

Holding Power Accountable

Common Cause Urges Congress to Prioritize Additional Census Funding & To Further Examine the Administration's Request for Census Data Delays

May 12, 2020

Dear Member of Congress:

On behalf of our 1.2 million members and supporters, we ask that Congress continue to help ensure that all people who call America home have an equal opportunity to be counted in the 2020 Census. The 2020 Census will shape our nation's government, public policy, and budgets for an entire decade. The data we gather determines everything from congressional district maps to local resource allocation — like school funding, the number of firehouses in our neighborhoods, and highway and road repair budgets. When our neighbors aren't represented and included in all counts, everyone loses out.

To achieve a successful census in the midst of a pandemic, Congress must act to:

1. Increase funding to the Census Bureau;
2. Appropriate funding to states for 2020 Census outreach and education;
3. Ensure Census Bureau funds are only being used to compile critical data products;
4. Require the Department of Health and Human Services and the Department of Agriculture, to exclude census income when determining eligibility for SNAP, Medicaid/CHIP, and TANF benefits; and
5. Thoroughly evaluate the Trump Administration's request to delay delivery of Census data that is needed for redistricting and fair elections (our state-by-state analysis [is here](#)).

Increase funding to the Census Bureau: Congress must appropriate the necessary additional funds to the Census Bureau to support the extension of the Census Bureau's new timeline for operations. With non-response follow up potentially expanding until October 31, 2020, the Census Bureau will need to increase staff capacity. The Bureau should be considering building additional capacity in areas that have particularly been impacted by the COVID-19, and forming exploratory committees that will create innovative ways to count the most vulnerable communities in midst of a national pandemic.

The Census Bureau has predicted that it will need \$1.5 billion of its \$2 billion emergency budget to support COVID-19 related activities, leaving the Bureau with only \$500 million in contingency funds. In these unprecedented times, it is extremely likely that the Census Bureau will need to exceed the current emergency budget to assure an accurate count in historically hard to count communities and communities acutely hit by the COVID-19 crisis. Congress must act to replenish the contingency fund at the level previously recommended by the Commerce Secretary, with the understanding that the Census Bureau will be able to return unspent funds to the Treasury, as it has after previous recent censuses.

Appropriate funding to states for 2020 Census outreach and education: The U.S. Constitution places the responsibility for the decennial census on the federal government. Congress must act to ensure a complete census in all communities in every state. Though many states and localities have acted to assist the federal government in their efforts to ensure accurate population totals for their states in 2020, states did not anticipate a three-month extension in census activities.

The extension of field operations until October 31, 2020, leaves many states and localities without the resources it needs to successfully continue census programs and activities into the fall, likely leaving many historically hard

Since 1970, [Common Cause](#) has been working to hold power accountable through lobbying, litigation, and organizing. Our non-partisan, pro-democracy work has helped pass hundreds of reforms at the federal, state, and local levels. We now have 30 state chapters and more than 1.2 million members around the country who are working to strengthen our democracy.



to count communities without the local trusted voices necessary for an accurate count. Congress needs to consider that with the extension of Census field operations, states will not have the local trusted voices needed to get communities counted, or fill the outreach gaps in underserved communities. Congress must act to directly appropriate funding to states for census outreach.

The COVID-19 crisis has likely already had an impact on 2020 Census response rates. As of this writing, response rates have lagged behind 2010 self-response rates by [nearly 10%](#). Response rates for predominantly Black communities are increasing more slowly than for predominantly White, Hispanic, and Asian census tracts. This is likely no coincidence, since Black communities are also being [affected more than any other community by COVID-19](#).

It is also troubling that messages that underscore the importance of the census to the allocation of resources and representation are not making its way to people who are experiencing poverty. Researchers [report](#) that the average response rate across all high poverty census tracts nationwide is 41.3%, more than 13 points lower than the national average. Congress needs to act now to assure that these communities are not left behind and can gain access to the resources and representation they deserve.

Common Cause's expertise on census issues is enhanced by our state staff that serve on Statewide Complete Count Committees in six states, including Colorado, Maryland, Massachusetts, Minnesota, Pennsylvania, and Rhode Island, as well as various local complete count committees in additional states. Here are just some examples of what states are facing:

- **Maryland:** In 2018, Maryland's legislature [passed a \\$5 million](#) matching grant program aimed at developing innovative new technology, increasing engagement with trusted voices in communities, adding capacity to state agencies to support the census. To date, all of the appropriated funds have been dispersed to counties, municipalities, nonprofits and contractors; with much of the funds already spent or on track to be spent before August 2020. For example, in February 2020, Maryland's Department of Planning spent \$1.6 million on an ad buy that was supposed to overlap with peak 2020 Census Operations, that ad buy is ending -- and with census operations delays, there are still approximately 6 more months of 2020 Census response.
- **Illinois:** In 2017 and 2018, the Illinois General Assembly [appropriated a total of \\$30.5 million](#) for grants to community providers and local governments for the purpose of encouraging full participation in the 2020 Census, particularly in communities with those communities that have historically been harder to count. All of those funds will have to be spent by June 30, 2020. In the intervening months between this deadline and the October 31, 2020 extension, a significant investment will need to be made to reach households in many of the Chicago communities that have been hardest hit by the COVID-19 pandemic and rural counties that are tracking over 40% under their 2010 response rates.
- **Pennsylvania:** In 2019, the Pennsylvania General Assembly [appropriated \\$4 million for census outreach](#) to encourage participation in the 2020 Census. \$2.5 million was originally designated for advertising and media and [\\$1 million](#) was designated for organizational grants of \$50,000 each to nonprofits, including institutes of higher learning and members of the faith community for their work highlighting the importance of the census and outreaching to hard-to-count communities. Because of the Covid pandemic, funding was diverted from the grants to the advertising budget and many nonprofits were forced to rethink their community outreach work. As a result, Pennsylvania is experiencing a lower response rate than expected and nonprofits doing significant outreach are having to extend their census operations to match the extended census timelines.
- **North Carolina:** The North Carolina General Assembly did not provide any funding or resources for Census outreach, nonprofit and philanthropic organizations have taken it upon themselves to fill



