

Census 2010: Implications for Texas

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Every 10 years, the United States counts its population. This will happen again in 2010.

Figures from the decennial census, an event that has occurred every 10 years since 1790, are used in calculations to determine the number of U.S. House seats apportioned to each state and the boundaries of each state's congressional and state legislative districts and many local government districts. Also, the General Accountability Office found that 2000 Census figures influenced the distribution of 85 percent of federal obligations in grants to state and local governments.

With population increases and demographic shifts both nationwide and within Texas, changes in the sizes and boundaries of districts are likely. The stakes are high, with potential effects on federal funding and on which political party controls Congress and many statehouses.

This report reviews the purpose and methods of the U.S. Census and discusses its implications for Texas. It describes issues surrounding how people are counted and the potential effects of 2010 Census results on the redistricting of congressional and state legislative seats.

Use of census data

The U.S. Constitution, under Art. 1, sec. 2, and in the 14th Amendment, sec. 2, requires a census every 10 years in order to distribute among the states the 435 voting seats of the U.S. House of Representatives. Each state is guaranteed at least one seat. The remaining 385 are allocated through a mathematical formula using population figures derived from the census. Because the standard number of seats in the U.S. House has been 435 since 1913 — a number set

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in statute by the Permanent Apportionment Act of 1929 — distributing congressional seats among the states is a zero-sum game with winners and losers.

Population changes can affect the distribution of House seats and the allocation of almost \$600 billion a year in population-based funding to state and local governments. Following the 2000 Census, 18 states saw a change in the size of their congressional delegations, with 12 seats being reallocated.

Federal funding to states and local governments for transportation, economic development, emergency preparedness, public works, public health, public education, and other areas are distributed to state and local governments by formulas that are at least partially dependent on population figures.

Census workers have long tried to resolve errors in the final count, which can be caused by people who were never counted or who were counted more than once. In anticipation of the 2000 Census, policy debates focused on ways to produce a more accurate count of the U.S. population. Legislators, policy experts, and census officials offered different approaches, with some debate on which adjustment proposals would produce the most accurate results. Adjusting raw census data through statistical formulas and models and representative sampling to count certain populations were widely discussed. However, most of the controversy centered on whether or not such adjustments were allowable under the U.S. constitutional requirement to apportion U.S. House seats among the states based on population, which the U.S. Supreme Court has said requires an unadjusted count of the population. The Census Bureau uses alternative approaches to generate data for some purposes, but not for the reapportionment of congressional seats.

Effects of population shifts

The traditional census head count in 2010 is projected to yield a resident population in the United States of 309 million, reflecting growth of more than 9 percent since 2000. The ongoing U.S. population shift to the South and West and to urban and suburban areas is

expected to continue and to be reflected in 2010 census data. Bucking this trend is Louisiana, whose population still has not recovered from losses due to dislocation from hurricanes Katrina and Rita. As a result, as many as 14 states could see changes in the sizes of their congressional delegations, according to the National Conference of State Legislatures.

The Texas population now exceeds 24 million and is second only to the population of California, which has more than 36 million people. The Texas Department of State Health Services predicts that Texas will surpass 25 million during 2010. The state's largest areas likely will see the most growth, with urban

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counties expected to continue growing rapidly. While some predict that Texas may not have grown as much as previously expected, due to slower international and domestic migration into Texas brought on by the recent recession, others predict that population growth in Texas is likely to be robust regardless of this trend because of high birth rates.

During the last decade, most growth in Texas has occurred in South Texas, along the Interstate-35 corridor, or next to major metropolitan counties. The Panhandle and rural West and rural East Texas grew more slowly. Only a few of Texas' 254 counties are expected to have lost population or not to have grown at all. According to the Census Bureau, 10 of the 25 fastest-growing U.S. counties are in Texas: Harris, Tarrant, Bexar, Collin, Dallas, Travis, Fort Bend, Denton, Williamson, and Hidalgo. The recent recession has slowed the growth of suburban areas somewhat by decreasing movement away from large, established cities.

