



The Our American States podcast—produced by the National Conference of State Legislatures—is where you hear compelling conversations that tell the story of America’s state legislatures, the people in them, the politics that compel them, and the important work of democracy.

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### **700 Billion Reasons to Care About the Census | OAS Episode 31 | April 12, 2018**

Welcome to “Our American States,” a podcast of meaningful conversations that tell the story of America’s state legislatures, the people in them, the politics that compel them, and the important work of democracy. For the National Conference of State Legislatures, I’m your host, Gene Rose.

The United States will conduct its next census in 2020. The result of that census will determine the amount of federal funds appropriated to states, the number of seats in Congress a state receives, and several other factors that make a count critical to states. It’s a test that requires a lot of preparation and, as our three guests will explain, America’s state legislators have a key role to play in this process. And we’ll find out why the process for the 2020 Census will be different from previous counts.

Later in the program we’ll talk with NCSL census expert, Patrick Potyandi, and have a conversation with census consultant Terri Ann Lowenthal. We’ll start off the program with some quick questions for Tim Olson, who is an Associate Director for Field Operations at the U.S. Census Bureau.

So tell us, Tim, why is a census taken every ten years in this country?

Tim: It is written into the U.S. Constitution that we would do a complete enumeration of all people within the United States every ten years, and the purpose of the census is to primarily determine how the U.S. House of Representatives is divided in terms of representation between each of the states.

Currently, today’s population estimate is about 327 million people and it will probably be more by the time 2020 happens. We will put out a national population count based on 2020 and also state-level counts, and that will determine how many seats in the U.S. House each state will have for the next ten years.

I think probably most people listening to this podcast know that once the apportionment of the seats in the House is determined by April 1<sup>st</sup> of 2021, census will release our Public Law 94171 data, which is the redistricting data, and that begins the process for each state to take the block-level data and determine how they will redistrict each of the federal congressional districts. And they also will use that data presumably to redistrict all of their state legislative districts. And in counties and cities, they often use the same data to re-delineate their City Council districts as an example.

So it's a big deal in this count as far as how the American people at the local level are going to be represented, not only at the national level, but also at the state and local level.

There's one other thing and this almost becomes a return-on-investment issue – the federal government uses census data basically in formulas to allocate out currently over 650 billion dollars in various programs to states, counties, tribes and local cities, and that's on an annual basis. And so in terms of healthcare, education, transportation, infrastructure – all of those really tangible programs that affect every person in the United States – the level of resource that is provided to the jurisdictions that provide those services is based in many ways on census data.

So the outcome from 2020 is huge. It determines how we are represented and it determines how that federal resource is allocated to the state and local level.

Gene: Is there a role for state legislators to take in preparation for the 2020 Census?

Tim: Great question. It can be an incredible role. The census relies upon people to self-respond to the census. We will mail out invitations to every household in the United States asking them to respond. We know that we will get 60/65 percent of those households to self-respond online or over the phone or through a paper questionnaire that is delivered to their household.

And then ultimately if they don't respond, we will hire nearly half a million people throughout the country to conduct our largest field operation non-response follow-up and to collect information from those households that haven't responded.

So when I think of state legislatures, their ability throughout the state and in each member's district to get the word out to their residents that census is: #1) it's safe; #2) it's important; and #3) we need you to be included in the 2020 Census. It affects our representation at all levels of government and it affects the level of resources we receive, the money that we receive from the federal level.

I think state legislatures can play an incredible role in getting the word out. One of the things that we are doing this decade is we're encouraging each state to form a statewide complete count commission. Several states have already done so and sometimes it's the governor that has spearheaded this through an executive order.

In other cases the governor, along with the legislature, has passed legislation that forms a complete count commission, and essentially a complete count commission is a group of appointed major stakeholders throughout the state that come up with a very specific communications plan to all of the residents of their state urging them to participate in 2020.

Just yesterday the State of Maryland passed legislation and they are resourcing their outreach throughout the State of Maryland to the tune of 5 million dollars. Several months ago the State of California has been very active in making sure they get an accurate count in California. They've dedicated over 40 million dollars to their own efforts.

I could go on and on and on about the different activities states are doing. I think legislatures in the states can play a pivotal role in that.

Gene: We've been talking with Tim Olson from the U.S. Census Bureau. Tim, we appreciate you being a guest on "Our American States."

Tim: Thank you very much.

Music

Gene: Terri Ann Lowenthal is the former Staff Director of the House Census Oversight Committee and advises national organizations on census issues. Terri, we appreciate you taking some time to explain some of these issues to us today.

