and close calls. But it never gives any state credit for "almost."

For the last four decades, the 435 seats in the House of Representatives have been distributed among states by the method known as "equal proportions."

Every state is given one seat, and then a fixed formula churns out "priority numbers" for each state to get a second seat, a third seat, and so on. The priority numbers are listed in order, and states are given seats in that order until all 435 have been distributed.

This year, the last state under the wire was New York, which just missed losing six seats instead of five. Indiana just missed keeping its 11 seats, and is scheduled to drop to 10.

Ironically, New York is the state making the loudest plea for an adjustment in the census figures. State officials assume any adjustment for an urban undercount would help New York more than it would help most other states. According to the Census Bureau, however, it is highly unlikely that an adjustment would give New York another seat. For that to happen, New York would have to get a large adjustment while nearly all other states received small ones.

But, adds Census Bureau statistician Sam Davis, "It's hard to tell. Anything can happen." The formula works in funny ways, and even a small adjustment might be enough to shift a congressional seat from one state to another.

If the adjustment is minor and evenly distributed among states, any seat changes would probably involve the states listed below. These are the five which got the last seats, and the five which just missed getting an extra seat.

The last five seats went, in declining order of priority, to Kansas, Pennsylvania, Colorado, Ohio, Florida and New York.

The five on the "waiting list" are, in order of priority, Indiana, Georgia, California, Alabama, and Missouri.

In that case, states will probably have to follow the process outlined in federal law: Those states that have neither gained nor lost House seats will elect members from the old districts; states that have gained seats will also elect members from the old districts and fill new seats in at-large elections; and states that have lost seats will elect their entire delegation at large.

That prescription would be particularly painful in the states losing seats. It could, for instance, force an urban legislator like Rep. Benjamin S. Rosenthal, D-N.Y., to grub for votes in upstate New York.

But Rosenthal, like many others,

has confidence in the federal judiciary's ability to clear the roads in time for 1982 congressional elections. "The courts are responsible, and the courts will deal with the challenges expeditiously," he says.

Seventeen House seats are slated to shift from states in the Northeast and Midwest to those in the South and West. Census Director Vincent P. Barabba says that even if the courts force an adjustment of the figures, the state-by-state distribution of seats will change by one at most, and probably not at all. (Box, p. 71)

The result of the past decade of population changes, speculates politi-

State Population Totals, House Seat Changes

	1970 Pop. ¹	1980 Pop. ¹	% Change	1972 House Seats	1982 House Seats	1980 Seat Changes
Alabama	3,444,354	3,890,061	12.9	7	7	0
Alaska	302,583	400,481	32.4	1	1	0
Arizona	1,775,399	2,717,866	53.1	4	5	+1
Arkansas	1,923,322	2,285,513	18.8	4	4	0
California	19,971,069	23,668,562	18.5	43	45	+2
Colorado	2,209,596	2,888,834	30.7	5	6	+1
Connecticut	3,032,217	3,107,576	2.5	6	6	0
Delaware	548,104	595,225	8.6	1	1	0
District of Columbia ²	756,668	637,651	-15.7	—	—	—
Florida	6,791,418	9,739,992	43.4	15	19	+4
Georgia	4,587,930	5,464,265	19.1	10	10	0
Hawaii	769,913	965,000	25.3	2	2	0
Idaho	713,015	943,935	32.4	2	2	0
Illinois	11,110,285	11,418,461	2.8	24	22	-2
Indiana	5,195,392	5,490,179	5.7	11	10	-1
Iowa	2,825,368	2,913,387	3.1	6	6	0
Kansas	2,249,071	2,363,208	5.1	5	5	0
Kentucky	3,220,711	3,661,433	13.7	7	7	0
Louisiana	3,644,637	4,203,972	15.3	8	8	0
Maine	993,722	1,124,660	13.2	2	2	0
Maryland	3,923,897	4,216,446	7.5	8	8	0
Massachusetts	5,689,170	5,737,037	0.8	12	11	-1
Michigan	8,881,826	9,258,344	4.2	19	18	-1
Minnesota	3,806,103	4,077,148	7.1	8	8	0
Mississippi	2,216,994	2,520,638	13.7	5	5	0
Missouri	4,677,623	4,917,444	5.1	10	9	-1
Montana	694,409	786,690	13.3	2	2	0
Nebraska	1,485,333	1,570,006	5.7	3	3	0
Nevada	488,738	799,184	63.5	1	2	+1
New Hampshire	737,681	920,610	24.8	2	2	0
New Jersey	7,171,112	7,364,158	2.7	15	14	-1
New Mexico	1,017,055	1,299,968	27.8	2	3	+1
New York	18,241,391	17,557,288	-3.8	39	34	-5
North Carolina	5,084,411	5,874,429	15.5	11	11	0
North Dakota	617,792	652,695	5.6	1	1	0
Ohio	10,657,423	10,797,419	1.3	23	21	-2
Oklahoma	2,559,463	3,025,266	18.2	6	6	0
Oregon	2,091,533	2,632,663	25.9	4	5	+1
Pennsylvania	11,800,766	11,866,728	0.6	25	23	-2
Rhode Island	949,723	947,154	-0.3	2	2	0
South Carolina	2,590,713	3,119,208	20.4	6	6	0
South Dakota	666,257	690,178	3.6	2	1	-1
Tennessee	3,926,018	4,590,750	16.9	8	9	+1
Texas	11,198,655	14,228,383	27.1	24	27	+3
Utah	1,059,273	1,461,037	37.9	2	3	+1
Vermont	444,732	511,456	15.0	1	1	0
Virginia	4,651,448	5,346,279	14.9	10	10	0
Washington	3,413,244	4,130,163	21.0	7	8	+1
West Virginia	1,744,237	1,949,644	11.8	4	4	0
Wisconsin	4,417,821	4,705,335	6.5	9	9	0
Wyoming	332,416	470,816	41.6	1	1	0
United States ³	203,302,031	226,504,825	11.4	435	435	

