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MEMORANDUM

TO: Members of the Utah Legislature

FROM: Mike Christensen and Gay Taylor

DATE: June 20, 2002

SUBJECT: **The United States Supreme Court Decision: Utah v. Evans**

On June 20, 2002 the United States Supreme Court announced its decision in Utah v. Evans. In that decision, a five-member majority of the Court held that Utah should not receive a fourth seat in the U.S. House of Representatives. Additional details regarding the disposition of the case and the positions of the individual Supreme Court Justices are contained below.

The Majority Opinion: (Justices Breyer, Rehnquist, Stevens, Souter, and Ginsburg)

- The Bureau's use of imputation as a counting method in the 2000 Census did not violate federal statutory law or the Census Clause of the U.S. Constitution
- The Census Bureau prevailed in this case

Justice O'Connor's Concurrence/Dissent:

- Utah should have prevailed in this case because the Bureau's use of imputation violated federal statutory law

Justice Thomas's Concurrence/Dissent: (Justice Kennedy joins this opinion)

- Utah should have prevailed in this case because the Bureau's use of imputation in the 2000 Census was unconstitutional under the Census Clause of the U.S. Constitution

Justice Scalia's Dissent

- The Census Bureau prevailed in this case because Utah did not have legal standing to bring the case before the Court