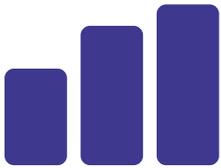


NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.

GUIDE TO THE CENSUS





1

What is the Census?

Every ten years since 1790, the federal government conducts the Census, which is a constitutionally required count of the entire population of the United States. For decades, the Census has consistently sought to count every person who lives in the 50 states, the District of Columbia, and U.S. territories such as Puerto Rico, the U.S. Virgin Islands, and Guam. Most people are counted where they usually live and sleep on Census Day.

The Census is crucial to the protection of our political representation, community resources, services, and civil rights. The next Census will occur in the Spring of 2020.

During the Census, you will have the opportunity to empower and strengthen yourself and your community by providing very basic information about your household on the Census questionnaire. Filling out the Census form should take only minutes and can be done electronically, including by using a mobile device. Census field workers and other employees are not law enforcement or Immigration and Customs Enforcement officials, and the Census Bureau is required by law to keep all of the information that you provide completely confidential.

Participation in the 2020 Census will ensure that your voice and the voice of your community count.

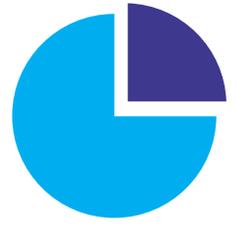
Record numbers of Black people and other people of color have registered for and participated in recent elections. And Census estimates show that our country continues to grow more racially and ethnically diverse.¹

Let's use that momentum to make sure that we are all counted in 2020!



2

Why the Census Matters: Equality & Community Resources Are at Stake



Your participation in the 2020 Census is vital to ensuring that you have an equal voice in government and fair access to federal and state funding for your community.

The 2020 Census count will affect:

- **Federal & State Funding:** Your community’s share of more than \$880 billion annually in federal funds—and more in state funds—distributed nationwide;
- **Public Services:** The location of schools, roads, hospitals, childcare and senior citizen centers, planning for transportation projects, and other essential services;
- **Political Representation:** The number of U.S. House of Representatives seats allocated to your state, the number of votes for president that your state gets in the Electoral College, and the way voting districts are drawn for Congress, state legislatures, school boards, city councils, and other important local and municipal bodies; and
- **Civil Rights:** Enforcement of your civil rights under anti-discrimination and voting rights laws.

Funding & Government Services

Three hundred and twenty (320) federal programs use Census information to distribute more than \$880 billion dollars every fiscal year, and state governments also rely on the data to distribute additional funds.² This includes much-needed aid to local educational, employment, health care, transportation, housing, agricultural, and veterans’ services, such as Medicaid, Emergency Food & Shelter Services, and Head Start (a program that provides comprehensive education, health, nutrition, and parent involvement services to low-income children and families).

Census data also is used to plan the location of critical services, including schools, roads, hospitals, and childcare and senior citizen centers.



Political Representation & Redistricting

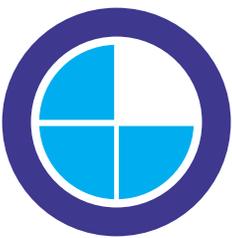
Every 10 years, the 435 seats in the U.S. House of Representatives are divided among the states based on each state's population, as measured by Census data. The number of seats that each state receives in the U.S. House of Representatives, in turn, helps to determine how many votes each state has in the Electoral College, which decides elections for U.S. President. And within states, U.S. congressional, state legislative, and local electoral district lines also are drawn based on population as measured by the Census. Thus, your participation in the 2020 Census will help to ensure your community's electoral opportunities and access to representation at all levels of government.

In many parts of the country, representatives who are racial minorities were not elected until voting districts were drawn to fairly reflect the population. Today, while there are more than 10,000 elected officials of color,³ 90% of all elected officials in the U.S. are white people.⁴ Thus, there remain many opportunities to ensure fair representation for communities of color in government at the local, state, and federal levels of government by developing districts in which communities of color have the opportunity to elect their candidates of choice and ensuring that the voting strength of communities of color is not weakened by unfair voting systems.

Equal representation in government is critical to ensuring that you have an active voice in deciding important issues that impact your community, and participating in the Census is the first step. For example, during the last decade, the U.S. House of Representatives crafted laws involving taxes, healthcare, relief for hurricane victims, funding for the wars in Iraq and Afghanistan, and reauthorization of the Voting Rights Act and the Equal Pay Act.