Terri: Thank you for having me. It's an important and timely conversation.

Gene: Yes it is. Given your history, why don't you give us a perspective on what makes the 2020 Census different from previous ones?

Terri: Every census has its share of controversies. However, I think there is a confluence of factors that could lead to a perfect storm in 2020 and threaten the success of this census. First, there has been unfortunately delayed or insufficient funding from Congress throughout this decade, and it takes a whole decade to plan and prepare for a census.

This is also going to be the first high-tech census and no one argues with the need to modernize, of course, and to take advantage of technology, but technology brings risk, real or perceived. So there are cyber security threats: could be hacking, phishing scams and the like; and then there's a public perception that information that you put online may not be secure.

And we also have the digital divide that particularly affects rural households and lower-income households, and that could make responding to the census more difficult in some areas, even though there are several ways to answer.

And then, of course, we also have what I would call an increased climate of fear. For better or worse, there are many immigrant communities that are more fearful. That has sent millions of people into the shadows and that really could affect participation in the census.

Gene: Yeah, you touched on a couple of things I'd like to explore just a little bit. Given the recent reports about the loss of privacy information on Facebook and there's definitely a segment of our society that's distrustful of providing information to the government, what's your take on protections on confidentiality for Americans in this upcoming census?

Terri: That's probably one of the most important questions to ask and answer. The public has to have confidence that the personal information it provides to the Census Bureau will remain confidential. And, in fact, the confidentiality protections in law in the Census Act are the strictest on the federal books. Your personal information cannot be shared with any other government agency, whether it's federal, state or local. It cannot be shared with any private entity or with a court of law.

And, as an added protection, the law says that your personal responses cannot be used to harm you or your family in any way. Anyone who has access to your personal responses, like Census Bureau staff and census takers, must take an oath that is in place for life to uphold the confidentiality of your personal data, and the penalties for violating that oath are very stiff: up to a \$250,000 fine and up to five years in prison.

Gene: And then you mentioned some people being fearful of answering the citizenship question. This is not necessarily a new question, but it's being brought back. Can you give us a little history of the citizenship question?

Terri: Let me step back for one moment because I think there has been a climate of fear even before the very recent decision of the Secretary of Commerce whose department includes the Census Bureau to add a citizenship question to the 2020 Census. The Census Bureau's research staff, even last year, was starting to see, and this is their word, sort of "alarming" reaction among households that were responding to other surveys, ongoing Census Bureau surveys as well as pre-testing for the 2020 Census about answering, fear about answering any questions from the Census Bureau.

Now that the Secretary of Commerce has decided to accept a request from the Department of Justice to add a citizenship question, I really fear that response rates could go down considerably. I think that participation, not just from undocumented residents and legal permanent residents, non-citizens, but also from citizens who live in the many mixed-status households with other immigrants, will be fearful of participating in the census.

Now I think it's also important to understand the history of this question. A citizenship question has not been asked on the form that goes to every household in a census since 1950. And since 1970, the question has been included on a form that goes to a representative sample of households, first on a longer form attached to each 10-year census, and more recently on the ongoing American Community Survey, which is part of the decennial census, but collects more current data.

The Justice Department has used the information collected from a sample of households successfully to enforce the Voting Rights Act since enactment of that law in 1965. But late last year the Justice Department asked the Census Bureau to add this question to the form that goes to all households in 2020, and this, again, is just citing their reasoning in order to enforce Section 2 of the Voting Rights Act.

There are many litigators that question that rationale and, of course, as many state legislators know, quite a few state attorneys general as well as the U.S. Conference of Mayors and a number of cities have now already taken the Census Bureau and the Commerce Secretary to court to try and remove this citizenship question from the 2020 Census.

Gene: I know that a lot of civic groups that are politically active on both sides of the aisle are taking an active role in getting the word out about the census. What are the motivations for these groups?

Terri: Let's start with an important premise: the census should be a nonpartisan activity. It is the nation's largest, most complex civic activity involving every household, every person living in the United States. And so it is important for organizations and elected leaders from across the philosophical and political spectrum to work together in support of a fair and accurate census. And everyone has a stake in a successful outcome. No one benefits from a failed census.

Census data are really central to the issues that all of these organizations and let's say state legislators themselves care about, and the work that these organizations do on behalf of the communities they serve and the constituents they represent. Their apportionment and redistricting from congressional districts to state legislative districts all the way down to city councils and school boards rely on an accurate census.