Two factors are behind Texas' population growth — net migration into the state and a high birth rate. The biggest contributing factor to Texas' growth is net migration, both domestic and foreign, to Texas. Texas also has a high rate of natural growth, which means more births than deaths. Almost three-fourths of Texas' recent population growth is attributable to increases in racial and ethnic minorities, who account for most of the migration and Texas' high birth rate, according to the Texas State Data Center. The State Data

Center estimates that 60 percent of all Texas births are Hispanic/Latino.

The Texas Legislative Council expects the ideal, or average, district populations for U.S. congressional, state legislative, and State Board of Education (SBOE) districts in Texas to increase significantly, especially since the number of legislative and SBOE districts will not change. An ideal district population is determined by dividing the population of the state by the total number of a certain kind of district. Because some districts are expected to have higher levels of growth than other areas, district boundaries will have to be redrawn in order to equalize their populations. High-growth districts will have to relinquish constituents to low- or no-growth districts and to loss districts. Geographic regions with the most growth may gain new districts, while other regions may lose them. Such boundary changes necessarily will affect even districts with constituent populations close to the new ideal. Some regions that have seen little or no growth in population might be folded into districts covering other regions.

Texas, which gained three U.S. House seats in 1990 and two in 2000, is expected to gain either three or four in 2010, according to the National Conference of State Legislatures.

Taking Census 2010

The 2010 Census will determine the population of the United States as of April 1, which is known as Census Day. The Census Bureau must complete the national and state counts by December 31 and report them to the president. Within the first week of the next session of Congress that follows completion of the census, the president must report to Congress each state's population and the number of representatives to which each state is entitled. Each state is awarded at least one congressional seat. Since 1941, the bureau has apportioned the remaining 385 seats by means of a complex formula that works to ensure that congressional seats represent as equal a number of people as possible. This formula is enshrined by federal law, and the wide

“Ideal” district size grows

The average U.S. House district now contains 646,946 people. After the 2010 census, that number is expected to rise by 9.7 percent, to about 710,000 people.

In 2001, the “ideal,” or average, population of each Texas congressional district was 651,619, based on 32 districts. The Texas Legislative Council projects that the ideal district population in Texas for 2011 would be between 690,000 and 700,000 if Texas were allotted 35 congressional districts. The ideal congressional district population would be between 670,000 and 680,000 if Texas were allotted 36 seats.

In order to preserve the “one person, one vote” principle, where each person's vote for a representative is as equal as possible, congressional districts must have populations that are as equal as practicable within each state. State lawmakers will have some leeway in designing state legislative districts, as courts generally have allowed these districts to have up to a 10 percent difference in the population between the highest and lowest populations for legislative districts.

The Texas Legislative Council projects that the ideal Texas House district population will rise from 139,012 in 2001 to between 160,000 and 165,000 in 2011. The ideal Texas Senate district population in 2001 was 672,639. For 2011, it is projected to be between 780,000 and 784,000. These increases represent a presumed population growth rate of between 16 and 18 percent. If Texas' congressional delegation grows from 32 to 35 or even 36, each of the 31 state senators will continue to represent more constituents than will a member of Texas' U.S. House delegation. This gap will have increased since it first appeared after the 2000 Census. It is a result of an increase in Texas' number of seats in the U.S. House of Representatives and the static number of Texas state senators.

discretion of Congress to allocate seats has been upheld by the Supreme Court in *Department of Commerce v. Montana*, 503 U.S. 442 (1992).

Counting people. The goal of the census is to tie each person to the geographic location of their usual residence as of April 1, 2010. A usual residence is where a person resides for more than six months of the year. People without such a residence will be counted wherever they are on April 1, 2010. According to the Texas State Demographer, each person not counted in Texas will result in a loss of \$13,500 in federal funds over the next decade to Texas state and local governments.

The Census Bureau has counted illegal immigrants since 1790, as the Constitution requires a full count of all persons. The homeless also are counted where they are on April 1. The census has a service-based enumeration program for those without conventional housing. Census workers will visit shelters, known outdoor camps, soup kitchens, and mobile food units to determine who is tied to those locations and services.

