

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON GOVERNMENT AFFAIRS

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
January 28, 1981

The Senate Committee on Government Affairs was called to order by Chairman James I. Gibson, at 2:02 p.m., Wednesday, January 28, 1981, in Room 243 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator James I. Gibson, Chairman
Senator Jean Ford, Vice Chairman
Senator Keith Ashworth
Senator Gene Echols
Senator Virgil Getto
Senator James N. Kosinski
Senator Sue Wagner

GUEST LEGISLATORS:

Assemblyman John Polish

STAFF MEMBERS PRESENT:

Mr. Arthur J. Palmer, Administrative Director
Mr. Andrew P. Grose, Research Director
Mr. Ken Creighton, Research Analyst
Anne Lagé, Secretary

Reapportionment Presentation

Mr. Andrew P. Grose, Research Director, gave his presentation on reapportionment. See Exhibit C. The history of pertinent court cases was discussed. Mr. Grose then became more specific and explained the 1970 and 1980 district comparisons for the Senate and Assembly. See Exhibit D. He also presented data relating to the ideal district sizes for the Assembly and Senate. See Exhibit E. A list of terms which will be used when referring to reapportionment was also included. See Exhibit F. Finally, Mr. Grose advised the committee that

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they should begin to consider reapportionment policy questions which will necessitate answers prior to any attempts to draw maps. See Exhibit G.

In response to Senate Concurrent Resolution No. 1, Mr. Grose referred the committee to his memorandum enumerating the reapportionment material which will be available to all legislators. See Exhibit H.

Mr. Grose then introduced Mr. Fred Dugger, Management Sciences Supervisor for the Central Data Processing Division. Mr. Dugger explained that the computer program which will be used is basically the same one used in the last reapportionment, but with expanded capabilities. This year they will attempt to automate the entire mapping process, which was previously done manually.

Mr. Grose stated that the Census Blocks would probably be available by March 1. Chairman Gibson felt there would be a need for a map with the existing boundaries with an overlay of the new blocks.

Mr. Ken Creighton, Research Analyst, presented a memorandum which explained Nevada's second congressional seat. See Exhibit I. Also included were articles related to redistricting. It was pointed out that a person does not have to be a resident of the district in which they are elected. They only have to be a resident of the state.

Mr. Dave Howard, Chief Deputy Secretary of State, was introduced to give his insights on the impact of reapportionment on all districts in the state. He explained that local districts will realign their boundaries to correspond with the legislative boundaries. This may result in confusion for voters, but it will help to reduce election costs to the local areas.

SENATE BILL NO. 4

Establishes procedure for purchase and sale of real property by counties, cities and school districts for industrial development and housing.

Mr. John Polish, Assemblyman from District 35, introduced Mr. Michael Bourne, White Pine County Development Manager, to discuss Senate Bill No. 4. Mr. Bourne stated that under

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the current law, the only way a county, city or school district can convey land to a private party is through a public bid process. This has become a problem when trying to establish an incentive for industrial developers to build in White Pine County. Mr. Bourne stated that this bill would help eliminate this problem. With an industrial park development, there would be job expansion as well as an increase in the tax base. The provision that affordable housing be included in this bill was an added consideration, but Mr. Bourne stated that it could be deleted if its addition should become an obstacle for passing legislation with respect to the industrial park.

Mr. Al McNitt, Administrator for the Nevada Housing Division, stated that he was sympathetically in support of the needs of White Pine County and other areas to develop their industrial basis.

Mr. Ray Knisley, private citizen, spoke in opposition to Senate Bill No. 4. Although Mr. Knisley stated that he was aware of White Pine's problems, he felt that if this bill passed, there would be considerable abuses. He stated that property could be sold "dirt cheap" if bidding and appraisal procedures were eliminated. He also pointed out that affordable housing was an ambiguous term, as it could be construed to be any given amount. He felt there was not enough restriction on the powers that were being granted by the bill.

After considerable discussion with Mr. Bourne, Chairman Gibson assigned Senator Keith Ashworth to meet with Mr. Knisley, Mr. Hal Smith, Financial Advisor, and Mr. Bourne, to try to come up with a solution to this problem and perhaps rewrite the bill to deal solely with the industrial park.

SENATE JOINT RESOLUTION NO. 1 and SENATE BILL NO. ²~~1~~

Chairman Gibson introduced Mr. Ralph DiSibio, Director of the Department of Human Resources, who spoke in opposition to the above mentioned bills. He voiced his concern that this bill could interfere with their third party inspection system; a safeguard system for inspecting nuclear wastes which are intended to be sent to Nevada.

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Chairman Gibson stated that the persons responsible for this bill were from Boulder City and they should be allowed to appear to explain the purpose of these bills at a later hearing.

BILL DRAFT REQUEST NO. 36-365 (S.B. 123)

Creates council for seismic safety and makes various additions to law relating to seismic safety.

Chairman Gibson advised the committee that there was an Ad Hoc Committee appointed to work on the problems of seismic safety. This bill was an outgrowth of their study.

It was agreed to submit this bill for committee introduction.