Nearly 700 billion dollars a year in federal aid to states, localities and individuals and families is allocated based on census data or data derived from the census, and billions more are distributed through state initiatives down to the local level. Of course census data are used to implement most civil rights laws, and then equally important, the census is the guide star for identifying community needs and crafting really informed policies and solutions that help improve the wellbeing of all communities.

And we should add that businesses also rely heavily on data from the census and other surveys that rely on the census as a baseline to make daily decisions on where to invest, where to open new facilities and stores, what services and goods to provide, where to hire people. And so really the census is sort of the foundation for everything we know and everything we do.

Gene: Terri, I know you speak to a lot of organizations and I know you get a lot of press calls. You've been quoted in the *Wall Street Journal*, the *Washington Post*, the *New York Times*, *National Public Radio*, just to name a few. What haven't I asked you that other people are asking you about?

Terri: Preparations for the census are in the home stretch. In fact, field preparations are starting already. The Census Bureau is in the field working with state governments and local governments to verify and improve the address list that will be the basis for the census.

Local offices will be open in nine months. The communications campaign, the educational phase, will also start next January. And so it's really important that all stakeholders start to work together in support of policies and operational decisions that will help ensure the success of the census.

For state legislatures, I think there are two areas in which they can be active. One is the policy bucket, and the other is the get-out-the-count phase. And it is really important now that the Census Bureau has all of the resources it needs and meets all of these mounting obstacles and threats to an accurate count.

And so legislators can work with their own congressional delegations to urge adequate funding. And then legislators also are well positioned at the crossroads of the Census Bureau's partnership with state and local governments, because the census is planned at the national level. But it is really carried out neighborhood by neighborhood at the local level with trusted voices that can help reassure people that it is important and it is safe to participate in the census.

And I think state legislators should be working with their governors now to make sure the states create complete count committees now that are representative of many communities within the state, especially hard-to-count communities, and then also to reach out to their constituents at the local level and start to engage faith communities, communities of color, local business groups and the like to work together in getting the message out about the importance of the census.

Gene: We've been talking with census expert Terri Ann Lowenthal. Terri, thank you for being a part of our program today.

Terri: Thank you for having me.

Gene: We'll be right back after this short break and find out what states and, in particular, state legislatures are doing to prepare for the 2020 Census.

Break

Gene: We continue our discussion on the U.S. Census and what it means for states and how they are preparing for the event. Our next guest is Patrick Potyandi, a Legislative Policy Specialist and ACLS Mellon Public Fellow in the National Conference of State Legislatures' Elections and Redistricting Program. Patrick, welcome to the program.

Patrick: Thanks so much for having me today.

Gene: So Patrick, why is an accurate census so important to states?

Patrick: It's a really important event. It's the largest process that the civilian government undertakes. And so you can kind of think of this being important in two ways that I break down into four points. So it's really about dollars and democracy.

So first, we have the census being the underlying data that is important because of congressional apportionment. This is the number of seats each state gets in the U.S. House of Representatives. And that's reapportioned every ten years, right?

And it's also important for redistricting of political boundaries, and you've probably heard a little bit about this maybe in the news. The Supreme Court is look at redistricting a little bit here. And so this happens though at that state level, but it also happens at the smaller, local levels as well, and that's all based on census data as well.

Then it's also important because of federal funding allocations. The census doesn't really change the amount of dollars that the federal government disperses, but it does change how it's

allocated. And so you have over 600 billion dollars per year from the largest 16 federal programs alone allocated to the states, and this includes things like transportation, school programs, medical care, based in large part on census data.

And then fourth, it's really important for decision making and planning for lawmakers like our state legislators, and for public officials at all levels of government, but also for nonprofits and for businesses. Businesses use a lot of census data to do their planning and marketing ideas and things of that nature.

Gene: So Patrick, I keep hearing about complete count committees. Can you explain what those are and why they're important to states and communities?

Patrick: Yeah, I'd love to. So complete count committees are perhaps the primary way that states and communities can really support a full and accurate count of the census. So you can make complete count committees, and sometimes they're called complete count commissions, at the state level. Illinois, for example, has a complete count commission that its legislature passed.

But you want to make these at both the state level, but then at the lower, local levels as well, so maybe a county or a city complete committee. And the goal of a complete count committee is to bring into that committee members from across the community. So you want complete count committees at both the state level and the county and local level like cities.

You want to bring folks in from all across the community. So you want faith-based members, you want civic organizations, you want folks from the immigrant communities, you want business representatives – you want to bring all these folks together to do outreach and education about the census so the public feels comfortable about completing their census, because there are a lot of things that folks may not remember from the last census, maybe this is the first time they're taking part in a census.