outreach gaps in the state. However, many organizations do not currently have the capacity to continue census outreach into the fall, leaving communities especially Black communities and rural areas without the support they need to assure an accurate count. The COVID-19 crisis has impacted outreach by Common Cause North Carolina (CCNC) and partners that would have included in-person canvassing throughout the state, including HBCU students. North Carolina needs additional support from the federal government and the Census Bureau to ensure these communities that need in-person touches by trusted community members are not left behind.

Ensure Census Bureau funds are only being used to compile critical data products: On July 11, 2019, President Trump issued Executive Order 13880, which required the Census Bureau to utilize resources and staff capacity to collect administrative data from various federal agencies on citizenship status in order to identify non-citizens residing in the United States for the purpose of gerrymandering and to potentially exclude non-citizens and citizens under 18 from district lines in states.

Now that the country is in crisis, and the Census Bureau has limited funds to conduct constitutionally mandated processes, the Census Bureau should no longer be required to use resources to comply with the Administration's unnecessary request for block-level citizen voting age population data. The Bureau should not be expending any additional resources on an effort to access administrative records in order to create a database on the population of citizens in this country. If this collection of data is contributing to the need for an 120-day extension in the delivery of data, we urge Congress to reconsider the Administration's request.

Require the Department of Health and Human Services and the Department of Agriculture, to exclude census income when determining eligibility for SNAP, Medicaid/CHIP, and TANF benefits: As Congress considers another stimulus to address the COVID-19 pandemic, Congress should ensure that citizens who need additional income in these uncertain times, can do so without restriction. Currently, thousands of Americans could see their public benefits negatively impacted if they choose to be temporary Census workers during the 2020 Census.

The U.S. Census Bureau is in the midst of hiring temporary workers to fill positions such as office personnel and census enumerators. The Bureau expects to hire [500,000 temporary workers](#). However, advocates expect that the Census Bureau will not be able to meet the goal of hiring workers in hard to count communities if income from temporary Census work is not excluded when determining eligibility for SNAP, Medicaid/CHIP, and TANF benefits. This is critical to the success of the census as the Census Bureau's own [research](#) shows that communities are more responsive to answer the door for people from within their community. States had several options to protect temporary census workers from losing their public assistance benefits. However, [many states](#) choose not to take this important step to ensure an accurate Census count in their communities. Congress must act to protect temporary Census workers from losing their benefits.

Thoroughly evaluate the Trump Administration's request to delay delivery of Census data that is needed for redistricting and fair elections: We urge Congress to carefully evaluate the Trump Administration's request to delay the delivery of Census data to the states. These data allow states and localities to adhere to their responsibility under the Fourteenth Amendment to redraw districts at every level of government following the decennial Census. Two states, New Jersey and Virginia, are scheduled to hold primary elections on June 8, 2021, 53 days before the new deadline that the Census Bureau is requesting. The delayed delivery of population data is likely to impact 17 states with [mandates under state law](#) to complete redistricting either before July 31, too soon after July 31 to realistically complete redistricting, or by the end of the state's first post-census legislative session. States' options for responding to a delay each present unique challenges. These options include:

- Changing [redistricting deadlines](#): Redistricting could still take place in time for the state's next general election, but would be conducted during a truncated period that makes it harder for citizens to meaningfully participate.



- Changing election primary dates: This could increase confusion among voters and potentially lead to lower turnout.
- Delaying redistricting until the next election and vote under old maps: This scenario, which most likely applies only to New Jersey and Virginia, would result in an extra election cycle under maps that burden citizens' equal protection rights by using districts that are malapportioned.

Some delay in the delivery of population data to the states may be an inevitable consequence of a unique public health crisis. However, we request that you determine from the Census Bureau the viability of a delay that is shortened to three rather than four months to mitigate the harms described above. A June 30, 2021, deadline for delivering population data would allow states greater flexibility to complete redistricting in regular legislative sessions and prevent the shortening of public input periods. In addition, it could allow states to minimize disruptions to election schedules and maintain their original primary dates.

We also ask that you determine whether the Bureau can prioritize the delivery of data to states based on election schedules and [redistricting deadlines](#). This will also help to minimize disruptions to election calendars and maximize public participation in the redistricting process. Common Cause has a strong interest in providing the Census Bureau with the time and resources it needs to conduct a full and accurate count of every person living in the United States. However, we believe that it is also the responsibility of Congress to determine whether accommodations can be made to the Census schedule in a way that protects the fundamental democratic rights of people living in the United States.

Thank you for protecting the health of our democracy, while simultaneously ensuring public health for all Americans.

Sincerely,



Karen Hobert Flynn
President
Common Cause