There being no further business, the meeting was adjourned at 4:01 p.m.

Respectfully submitted by:

Anne L. Lage
Anne L. Lage, Secretary

APPROVED BY:

James I. Gibson
Senator James I. Gibson, Chairman

DATE: 28 January 1981

SENATE AGENDA

EXHIBIT A

COMMITTEE MEETINGS

Committee on Government Affairs , Room 243 .

Day Wednesday , Date January 28 , Time 2:00 p.m.

S. J. R. No. 1--Proposes constitutional amendment to prohibit laws, regulations or decrees which would require a resident to transact business with a particular person.

S. B. No. 2--Prohibits administrative regulations which would require contracts with specified persons.

S. B. No. 4--Establishes procedure for purchase and sale of real property by counties, cities and school districts for industrial development and housing..

Mr. Michael R. Bourn, White Pine County Development Manager.

Mr. Andrew P. Grose, Research Director, will report pertinent background information on reapportionment.

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. BOLTON 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 \$500,00 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.

EXHIBIT D

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 (2 seats)	50,981	65,859*	79,918	-17.59%
Clark #3 (7 seats)	172,381	321,588*	279,713	14.96%
Clark #4	24,139	32,635*	39,959	-18.33%
Capital	22,350	51,614	39,959	29.17%
Western Nevada	22,099	32,406	39,959	-18.90%
Central Nevada	25,986	27,864	39,959	-30.26%
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	51,981	65,859*	79,916	-17.59%
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.

EXHIBIT E

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)

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



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January 27, 1981

EXHIBIT H

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

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January 27, 1981

MEMORANDUM

EXHIBIT I

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.

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.

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



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-

cal scientist Norman Ornstein, will be a net national loss for Democrats of three to five seats.

"I don't think this is going to be as dramatic a blow to the Democrats as a lot of people think," says Ornstein. He points out that most of the states picking up new seats have state legislatures controlled by Democrats, and that these legislatures will attempt to minimize Republican influence when drawing new district lines.

But Richard M. Scammon of the Elections Research Center says the shift of seats from Democrats to Republicans is not so important as that from urban areas to smaller cities and suburbs.

"If you move a seat from a big city ghetto out to the suburbs, it doesn't make any difference if you elect another Democrat," says Scammon, who ran the Census Bureau during the 1960s. "Its the kind of Democrat you are going to elect. . . This is going to cut back on the representation of people who have been for liberal issues."

In those terms, the political impact of this round of redistricting is likely to be large. Dozens of urban congressional districts have lost population in the last decade to outlying areas. (Box, p. 73)

Slicing the Pie

The Census Bureau sent state population totals to President Carter on New Year's Eve, along with a calculation of the size of each state's new congressional delegation. (Weekly Report p. 4)

Starting in February, the bureau will begin to release much more detailed data, breaking down the nation's population, in some cases, as far as the city-block level. The bureau says it will release all figures by April 1, if allowed by the courts.

Those figures, however, will be "unadjusted." If the ruling of U.S. District Court Judge Horace Gilmore is upheld on appeal, the bureau will have to issue a whole new set of figures statistically adjusted to account for those missed by census takers. A hearing on the main undercount case

brought by the city of Detroit is scheduled in the 6th Circuit Court of Appeals for February. The Supreme Court is likely to review the case.