Civil Rights

Census information is used to enforce and monitor compliance with our nation's civil rights laws, including the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Ensuring equal opportunity depends upon your participation.



3

Undercount of People of Color

Black people and other people of color are at a higher risk of being undercounted and are disproportionately represented among the groups of people who are not captured by Census practices. Indeed, Black people have been substantially undercounted since an undercount in the Census was first officially documented in 1940.⁵ The Census Bureau estimates that the last Census, in 2010, failed to count 2.1% of Black people, 1.5% of Latinx people, and 4.9% of Native American people who live on reservations.⁶

Additional groups that the Census has historically undercounted include renters and people who live in "irregular housing," young children, people who do not speak English fluently, and those who move frequently such as military personnel, employees of the federal government who live abroad, and people staying in homeless shelters and group homes.

Similarly, members of low-income and immigrant communities often have a higher risk of being undercounted by the Census because they fear disclosing their personal information.

The risk of an undercount among Black people and other people of color may be particularly high in 2020 due to various and cumulative factors including: reports of the addition of a "citizenship status question";⁷ continuing displacement resulting from gentrification and foreclosure crises; major hurricanes

and other natural disasters; concerns about a potentially reduced commitment on the part of the current Executive Branch to the goal of counting the entire U.S. population; and high-profile hacking incidents and intensified law and immigration enforcement efforts that have inspired reluctance to engage with the government.

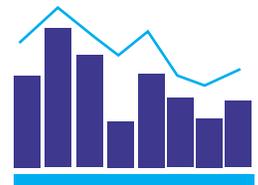
The consequences of being undercounted are significant and include loss of federal money that our communities need; insufficient and unresponsive political representation; reduced power in presidential elections; and lack of public awareness and documentation of our nation's diversity.

In the face of these and other difficulties, it is vitally important that our communities are counted as accurately as possible. Everyone should count in the Census, and the Census information you provide is confidential under federal law. It doesn't matter if you or anyone in your household is in financial distress, has had to move because of a natural disaster or foreclosure, or has an immigration status that is not resolved—you have a right to be counted.

You can also contact the NAACP Legal Defense and Educational Fund by e-mail at vote@naacpldf.org or by calling 212.965.2200 to share your concerns and get help.

4

What Can I Do to Prevent Another Undercount?



- **Learn about the Census.** The NAACP Legal Defense Fund and other partners will publish a detailed guide in 2019 that contains more information about the 2020 Census. Check back at naacpldf.org for it. You can also learn more about the Census by visiting the Census Bureau's website at www.census.gov.
- **Talk with family and friends about it.** Share what you have learned. When people are informed, they are more likely to respond to the Census questionnaire. You can help your family and friends understand that their participation in the Census matters.
- **Contact local leaders.** Although the Census Bureau is responsible for carrying out the count, coordination by city government and other local leaders is vital to a successful Census. You can contact your city, town, or tribal authorities to find out whether they have a plan in place to make sure your community is properly counted.
- **Identify and work to reach hard-to-count community members.** If you or someone you know falls into one of the communities that you are concerned are at risk of being undercounted, take steps to ensure that members of that community are counted in the Census. For example, you may be able to get involved with a Complete Count Committee (CCC) near you. CCCs are volunteer groups that are formed by tribal, state, and local government or community organizations to identify hard-to-count neighborhoods and populations, organize outreach activities, and coordinate budgets and work plans to help make sure that everyone is counted. For more information, visit the page about Complete Count Committees on the Census Bureau's website: https://census.gov/programs-surveys/de-cennial-census/2020-census/complete_count.html.



5

Confidentiality

By law, the Census Bureau is required to keep all information provided in the service of the Census confidential—it may not be shared with law enforcement, the IRS, welfare, FBI, ICE or other immigration officials, or anyone else. All Census employees swear an oath to protect respondent data for their entire lives, and face prison time if they break this oath.⁸ When Census results are released, only aggregated statistics—and never people’s names or personal information—can be published.⁹



6

Potential Citizenship Status Question

The Census Bureau has stated that it plans to include a question about respondents’ citizenship status in the 2020 Census Questionnaire for the first time in several decades. Civil rights groups and others have brought several lawsuits against the Census Bureau challenging this decision; on January 15 and March 6, 2019, federal courts in two separate cases ordered the Trump administration to remove the citizenship question from the census questionnaire.¹⁰ But litigation is ongoing, and some questions remain about whether the Census in 2020 will include a question about citizenship.