The census has special rules and procedures for counting people who live in group quarters, such as college dorms, nursing homes, prisons, and military barracks. People who live in group quarters will be counted as residing there. The administrators of these facilities will fill out the necessary information and

Counting citizens and non-citizens

While the U.S. Constitution requires the census to count everyone in each state, Sen. David Vitter, R-LA, has proposed that the 2010 Census count only U.S. citizens and documented resident aliens, while excluding illegal immigrants. Under the Constitution, Art. 1, sec. 2, and in the 14th Amendment, Congressional districts are to be reapportioned based on a count every 10 years of the “whole number of persons” in each state. The 2010 Census form, finalized in early 2009, does not include a question about citizenship. The census tracks citizenship information in other ways, including the 2006-2008 American Community Survey (*see page 7*).

If the census excluded illegal immigrants, Texas would receive only one additional U.S. House seat, rather than the three or four it would expect to gain from a count of both citizens and non-citizens. California would lose five seats, and New York and Illinois each would lose one, according to a study by demographers at Queens College of the City University of New York. Iowa, Louisiana, Michigan, and Pennsylvania would be spared the loss of a seat expected to occur with a count of all people resident in the United States. Indiana, Montana, North Carolina, Oregon, and South Carolina each would gain one seat if illegal immigrants were excluded from the count.

Supporters of excluding illegal immigrants from the census count say the constitutional directive to “count ... the whole number of persons in each state,” found in the 14th amendment, should include only citizens and legal residents. They say including undocumented immigrants amounts to a transfer of congressional seats from those states with fewer undocumented immigrants to states with large undocumented immigrant populations. Supporters point to debates in the past about whether to count people as diverse as Native Americans, sailors on merchant vessels at sea, and Mormon missionaries stationed abroad as evidence that the question is not a settled one and that changes in who is counted are still up for discussion.

Opponents of excluding illegal immigrants from the census count argue that the census always has included every person in the country, going back to the first census in 1790, and that a change would delay the 2010 results. Reprinting census forms, reprogramming computers and scanners, and other changes would cost hundreds of millions of dollars. It also likely would discourage illegal immigrants and their families and friends who might be legal residents or citizens from participating because of a fear that cooperation with the census might lead to deportation or criminal sanction. Members of Congress represent all people in a state or district, regardless of whether they are eligible to vote, including minors, felons, and non-citizens.

submit it to the census on behalf of the residents. Group quarters can be difficult because they often give rise to over-counts, where a person is counted twice — once at the place they consider a permanent address and again at their group home. A common example is college students who are reported by their college dormitory administrators and then reported again by their parents at their homes. The census has targeted these groups for educational outreach to reduce the number of over-counts.

In 2001, the 77th Texas Legislature considered but did not enact HB 2639 by Dutton. The bill would have mandated that the comptroller adjust U.S. Census figures so that people incarcerated in local, state, and federal facilities be counted at the last address before incarceration or admission instead of at the institution where they lived on April 1 of a census year, and that the adjusted figures be used for redistricting purposes.

Supporters of HB 2639 said that inmates' hometowns should not be penalized when their residents must leave to be incarcerated for a criminal offense. In the same way, the benefits of inmates' census participation should not follow them to another location whose population is inflated artificially by the presence of a prison. Opponents of the bill argued that Texas should not deviate from the long standing federal standard that allocates resources and representation to where people actually are present. The idea of extrapolating inmates to their permanent residences has even less justification in light of longer sentences and reduced parole since it may be years before inmates return to their previous homes. HB 2639 was reported favorably by the Elections Committee, but failed to pass on second reading in the House.

At the direction of Congress in 2006, the Census Bureau studied the issue of counting prisoners at their permanent home of record rather than the location of their incarceration. It concluded that such an adjustment would result in substantially higher costs and decreased accuracy, especially concerning prisoners with no valid home address.