And so complete count committees can really help educate the public about what the census is and why it's important, like we talked about earlier.

Gene: And I imagine there are a lot of people that are essentially hard to count. Are those types of populations out there and what are states trying to do to address that?

Patrick: Definitely. And so these are often referred to as hard-to-count populations or hard-to-reach populations. And they really run the gamut of what you might think of when you think of community. And some of them are surprising perhaps. And so these include folks from both rural and urban areas; they can be folks such as immigrants who might not have taken part in a census before or taken part in a census with the United States before; folks who tend to be in lower-income brackets or who are poor tend to be undercounted as well; maybe folks who don't speak English fluently.

But actually the most undercounted group historically, the hardest-to-reach group, are actually children under the age of 5. That's an important group that the Census Bureau is constantly trying to think about how to better count.

Other groups that count as hard-to-reach populations include college students, and so populations that are more transient including college students who are maybe moving between dorms and back home; or folks who are perhaps homeless when the census occurs are hard to reach, and there have been a number of efforts to kind of track those groups and increase the count of those groups.

And so one thing that states are doing is forming those complete count committees, as we talked about, and maybe funding some outreach and promotion efforts with state funds; but other things that folks are doing are using some mapping tools to track those groups. There's one tool out of the U.S. Census Bureau called ROAM, R-O-A-M, and that map you can drill down into the census block level or the congressional district level and look at areas of the country that are either near you or across the country that have historically undercounted populations based on the previous census.

And also the CUNY Graduate School, C-u-n-y, out of New York, also has produced a tool and that one you can break down by state legislative district as well to kind of track undercounted areas. These are kind of groups that folks are really focused on making sure they're counted so that they are not undercounted, because if they are, then that congressional reapportionment, the political redistricting, the allocation of federal funds, all of that, can be thrown off to a degree if you don't get that count as accurate as you can.

Gene: So you mentioned some legislative action being taken. Are there other bills or things that legislatures are doing right now to address the census?

Patrick: Yeah. So the states have been fairly active regarding the census. A number of states have introduced legislation on those complete count committees, as we talked about. Illinois' legislature has created a complete count commission at the state level, and a couple other states such as Louisiana and New York have legislation pending to create state level complete count committees as well.

And then a few other states have done resolutions requesting adequate funding of Congress as well, for Congress to adequately fund census operations. Utah passed one of these bills, for example. And then a number of other states have been passing state funding for that kind of census outreach and promotion that we talked about. So states such as California and Georgia, Minnesota, Oregon and Washington have fully enacted legislation that provides funding for census outreach and promotion.

And a couple of other states like Arizona and Maryland are in the process of considering funding some legislation. I've heard talk about it in a number of other states as well. And so those sorts of programs would either be funding existing offices. Minnesota, for example, is funding its state demographers' office to conduct census outreach and promotion.

Or another approach too is to fund software that helps track census programs, or helps promote them, educational programs, say in a high school, to educate students about what the census is about, the idea being that if students learn about it, they might go home and tell their folks about how the census is important or what it is.

So there is kind of a number of ways that states are passing legislation and considering legislation to think about how they can kind of contribute to this full count.

Gene: So Patrick, where should legislators and legislative staff go for more information?

Patrick: So they can go to the [ncsl.org](http://ncsl.org) website and if they go there, they can then use the little search option to search census. We have a number of blogs on the census on a couple different topics including those maps I mentioned, for example, or if you're curious more about the kind of federal funding levels of the census.

You'll also find a great resource page we have that provides our great information on census – we track legislation at the state level related to the census, for example. But you'll find a resource page there as well that provides a number of resources for folks to check out including answers to some common questions about the census around maybe privacy, or other issues like that if you want to know a little bit more about complete count committees, things of that nature, or hard-to-count populations; you can go and check that out at [ncsl.org](http://ncsl.org).

Gene: We've been talking with Patrick Potyandi with NCSL's Elections and Redistricting Program. Patrick, any final thoughts before we leave?

Patrick: So I would just maybe stress the importance of the census at a kind of foundational level to our representative democracy. And I point out that it's important to every policy area. So, you know, if you work with children or elderly or schools or medicine, criminal justice, pretty much any area, an accurate census is important to you. And so I hope folks are learning about this and maybe consider serving on a complete count committee in your area.

Gene: Thanks so much Patrick for being on "Our American States."

Patrick: Thank you for having me. It was great.

Music and Gene VO:

And that concludes this edition of "Our American States." We invite you to subscribe to this podcast on iTunes and Google Play. Until our next episode, this is Gene Rose for the National Conference of State Legislatures. Thanks for listening.