Whether or not a citizenship status question is added to the 2020 Census, all information provided must remain confidential and no personal information can be shared legally with any law enforcement agency. (See Confidentiality above).

While LDF and other civil rights groups will continue to oppose the addition of a citizenship status question—and to encourage Congress to pass legislation blocking the inclusion of a citizenship question—we will also work to ensure that all people participate in the 2020 Census despite attempts by government officials to deter participation.

To learn more about the status of this question, please contact the NAACP Legal Defense Fund by e-mail at vote@naacpldf.org or by calling 212.965.2200.

This guide is a resource, not legal advice. It is provided for informational purposes only and not as a substitute for or supplement to the legal advice necessary to address the specific concerns of any individual. Moreover, the Census Bureau’s practices and applicable laws may be revised or affected by litigation after the publication of this guide. Therefore, it is your responsibility to determine how all applicable legal considerations affect you.

This edition of the guide was last updated in March 2019.



Endnotes

¹ Reid Wilson, *New Census Data: US growing Older, more diverse*, The Hill (June 22, 2017), <https://thehill.com/homenews/state-watch/338776-new-census-data-us-growing-older-more-diverse>.

² Andrew Reamer, *Census-derived Datasets Used to Distribute Federal Funds 1* (Dec. 2018), <https://gwipp.gwu.edu/sites/g/files/zaxdzs2181/f/downloads/Counting%20for%20Dollars%20%234%20Census-derived%20Datasets.pdf>.

³ *National Database of Non-White Elected Officials*, THE GENDER AND MULTI-CULTURAL LEADERSHIP PROJECT (last visited Nov. 25, 2018), <http://www.gmcl.org/database.htm>.

⁴ Reflective Democracy Campaign, *Reflective Democracy Research Findings Summary Report 2* (2017), <https://wholeads.us/wp-content/uploads/2018/09/reflective-democracy-2017-research-summary.pdf>.

⁵ See Christopher M. Taylor, *Vote Dilution and the Census Undercount: A State-by-State Remedy*, 94 MICH. L. REV. 1098, 1101 (1996).

⁶ U.S. Census Bureau, *Census Bureau Releases Estimates of Undercount and Overcount in the 2010 Census* (May 22, 2012), https://www.census.gov/newsroom/releases/archives/2010_census/cb12-95.html.

⁷ See generally NAACP Legal Defense Fund, *Comments on 2020 Census, Including Proposed Information Collection* (Aug. 7, 2018), https://www.naacpldf.org/wp-content/uploads/2018.08.07_NAACP-LDF-Final-Draft-Public-Comment_-Census.-revd.pdf (opposing the addition of a citizenship status question to the 2020 decennial U.S. Census).

⁸ 13 U.S.C. § 9(a); 13 U.S.C. §§ 212-14; 5 U.S.C. § 552a(b); 44 U.S.C. § 3501; see also U.S. Census Bureau, *2020 Census Complete Count Committee Guide 3*, <https://www.census.gov/content/dam/Census/newsroom/press-kits/2018/ccc-guide-d-1280.pdf> (“We will never share a respondent’s personal information with immigration enforcement agencies, like ICE; law enforcement agencies, like the FBI or police; or allow it to be used to determine their eligibility for government benefits.”); Dr. Ron Jarmin, *The U.S. Census Bureau’s Commitment to Confidentiality*, U.S. Census Bureau (May 7, 2018), https://www.census.gov/newsroom/blogs/director/2018/05/the_u_s_census_bure.html (“All staff working with confidential information at the Census Bureau take a lifetime oath to protect the privacy and confidentiality of respondent information.”).

⁹ 13 U.S.C. § 9(a); see also U.S. Census Bureau, *supra* note viii, at 3 (“The results from any census or survey are reported in statistical format only.”).

¹⁰ Findings of Fact and Conclusions of Law at 277, *New York v. U.S. Dep’t of Commerce*, No. 1:18-cv-02921 (S.D.N.Y. Jan. 15, 2019), ECF No. 574; Findings of Fact and Conclusions of Law at 126, *California v. Ross*, No. 3:18-cv-01865 (N.D.Ca. Mar. 6, 2019), ECF No. 205.

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