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Other Americans abroad are not counted. The General Accountability Office and the Census Bureau have studied different ways of counting Americans abroad. In 2004, the Census Bureau designed and planned test counts that would have counted Americans living abroad in France, Kuwait, and Mexico. Congress stopped the effort because of concerns about feasibility, data quality,

and cost. Other efforts in Congress have sought to require that specific groups besides federal employees be counted. Some of these groups are so numerous that they could affect redistricting outcomes. For example, lawmakers from

Utah argue that the state missed out on an additional congressional seat because the approximately 11,000 Mormon missionaries abroad were not counted in the 2000 Census.

Preparation. The Census Bureau is tasked with counting everyone and tying each person to the correct location so that congressional representation and federal funds can be divided fairly. Doing so requires long-term advance preparation. In 2006, the Census Bureau conducted tests in Austin, Texas, and on the Cheyenne River Sioux Reservation in South Dakota. These tests provided valuable data on attempts to update address lists and on the effectiveness of bilingual questionnaires. Census workers also were able to test hand-held GPS devices as they updated addresses. In 2008, the Census Bureau conducted dress rehearsals in which census workers directly gathered data from households by going door to door in Fayetteville, N.C., and San Joaquin County, Calif. In the past, such practice runs were used to study under- and over-counts of populations. This time, the Census Bureau has used them primarily to test new data-gathering techniques and technologies.

A major part of census preparation is maintaining a master file that lists the addresses of all living quarters in the United States. Congress enacted legislation in 1994 to allow the Census Bureau to obtain postal address lists and combine them with the 1990 census address list for residences with city-style number and street-style addresses. Non-city-style addresses are incorporated by hiring temporary census workers to locate, record, and place each residence on a map. U.S. Postal Service letter

carriers were to verify the accuracy of these lists about three months before the census.

In Texas, census officials invited 1,422 local governments to help in this process through the Local Update of Census Addresses program, and 499 local governments responded. These state and local officials are helping the Census Bureau to locate and map hard-to-count areas. Officials in the Census Bureau's Dallas Regional Office, the Texas Attorney General's Office, the Texas State Data Center, and various cities and counties are working to identify and target these areas in hopes of improving coverage.

Texas also is cooperating with the Census Bureau on the Redistricting Data Program. In Phase 1 of the program, local and state officials suggested topographic and geographic features, such as major roads and bodies of water, that would define census blocks, the smallest unit of census geography. In Phase 2, begun in January 2009, the state identified legislative districts and voting tabulation districts (census blocks approximating election precincts) and now is verifying

district boundaries on census maps. This phase should be completed by May 2010. Phase 3 is the delivery of census redistricting data — also known as “P.L. 94-171 data,” for the federal law requiring its release — and is scheduled to occur by April 1, 2011.

Hiring census workers. The U.S. Census Bureau hopes to recruit 1.2 million temporary workers to gather and compile census data. The workforce will have a slogan for the 2010 Census: “It’s in our hands.” Across the nation, census workers will be paid between \$8 and \$24 an hour, based on position and the prevalent wage scales in the area. The temporary jobs will start in March and last between five and 10 weeks. In Texas, the Census Bureau has established 39 regional offices. The Census Bureau has budgeted for 84,000 temporary-worker positions in Texas. Most of them will work as enumerators, going door to door to gather data on Texas households.

The primary qualifications for census work are knowledge of the local area and availability. Most of the positions are for door-to-door census takers, known

Census 2010 Timeline

2009	Fall	Ongoing recruitment begins for census workers needed for peak workload in 2010.
2010	Jan. – Feb.	Paid media advertising begins with a focus on raising awareness of the census.
	March	Census forms are mailed or delivered to households. Paid media advertising begins to focus on messages to encourage completion and returning of census forms.
	April	National Census Day is April 1. It will be used as the official point of reference for completing census forms. Census takers will begin visiting households that did not return a census form by mail.
	May – July	Census takers continue to visit households that have not yet returned a census form. Paid media campaign will explain non-response follow up and alert the public to the presence and function of census workers in their neighborhoods.
	December	By law, the Census Bureau delivers population information to the president for purposes of apportionment of seats in the U.S. House of Representatives.
2011	March	By law, the Census Bureau completes delivery of redistricting data to states.

as enumerators, who follow up on residents who do not return the initial mailed questionnaire. Because the enumerators have the best chance of reaching people at home in the evenings, most shifts are for late afternoon and evening work. All applicants must successfully pass an FBI background check, and all hired workers will be fingerprinted in order to protect the public. In most cases U.S. citizenship is required, although some exemptions are made for documented workers who have special skills, such as a needed second language like Spanish. Prospective applicants can learn more about census jobs at <http://2010census.gov/2010censusjobs/>. Census 2010 does not plan a major advertising campaign for these jobs because they expect to fill them easily.

