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Legislative Reapportionment, Redistricting and the U.S. Census

by

Marshall L. Turner, Jr.
U. S. Census Bureau

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INTERNATIONAL FOUNDATION
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1101 15th STREET, NW 3rd
WASHINGTON, DC 20005

1101 15th Street, N.W., Third Floor, Washington, D.C. 20005



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F. Clifton White Resource Center
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for Election Systems
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When the Constitution for the United States was being framed in the late 18th century, the Nation's founders argued over how to balance representation in a manner that was equitable for the several states. Proportional representation by land area, relative wealth, and population were three factors considered for distributing seats in the House of Representatives for the new Congress.

"The Great Compromise" was the agreement that broke the stalemate. A national census was ordered to take place every year ending in "0". Federal tax would be levied on states in direct proportion to the state headcount, and the number of seats in the U.S. House of Representatives would also be in proportion to each state's population total. By balancing political power with tax burden, the framers of the Constitution sought to prevent "inflated" census counts by zealous state officials who might oversee local census operations.

Almost 200 years later, the U.S. Supreme Court handed down the "one-person, one-vote" decision, requiring that legislative districts be drawn as nearly equal in population "as practicable." This 1964 *Reynolds v. Simms* decision provided a second, legal requirement for the use of decennial census results in the U.S. electoral system. The 1964 Voting Rights Act added yet another dimension to the need for and use of census data in distributing voting representation across and among racial and ethnic groups in a city, county and state.

The result of these constitutional, legal and legislative actions has been to place great importance on the results of the census for the U.S. electoral system. Since the 1970 census,

many elected officials, at all levels of government, have challenged the census outcomes for their states or cities, claiming "undercounts" that diluted their political representation.

Against this backdrop, the Census Bureau has established and maintained a cooperative and continuing relationship with officials in all the state legislatures and many of the county and city governments. The key to this positive exchange has been the Bureau's proactive efforts to identify and work with these officials; to understand their redistricting data needs; and to make every attempt to meet those needs. After the 1970 census, state governors, legislators, major political parties, public interest groups and many others complained that access to 1970 data for redrawing legislative districts was difficult, expensive and slow. Further, the 1970 census did not furnish data for areas that could be used to aggregate population totals for the election precincts that were used to create legislative districts.

In 1971 Census Bureau officials began to meet regularly with officials of the National Legislative Conference that represented the interests of some 6,000 state legislators and with Maryland, Pennsylvania and Virginia Legislatures near the U.S. Census Bureau. The Bureau first asked these officials to tell us what was wrong with the 1970 census and what changes they felt we should make to serve the data needs for redistricting state and local legislative bodies. These and similar discussions had two major outcomes:

1. In early 1975, the Census Bureau announced through letters to each state legislature that it would offer states an opportunity to suggest how small census tabulation areas should be bounded so that they would more closely approximate local election precincts.

2. In late 1975, Congress amended the Census Law with Public Law 94-171 which specified a timetable for actions by the Bureau and the states:
 1. Four years prior to each national census the Census Bureau would transmit technical guidelines to the states, outlining how each state could suggest "visible" features for use in constructing census tabulation areas that would better coincide with election precincts used in redistricting,
 2. Three years prior to the census, each state choosing to receive precinct data from the next census would have to submit their precinct boundary information to the Census Bureau in accordance with its technical guidelines.
 3. By April 1 of the year following the census, the Bureau would transmit census population totals for all standard census tabulation areas (e.g., counties, cities, census blocks) - and for election precincts in participating states-to the governor and legislative leaders of each state.

In 1976, the year following passage of P.L. 94-171, Census Bureau officials met in each state with legislative leaders and governors' representatives to invite their participation in this new 1980 Census Redistricting Data Program. For the 1980 census, only 26 of the 50 states chose to take part in this Program. Concerned that awareness of this new Program was lacking, between

1981 and 1985, Census officials surveyed and met with state legislative leaders about their understanding of this program and revised the technical guidelines for participation to address state concerns. These efforts resulted in 46 states taking part in the 1990 Census Redistricting Data Program.

Redistricting Data From the Year 2000 Census

In 1991 and 1992, as it had done after the 1980 census, the Census Bureau surveyed state officials about the weaknesses and strengths of the 1990 Census Redistricting Data Program. The resulting "P.L. 94-171 Redistricting Data From the Year 2000 Census, A View From the States" documented states overall satisfaction with the 1990 Program at over 92 percent. The report has also led to some significantly planned changes as noted below.

The Census 2000 Redistricting Data Program will usher the Census Bureau into the Information Age in a major way. For the 1990 Redistricting Data Program, the Census Bureau needed 5 months, 300,000 paper maps, and hundreds of reels of computer tape to provide state officials with the census totals needed to redraw congressional and state legislative districts. For Census 2000, the Bureau plans to deliver all this information--and more--to state officials in a matter of weeks using the INTERNET. Population totals by race, voting age, and ethnicity for over 175,000 election precincts, 7 million census blocks, 3,000 counties, and over 30,000 places and towns will be transmitted via on-line systems directly to the computers in state legislatures. These publicly accessible data--filtered through internal "firewalls" at the Bureau--will be delivered in minutes so states can proceed to draft redistricting plans to meet state and court-imposed deadlines. Not only will the statistics for these many geographic areas be sent by INTERNET, thousands of large maps showing census blocks and election precincts will be

converted to digital images and emailed to majority and minority party leaders and governors in each of the 50 states.

As the post-2000 Census round of redistricting winds down in early 2002 for most states, the Census 2000 Redistricting Data Office will ask each state official to critique the delivery of the data and maps as the Bureau begins the cycle of planning for Census 2010.

*Marshall L. Turner, Jr. Chief of the Census 2000 Redistricting Data Office and managed that effort for the 1970, 1980 and 1990 censuses.