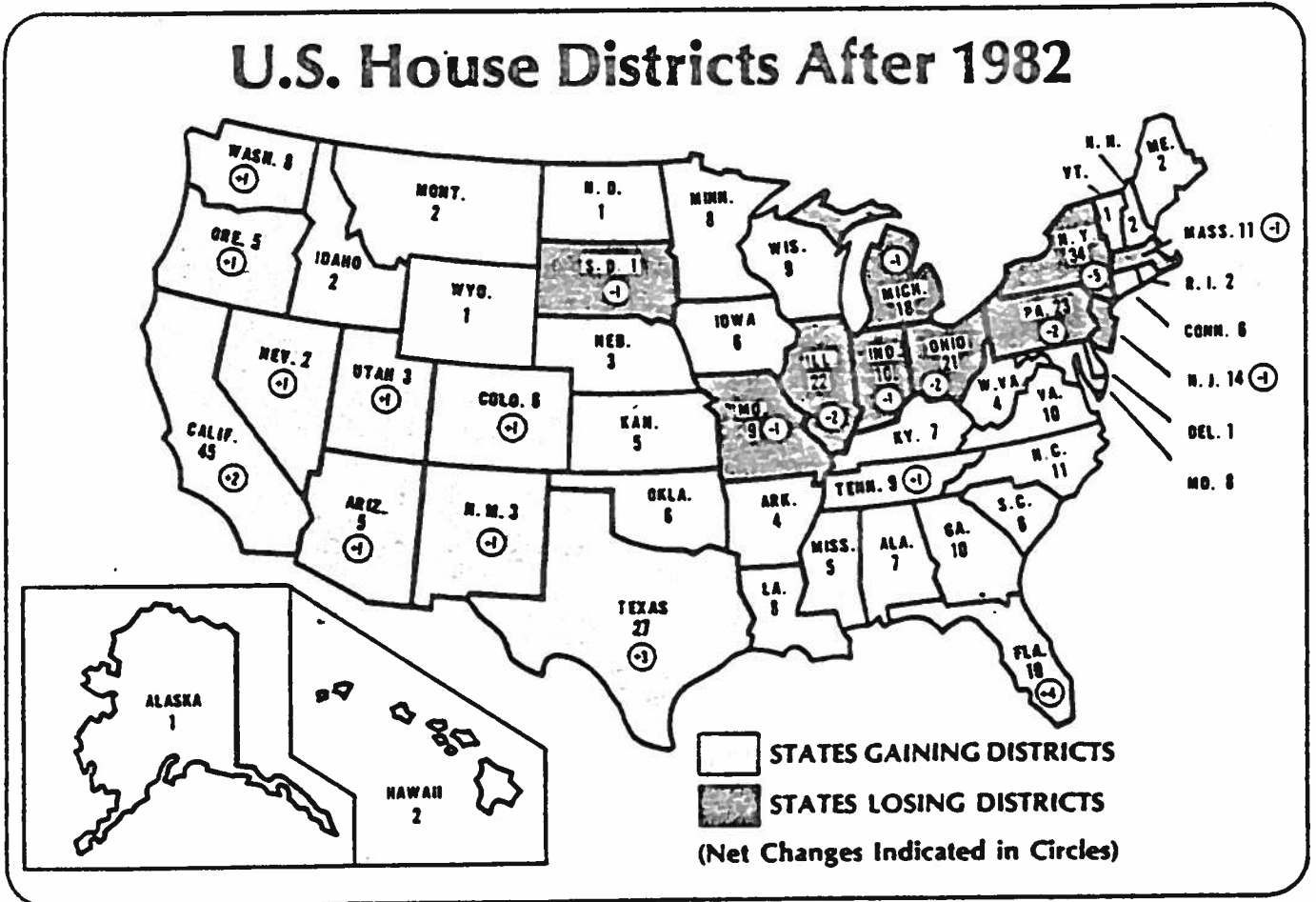
"I would think, realizing a decision is so necessary . . . the courts would want to have a decision very quickly," said Commerce Department attorney Philip Freije. He said the Supreme Court might consider the case before its summer recess, but could also decide to wait until the fall session in October.

A Supreme Court ruling on the Detroit case would probably resolve the adjustment controversy and eliminate most of the other suits against the census.

If the courts order an adjustment, however, the adjusted figures would not be available until November 1981, according to the Census Bureau — leaving little time for the difficult process of redistricting.

A Matter of Politics

The redistricting process is a complex one. The Census Bureau's maps take up 31,715 sheets and are con-



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 ¹	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 calling 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-D	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-D	351,173	468,056	-25.0
Ohio 21 (Cleveland — East)	Stakes-O	348,488	462,584	-24.7
New York 37 (West — Buffalo)	Mowat-O	359,550	467,759	-23.1
New York 14 (Northern Brooklyn)	Richmond-D	361,881	467,735	-22.6
New York 19 (Manhattan — Harlem)	Rangel-D	364,933	466,676	-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)	Oaker-D	377,812	462,480	-18.3
Pennsylvania 14 (Pittsburgh)	Coyne-O	387,676	470,537	-17.6
Pennsylvania 3 (Central Philadelphia)	Lederer-D	390,415	472,041	-17.3
Pennsylvania 2 (West Philadelphia)	Gray-D	389,486	470,267	-17.2
Michigan 1 (North Central Detroit)	Conyers-D	390,416	467,636	-16.5
Pennsylvania 1 (Philadelphia — south)	Foglietta-O	403,067	478,310	-15.7
Tennessee 8 (Memphis)	Ford-D	418,082	494,693	-15.5
Michigan 16 (South Detroit, Dearborn)	Dingell-O	396,125	467,168	-15.2
Illinois 5 (Chicago — central)	Fory-D	395,632	465,990	-15.1
Kentucky 3 (Louisville and suburbs)	Mazzoli-D	392,278	460,340	-14.8
Missouri 5 (Kansas City)	Bolling-O	399,526	467,457	-14.5
Maryland 7 (Baltimore — west, central)	Mitchell-D	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-D	427,884	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)	McCallum-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-D	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-D	712,457	443,201	+60.8
Florida 4 (Daytona Beach)	Chappell-D	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-D	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	466,733	+45.1
Texas 2 (East — Orange)	Wilson-D	673,947	466,565	+44.4
Georgia 9 (Northeast — Gainesville)	Jenkins-D	653,334	457,247	+42.9
Colorado 2 (Denver suburbs, Boulder)	Wirth-D	626,910	439,399	+42.7
Florida 8 (Lakeland, Sarasota)	Ireland-D	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-D	571,087	407,794	+40.0
Texas 15 (South — Brownsville)	de la Garza-D	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 Gilmore's order, however, clearly requires "sub-state" adjustment, so that decision remains in the hands of the courts.