Collecting data. Beginning in March of 2010, the Census Bureau will mail a 10-question form to each household in every county (*see census form, page 11*). For Census 2010, the Census Bureau will not use a “long form.” In the past, one in six homes received the long form, a multi-page questionnaire that gathered detailed information about people living in the United States. Census 2010 will use only a 10-question short form in the hope that a shorter questionnaire will be easier to fill out and will be more likely to be sent back. The Census Bureau estimates that it should take about 10 minutes to complete the form. This change is intended to increase the response rate, and thus the accuracy, of the census. Replacement questionnaires will be sent to low and medium response areas, with visits by census workers to non-responding households starting in late April and early May.

Because census data quickly become outdated, the Census Bureau has moved toward continuous measurement to fill statistical gaps more often than every 10 years. The Census Bureau now collects detailed information about households through the American Community Survey, rather than through the long form. The American Community Survey consists of annual and multi-year estimates of demographic and economic data generated by monthly sampling of the populace.

The Census Bureau touts the American Community Survey for its increased sampling options and flexible design and content, as well as for providing for more frequent evaluation of data. Specifically, the bureau hopes that the American Community Survey will:

- allow more effective targeting of neighborhoods that require assistance, such as those with a certain percentage of non-English speakers;
- simplify census data collection and processing by replacing the long form;
- improve coverage by continuously updating address lists through regular interaction with local officials;
- spread the decennial census budget more evenly over the decade;
- apply newer and improving sampling and statistical techniques to fresher information for more useful and accurate data; and
- establish a cadre of professional, experienced field representatives in hard-to-count areas.

American Community Survey data can be accessed online at <http://factfinder.census.gov/>.

Census 2010 will not collect data from households on line. While the Census Bureau is exploring ways to collect data or have households submit their census forms electronically, it has not yet devised a way to do so that would adequately protect both the integrity of the data and the privacy of households being surveyed. The Census Bureau also has determined in initial experiments that on-line reporting does not increase the response rate, nor does it lead to cost savings when compared to traditional data-gathering techniques.

Outreach. Census 2010 will employ a massive language outreach program, with bilingual forms in English and Spanish being sent to about 13 million households. They will be sent to groups of households where a certain percentage of the population is considered to be linguistically isolated. A household is determined to be linguistically isolated when someone in the household over the age of 5 does not speak English at home. Households will be able to request a

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census form in one of six languages: English, Chinese-Simplified, Korean, Russian, Spanish, and Vietnamese. Promotional outreach campaigns will be conducted in 28 languages. Language assistance guides to help with completing the census form will be published in 59 languages. Finally, Census 2010 will directly offer or will partner or contract with organizations that offer language assistance in 101 languages. Census 2010 will use paid advertising, public-private partnerships, cooperation with national and local community organizations, and dial-in call centers to reach as many hard-to-count households as possible.

The advertising campaigns and linguistic assistance programs will have several goals. One will be the effort to raise awareness that the census is coming and what it is. Another will be encouraging households to complete the census form. The link between a full count and community funding and representation will be emphasized. The campaigns also will stress that the data are confidential. Finally, the campaigns will emphasize returning the census forms.

Because census data are self-identifying, the goal of Census 2010 language programs will not be to tell households how to fill out the form, but to understand the form and fill it out according to the way the members of the household identify themselves. Another aspect of the outreach program is targeted to educating recent immigrants about how the census is taken in the United States, as opposed to how it may have been conducted in countries in which they formerly lived. All of the outreach is an attempt to create as accurate a count as possible.