¹ Figures are the Resident Population (excluding citizens living overseas) for 1970. 1972 apportionment was based on figures which included citizens living overseas.

² Figures are the apportionment population for 1982. These do not

include citizens living overseas.

³ The District of Columbia is not included in determination of apportionment.

⁴ Total population for 1970 and 1980 includes the District of Columbia.

sidered unwieldy by many states. Texas alone is spread across more than 2,000 Census map sheets. Additional data must also be acquired — not just the census figures, but a variety of demographic and political data to be used in drawing the districts.

The most difficult part of the process, however, is political. Although some states have bipartisan or purportedly non-partisan commissions to redraw state lines, final control is in the hands of state legislatures in at least 41 states, and every redistricting argument is the source of endless factional bickering.

A nationwide Republican campaign to win new statehouses in preparation for the critical redistricting process had little success in the November elections. Democrats still control 28 of the nation's state legislatures, while the Republicans hold only half as many.

Republicans, however, are already hard at work forming coalitions to protect their interests when the new lines are drawn. Highly sophisticated computers and computer programs will make the technical aspects of redistricting easier this time around to perform, according to Warren Glimpse, a private redistricting consultant. That advanced technology, however, may also make the political part of the process more complicated.

For example, more detailed and accessible census data will make it easier to look at the distribution of minorities in districts. Census Bureau figures will give separate counts for whites, blacks, Asians, American Indians, Hispanics and others.

That data, in turn, is certain to lead to more disputes and more court cases concerning minority representation. The courts have clearly prohibited *intentional* discrimination when drawing districts. And for regions that are covered by the Voting Rights Act of 1965, they have also prohibited drawing districts that have the effect of diluting minority voting strength.

Computer districting may also give new meaning to the Supreme Court's "one man, one vote" rulings, which require congressional districts within a state to be as equal in population as is "reasonably possible." Computers make it possible to draw districts with virtually no variation in population size. Districts drawn to such strict standards of equality, however, are more likely to ignore existing population boundaries, such as county or precinct lines.

Consultant Glimpse suspects that partisan squabbling will also be more bitter as a result of computer services. Using data on the voting histories of different areas, political parties will be able to discern with much more precision how a change in district lines could affect them. They may, as a result, debate over every line and corner on the district maps.

The greatest redistricting problems are likely to occur in states slated to lose House seats. Incumbent representatives will be cailing on their friends in the state legislatures to protect their districts, and debates over which districts are to be split apart will be heated.

New York faces the stickiest task in that respect. The state will lose five seats — more than any state has lost in a single census during this century — and it is under the control of a split legislature. The state Senate is dominated by Republicans, while the Assembly is Democratic.

New York has one of the most advanced redistricting computer setups in the nation — "a 'Star Wars' system," according to one consultant. But as state redistricting adviser Carl Carlucci points out, "computers don't make policy." Political powers will battle each other for primacy, and those battles are likely to be more messy and time-consuming than in the past.

Undercount . . . or Overcount?

If the courts uphold Judge Gilmore's order to adjust the census count, census statisticians will have to deal with two large problems.

First, testimony in Judge Gilmore's court last fall dealt largely with the 1970 census, in which the bureau's own research indicated census takers missed 2.5 percent of the population. More importantly, the bureau estimated it missed 7.7 percent of the nation's blacks, compared to only 1.9 percent of its whites. Census demographers arrived at their estimates of the 1970 undercount by matching the head count against birth, death, Medicare and immigration records and other demographic data.

But the 1980 census unexpectedly turned out to be slightly *higher* than the most recent estimate of the nation's population derived from demographic records, suggesting an apparent *overcount* rather than an undercount.

