

1 A RESOLUTION urging the Attorney General of the Commonwealth of Kentucky
2 to join in a legal cause of action filed by the State of Alabama against the United States
3 Department of Commerce and the Bureau of the Census, an agency within the United
4 States Department of Commerce, or to initiate a separate legal cause of action on behalf
5 of the citizens of the Commonwealth of Kentucky regarding the "actual Enumeration" of
6 the population of the Commonwealth and the United States.

7 WHEREAS, Article I, Section 2, Clause 3 of the Constitution of the United States
8 requires that a count of the population of each State be conducted every ten years,
9 commonly known as the Census; and

10 WHEREAS, Congress has delegated the responsibility to conduct the required
11 enumeration to the Secretary of the United States Department of Commerce; and

12 WHEREAS, the Secretary of the United States Department of Commerce is
13 authorized to delegate authority to establish procedures to conduct the Census to the
14 Census Bureau; and

15 WHEREAS, the Census enumeration determines the number of representatives to
16 which each state is entitled in the House of Representatives in Congress and the number
17 of Presidential Electoral College votes to which each state is entitled; and

18 WHEREAS, the United States Census Bureau has affirmed that "the fundamental
19 reason that the decennial census is conducted is to fulfill the Constitutional requirement
20 to apportion the seats in the U.S. House of Representatives among the states"; and

21 WHEREAS, many federal programs rely on the population figures collected in the
22 decennial census to allocate funds to state and local governments; and

23 WHEREAS, Article I, Section 2 of the Constitution of the United States of America
24 states that members of the House of Representatives in Congress shall be elected by the
25 qualified voters in each state; and

26 WHEREAS, Section 145 of the Constitution of Kentucky states, "Every citizen of
27 the United States of the age of eighteen years" shall have the right to vote, subject to

1 certain exclusions; and

2 WHEREAS, the Census Bureau and the Secretary of the United States Department
3 of Commerce have adopted the "Residence Rule" which provides that a person qualifies
4 as a state resident if that person meets the Census Bureau's definition of "usual residence"
5 described as "where they live and sleep most of the time"; and

6 WHEREAS, application of the "Residence Rule" will require the incorporation of
7 illegal aliens into the apportionment base used for assigning seats in the House of
8 Representatives and the Electoral College, as well as federal funding provided to the
9 states; and

10 WHEREAS, it is imperative that the Census enumeration include separate counts of
11 both the legally and illegally present resident populations of the United States of America
12 and of this Commonwealth; and

13 WHEREAS, the United States Department of Homeland Security placed the illegal
14 alien population counted in the 2010 Census at approximately eleven million individuals
15 predominantly residing in California, Texas, Florida, Illinois, Arizona, and Georgia; and

16 WHEREAS, there is no reason to believe that illegal aliens will not respond to the
17 2020 Census in similar numbers; and

18 WHEREAS, there are 435 members of the House of Representatives, a number that
19 has been fixed by law since 1910; and

20 WHEREAS, any reapportionment of the 435 Congressional seats and Electoral
21 College votes to states heavily populated by illegal aliens will result in the reduction of
22 Congressional seats and Electoral College votes, as well as federal funding, to states with
23 a lesser population of illegal aliens, such as Kentucky; and

24 WHEREAS, any reapportionment of Congressional seats among the states based
25 upon the inclusion of illegal aliens in the Census enumeration undermines the
26 fundamental principle of "one person, one vote";

27 NOW, THEREFORE,

1 *Be it resolved by the House of Representatives of the General Assembly of the*
2 *Commonwealth of Kentucky:*

3 ➔Section 1. The House of Representatives respectfully urges the Attorney
4 General of the Commonwealth of Kentucky to join with Alabama in its legal cause of
5 action against the United States Department of Commerce and the Bureau of the Census
6 or to initiate a separate legal cause of action on behalf of the citizens of the
7 Commonwealth of Kentucky to declare the Residence Rule unlawful as violative of the
8 Constitution of the United States and the long-standing principle of "one person, one
9 vote", and to vacate and set aside the Residence Rule insofar as it permits or requires the
10 Census Bureau to include illegal aliens in the population figures utilized to conduct the
11 apportionment of the House of Representatives and the Electoral College among the
12 states, and federal funding.

13 ➔Section 2. The House of Representatives respectfully urges this action to take
14 place as soon as possible as the taking of the 2020 Census is imminent.

15 ➔Section 3. The Clerk of the House of Representatives shall send a copy of this
16 Resolution and notification of its adoption to Andy Beshear, Attorney General of the
17 Commonwealth of Kentucky, 700 Capitol Avenue, Capitol Building, Suite 118,
18 Frankfort, Kentucky 40601-3449 and to the members of the Kentucky Congressional
19 delegation.