Census 2010 is strongly encouraging the formation of state, regional, and local “complete count committees.” A complete count committee is a group of community and government leaders who work to build awareness of the census and its importance. The Census Bureau hopes that complete count committees will provide the cultural and community insights necessary to build awareness of the 2010 Census by working to educate both the community and the local census office. It also is hoped that when local leaders espouse the importance of being counted, more households will return their census forms. Most major Texas cities and counties have complete count committees. While 37 states have statewide committees, Texas does not.

Census 2010 also has partnered with private groups to raise awareness of the census. A Spanish language telenovela, or soap opera, is incorporating census themes into its stories. The PBS children’s television program *Sesame Street* has produced segments on the census. A “Census in the Schools” curriculum will be offered to school districts to educate school-age children about the census. The goal of the program is to provide children with a basic understanding of what the census is, why their household should fill out and return its census form, and the confidentiality of the data.

Adjusted and traditional counts. The U.S. Supreme Court ruled in 1999 in *Department of Commerce v. House of Representatives*, 525 U.S. 316, that only an unadjusted head count may be used in reapportioning the 435 U.S. House seats among the states. The counts used for apportionment cannot reflect the use of statistical sampling to adjust for over-counting or under-counting. Alaska, Arizona, Colorado, and Kansas have enacted legislation barring the use for redistricting of census figures that have been statistically adjusted to account for groups presumed to have been undercounted.

Sampling currently is used to study general demographics and population trends, but the federal government has not determined whether to use the adjusted data for funding purposes in upcoming budgets. According to an October 2007 report by the U.S. General Accountability Office (GAO), *2010 Census, Population Measures Are Important for Federal Funding Allocations*, Texas and several other states would stand to gain millions of dollars a year in federal funding if adjusted population figures, rather than a head count, were used in spending allocation formulas to account for those not counted by the census.

For example, the GAO examined allocations of Social Services Block Grants, which are distributed solely on the basis of population. Under statistical correction, Texas would stand to see a .51 percent increase in Social Services Block Grants from the federal government. The District of Columbia would see the largest increase with a gain of 2.05 percent, while Minnesota would see the largest decrease, with a loss of 1.17 percent. The GAO points out that, under statistical correction, only \$4.2 million or .25 percent of the \$1.7 billion allocation of Social Services Block Grants would have been reallocated.

Redistricting

Post-census redistricting of congressional and state legislative districts has become commonplace for state legislatures since a series of U.S. Supreme Court rulings in the 1960s established the principle of “substantial equality of population” among electoral districts.

The Census Bureau plans to ship each state its specific census data by April 1, 2011. Once legislative and executive leaders have confirmed their receipt of the

data, the bureau will post the data on its American Fact Finder site on the Internet, at <http://factfinder.census.gov>.

Texas lawmakers will have access to redistricting data and software through the Legislative Council. Legislative offices will be able to access the redistricting application (RedAppl) through their Capitol offices’ computers and by appointment in the Legislative Council offices. RedAppl can generate maps that have detail at the level of census blocks tabulated by race,

Congress considers U.S. House vote for D.C.

In February of 2009, the Senate passed a bill granting full voting representation to Washington, D.C., in the U.S. House of Representatives. The bill, SB 160, passed the Senate after an amendment was added that would ease restrictions on gun ownership and possession in the District of Columbia. The House has not taken up the bill. Washington, D.C., currently sends a delegate to the House who may introduce legislation and vote in committee but may not vote on measures before the entire House. SB 160 would not give D.C. representation in the Senate.

SB 160 would increase the size of the House from 435 to 437. The two new seats would provide a seat for D.C. with full voting rights and an additional seat for Utah. Utah officials contend their state missed out on an additional congressional seat after the 2000 Census because of an undercount.

If SB 160 were enacted, it could face an immediate challenge to its constitutionality. Some argue that direct representation for Washington, D.C., legally can be achieved only by amending the U.S. Constitution, as was done in 1981 to allow D.C. residents to vote for president and vice president. The Constitution allows representation in the House of Representatives only to the “several states,” and Washington, D.C. is a federal district, not a state. Others say the Constitution grants Congress extensive legislative powers over the district in Art. 1, sec. 8, and that Congress’ powers over taxation, the due process of individuals, and interstate commerce provide further constitutional authority to enable the federal government to grant full representation in the House.