Bureau officials are not suggesting

their census takers counted more people than actually exist.

But Census Director Barabba says the discrepancy is strong evidence against the court suits claiming an undercount.

Demographers at the Census Bureau believe there is a hole in the demographic estimating technique. The estimates do not record illegal aliens. If illegal immigrants participated in record numbers during the actual census — and the Census Bureau spent thousands of dollars last year to encourage them to do just that — they could have canceled out an undercount among legal residents. The bureau might, in other words, have missed several million legal residents but made up for it in the national totals by counting roughly the same number of new illegal aliens.

The Census Bureau has no way of knowing how many illegal aliens participated in its count. But without such knowledge, any demographic attempt to estimate an undercount is questionable.

The bureau's technicians are toying with another method of calculating the undercount. That method compares the census totals to population estimates based on an intensive random sample of the population. But George Hall, the bureau's associate director for demographic fields, says Census demographers are even less comfortable with that method of estimation.

The bottom line, says Hall, is that "we do not know how to measure the undercount." But, he adds, if the courts say to adjust, the bureau will adjust.

The second problem with undercount adjustment would arise when the undercount is distributed among specific localities.

Judge Gilmore directed the bureau to adjust its figures at the "national, state and sub-state" levels. According to Hall, that means that where states require block-by-block figures, each block will have to be adjusted for an undercount.

If it uses the "synthetic method" of adjustment discussed during the court hearing, the bureau will determine the rate at which each population group was undercounted nationally and then adjust the count for that group by the same percentage in each locality.

For instance, if the nationwide undercount of black females, age 25 to 35, was five percent, then one black

Districts With Major Population Shifts

25 Top Population Losers

District	Incumbent	1980 Pop.*	1970 Pop.	Percent Change
New York 21 (South Bronx)	Garcia-O	238,948	467,582	-48.9
Michigan 13 (Downtown Detroit)	Crockett-O	285,502	465,076	-38.6
New York 12 (Northeast Brooklyn)	Chisholm-O	317,412	467,726	-32.1
Missouri 1 (North St. Louis)	Clay-O	351,173	468,056	-25.0
Ohio 21 (Cleveland — East)	Stakes-O	348,488	462,584	-24.7
New York 37 (West — Buffalo)	Nawak-O	359,550	467,759	-23.1
New York 14 (Northern Brooklyn)	Richmond-O	361,381	467,735	-22.6
New York 19 (Manhattan — Harlem)	Rangel-O	364,933	466,876	-21.8
Illinois 7 (Chicago — West Side)	Collins-O	364,650	464,283	-21.5
Illinois 1 (Chicago — South Side)	Washington-O	364,998	462,434	-21.1
Ohio 20 (West and Central Cleveland)	Oakar-O	377,812	462,480	-18.3
Pennsylvania 14 (Pittsburgh)	Cayne-O	387,676	470,537	-17.6
Pennsylvania 3 (Central Philadelphia)	Lederer-O	390,415	472,041	-17.3
Pennsylvania 2 (West Philadelphia)	Gray-O	389,486	470,267	-17.2
Michigan 1 (North Central Detroit)	Canyers-O	390,416	467,536	-16.5
Pennsylvania 1 (Philadelphia — south)	Foglietta-O	403,067	478,310	-15.7
Tennessee 8 (Memphis)	Ford-O	418,082	494,693	-15.5
Michigan 16 (South Detroit, Dearborn)	Dingell-O	396,125	467,168	-15.2
Illinois 5 (Chicago — central)	Fary-O	395,632	465,990	-15.1
Kentucky 3 (Louisville and suburbs)	Mazzoli-O	392,278	460,340	-14.8
Missouri 5 (Kansas City)	Boiling-O	399,526	467,457	-14.5
Maryland 7 (Baltimore — west, central)	Mitchell-O	419,701	487,832	-14.0
Minnesota 5 (Minneapolis)	Sabo-O	413,622	479,280	-13.7
Missouri 3 (South St. Louis, suburbs)	Gephardt-O	405,746	467,544	-13.2
Maryland 3 (Baltimore south and east, suburbs)	Mikulski-O	427,384	490,851	-12.8

25 Top Population Gainers

District	Incumbent	1980 Pop.*	1970 Pop.	Percent Change
Florida 10 (Fort Pierce, Fort Myers)	Bafalis-R	869,295	452,848	+92.0
Florida 5 (Clearwater, Orlando)	McCollum-R	863,071	452,965	+90.5
California 43 (San Diego area)	Burgener-R	865,345	464,325	+86.4
Texas 7 (Northwest Harris County)	Archer-R	867,537	466,336	+86.0
Florida 11 (West Palm Beach)	Mica-O	828,414	452,170	+83.2
California 40 (Southern Orange County)	Badham-R	775,424	465,254	+67.0
Arizona 4 (North Phoenix, Scottsdale)	Rudd-R	721,710	443,575	+62.7
Arizona 3 (Western Phoenix, Yuma)	Stump-O	712,457	443,201	+60.8
Florida 4 (Daytona Beach)	Chappell-O	707,622	452,076	+56.5
Texas 22 (Southern Harris County)	Paul-R	706,184	466,707	+51.3
Colorado 4 (North — Fort Collins)	Brown-R	662,120	442,024	+49.8
Texas 3 (North Central Dallas)	Collins-R	695,671	466,266	+49.2
Arizona 2 (South — Tucson)	Udall-O	659,077	443,117	+48.7
Colorado 5 (Colorado Springs)	Kramer-R	650,558	441,738	+47.3
Texas 21 (South Central — San Antonio)	Loeffler-R	677,041	466,753	+45.1
Texas 2 (East — Orange)	Wilson-O	673,947	466,565	+44.4
Georgia 9 (Northeast — Gainesville)	Jenkins-O	653,334	457,247	+42.9
Colorado 2 (Denver suburbs, Boulder)	Wirth-O	626,910	439,399	+42.7
Florida 8 (Lakeland, Sarasota)	Ireland-O	640,515	451,776	+41.8
Arizona 1 (Southern Phoenix, Mesa)	Rhodes-R	620,769	442,589	+40.3
California 1 (North — Chico)	Chappie-R	650,637	464,028	+40.2
Hawaii 2 (Honolulu suburbs, Outer Islands)	Akaka-O	571,087	407,794	+40.0
Texas 15 (South — Brownsville)	de la Garza-O	653,008	466,359	+40.0
Utah 1 (East — Ogden, Provo)	Hansen-R	740,188	529,688	+39.7
California 37 (San Bernardino, Riverside counties)	Lewis-R	643,313	462,640	+39.1

*Preliminary figures

female of that age would be added to every 20 included in a local count.

The validity of that method of adjustment declines with the size of the locality, statisticians say, and at the block level becomes absurd.

Carl Carlucci of New York speculates that if an adjustment is finally ordered, it will occur only at the state level for the purposes of determining the number of seats given each state. Separate, unadjusted figures would

then be used for drawing districts. "It would be tricky," he says, "but doable." Judge Guilmore's order, however, clearly requires "sub-state" adjustment, so that decision remains in the hands of the courts. ■

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



EXHIBIT L
LEGISLATIVE COMMISSION (702) 385-5627

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ARTHUR J. PALMER, *Director*
(702) 385-5627

FRANK W. DAYKIN, *Legislative Counsel* (702) 385-5627
JOHN R. CROSSLEY, *Legislative Auditor* (702) 385-5620
ANDREW P. GROSE, *Research Director* (702) 385-5637

January 27, 1981

M E M O R A N D U M

TO: Senate Government Affairs Committee and
Assembly Elections Committee

FROM: J. Kenneth Creighton, Research Analyst 

SUBJECT: Single Member Congressional Districts

Constitutional Requirements

As you know, the U.S. Constitution does not require representatives to be elected from districts. It only provides that:

No person shall be a Representative who shall not have attained to the age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen. (Article I, § 2, cl. 2)

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations * * * (Article I, § 4)

History of Congressional Requirements

In 1842 Congress enacted a regulation which required state legislatures in states with more than one Representative to divide the state into single member districts "composed of contiguous territory." This requirement was deleted in the apportionment act of 1850 but revived in 1862 and continued until 1929.

Congressional reapportionment did not take place following the 1920 census. As a result, new legislation was enacted in 1929 which provided for an automatic reapportionment following the 1930 decennial census, and for each decennial census after that, in case no action was taken by Congress. The Automatic Reapportionment Act of 1929, however, deleted the requirement for single member districts. There were no further regulations affecting congressional district boundaries until 1967.

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Present Requirements

Congress enacted legislation in 1967 requiring single member congressional districts in states with more than one Representative. Section 2c, title 2, United States Code states:

In each state entitled * * * to more than one Representative under an apportionment made pursuant to the provisions of section 2a (b) of this title, there shall be established by law a number of Representatives to which such state is so entitled, and Representative shall be elected only from districts so established, no district to elect more than one Representative.

In short, Nevada is required to have two congressional districts for the two congressional seats it has been apportioned.

KC/llp

ASSEMBLY

AGENDA FOR COMMITTEE ON ELECTIONS

Date Tuesday, Jan. 27 Time 1:30 p.m. Room 200

Bills or Resolutions
to be considered

Subject

Counsel
requested*

THIS AGENDA CANCELS AND SUPERSEDES THE PREVIOUS AGENDA
FOR THIS DATE.

Organization.

Technical aspects of reapportionment.

*Please do not ask for counsel unless necessary.