Supporters of granting full voting rights to Washington, D.C. in the U.S. House of Representatives say that it would correct centuries of injustice. About 600,000 district residents currently do not have representation in Congress equal to that of citizens of the states. Supporters say America is the only democracy in the world that denies the citizens of its capital city the right to voting representation in their national legislature.

Opponents of granting full voting rights to Washington, D.C. in the U.S. House of Representatives say there are better ways to grant district residents full voting representation. One alternative would be to allow Maryland to annex most of the district, except for certain federal buildings, thus allowing its citizens full representation in the House and the Senate through Maryland’s congressional delegation. Other proposals included simply allowing district residents to vote in Maryland. Maryland is the appropriate route for representation, opponents of the bill argue, because Maryland was the state that originally ceded the territory that the current district occupies.

Hispanic surname, and voting age. The Legislative Council also provides a program called DistrictViewer that displays and overlays interactive maps and related information. DistrictViewer is available to the general public on the Internet, at <http://gis1.tlc.state.tx.us/>. These programs will provide a better visual representation of how given geographic areas are affected by different redistricting plans and also allow for easier comparisons of different criteria and layouts.

Legislative deadlines. When the 82nd Texas Legislature convenes in January 2011, it will be tasked with redrawing boundaries for legislative, congressional, and State Board of Education districts. P.L. 94-171 requires the Census Bureau to supply the states with detailed redistricting data no later than 12 months after the census is taken. For Census 2010, that will be April 1, 2011.

When the 82nd Texas Legislature convenes in January 2011, it will be tasked with redrawing boundaries for legislative, congressional, judicial, and State Board of Education districts.

Art. 3, sec. 28 of the Texas Constitution requires completion of legislative redistricting during the regular session following publication of the census. The courts have interpreted this provision to mean the regular session during which census data are released (see Attorney General Opinion DM-6, February 27, 1991). The regular session in 2011 must end by May 30, 2011.

Under Art. 3, sec. 28, if the Legislature does not enact a valid redistricting plan for the House or the Senate during the regular session, then the task falls to the Legislative Redistricting Board — composed of the lieutenant governor, the speaker of the House, the attorney general, the comptroller, and the land commissioner. The board must meet within 90 days of the end of the regular session and, within 60 days of convening, must adopt its own House or Senate plan. The Legislative Redistricting Board's duty to redraw district boundaries is invoked not only if a House or Senate plan is not enacted by the Legislature during the regular session, but also if an enacted plan is vetoed or held invalid by a court or the U.S. Department of Justice under the federal Voting Rights Act.

The Legislative Redistricting Board has no jurisdiction over congressional redistricting, which is not addressed in the Texas Constitution. U.S. constitutional

“one person, one vote” equal-population requirements and the need to accommodate any additional U.S. House seats apportioned to Texas will mean that congressional districts must be re-drawn using the 2010 census figures in time for the 2012 elections.

Unlike state House and Senate redistricting, the Legislature may consider congressional redistricting during a special session should it fail to enact a valid redistricting plan during the regular session or if a legislatively enacted plan subsequently is invalidated. The governor decides whether to call a special session for that purpose.

If the Legislature does not enact a valid redistricting plan in time for the 2012 elections, then a federal court likely would draw the plan. In 2001, when the Legislature did not enact a congressional redistricting plan during the regular

session and the governor did not call a special session for the Legislature to complete that task, a three-judge federal panel set the congressional district boundaries used for the 2002 election. After much controversy, the Legislature in 2003 replaced the federal-court plan and, using 2001 census figures, drew its own congressional redistricting plan, which after partial modification by the federal courts remains in effect today.

Because Texas is a jurisdiction that falls under the pre-clearance provisions of Section 5 of the federal Voting Rights Act, any redistricting plan the state enacts must withstand scrutiny by the U.S. Justice Department or a three-judge federal court panel in the District of Columbia. The plan also must meet all the requirements of the state and U.S. constitutions and the federal Voting Rights Act, particularly section 2 of the act, or else be subject to challenge in state or federal court. These requirements are primarily concerned with ensuring districts meet constitutional “one person, one vote” equal-population requirements and that any proposed changes do not have the purpose or the effect of denying or abridging the right to vote on the basis of race or language group.

— by Tom Howe

United States
**Census
2010**

This is the official form for all the people at this address.
It is quick and easy, and your answers are protected by law.

U.S. DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. CENSUS BUREAU

Use a blue or black pen.

Start here

The Census must count every person living in the United States on April 1, 2010.

Before you answer Question 1, count the people living in this house, apartment, or mobile home using our guidelines.

- Count all people, including babies, who live and sleep here most of the time.

The Census Bureau also conducts counts in institutions and other places, so:

- Do not count anyone living away either at college or in the Armed Forces.
- Do not count anyone in a nursing home, jail, prison, detention facility, etc., on April 1, 2010.
- Leave these people off your form, even if they will return to live here after they leave college, the nursing home, the military, jail, etc. Otherwise, they may be counted twice.

The Census must also include people without a permanent place to stay, so:

- If someone who has no permanent place to stay is staying here on April 1, 2010, count that person. Otherwise, he or she may be missed in the census.

1. How many people were living or staying in this house, apartment, or mobile home on April 1, 2010?

Number of people =

2. Were there any additional people staying here April 1, 2010 that you did not include in Question 1? Mark all that apply.

- Children, such as newborn babies or foster children
- Relatives, such as adult children, cousins, or in-laws
- Nonrelatives, such as roommates or live-in baby sitters
- People staying here temporarily
- No additional people

3. Is this house, apartment, or mobile home — Mark ONE box.

- Owned by you or someone in this household with a mortgage or loan? *Include home equity loans.*
- Owned by you or someone in this household free and clear (without a mortgage or loan)?
- Rented?
- Occupied without payment of rent?

4. What is your telephone number? We may call if we don't understand an answer.

Area Code + Number
 - -

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5. Please provide information for each person living here. Start with a person living here who owns or rents this house, apartment, or mobile home. If the owner or renter lives somewhere else, start with any adult living here. This will be Person 1.

What is Person 1's name? *Print name below.*

Last Name

First Name MI

6. What is Person 1's sex? Mark ONE box.

- Male Female

7. What is Person 1's age and what is Person 1's date of birth?

Please report babies as age 0 when the child is less than 1 year old.

Print numbers in boxes.

Age on April 1, 2010 Month Day Year of birth

→ **NOTE: Please answer BOTH Question 8 about Hispanic origin and Question 9 about race. For this census, Hispanic origins are not races.**

8. Is Person 1 of Hispanic, Latino, or Spanish origin?

- No, not of Hispanic, Latino, or Spanish origin
- Yes, Mexican, Mexican Am., Chicano
- Yes, Puerto Rican
- Yes, Cuban
- Yes, another Hispanic, Latino, or Spanish origin — *Print origin, for example, Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on.* ↴

9. What is Person 1's race? Mark one or more boxes.

- White
- Black, African Am., or Negro
- American Indian or Alaska Native — *Print name of enrolled or principal tribe.* ↴

- Asian Indian Japanese Native Hawaiian
- Chinese Korean Guamanian or Chamorro
- Filipino Vietnamese Samoan
- Other Asian — *Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on.* ↴
- Other Pacific Islander — *Print race, for example, Fijian, Tongan, and so on.* ↴

- Some other race — *Print race.* ↴

10. Does Person 1 sometimes live or stay somewhere else?

- No Yes — Mark all that apply.
- In college housing For child custody
- In the military In jail or prison
- At a seasonal or second residence In a nursing home
- For another reason

→ If more people were counted in Question 1, continue with Person 2.

For Census 2010, every home will receive the 10-question form pictured above. In the past, one in six homes received a more detailed questionnaire. The Census Bureau has said that it hopes the 10-question form will increase the likelihood that forms will be returned. (Source for graphic: U.S. Census Bureau)

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