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Why the 2020 Census will not ask about Citizenship?

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WHY THE 2020 CENSUS WILL NOT ASK ABOUT CITIZENSHIP

ALL YOUR RESPONSES ARE CONFIDENTIAL AND PROTECTED BY FEDERAL LAW

No matter what questions are asked, all of your census responses are completely confidential! They may not be used in any way by law enforcement or to determine eligibility for benefits. Department of Commerce staff may only use collected information to produce statistics, and they are prohibited from disclosing any information that could identify you or your household.



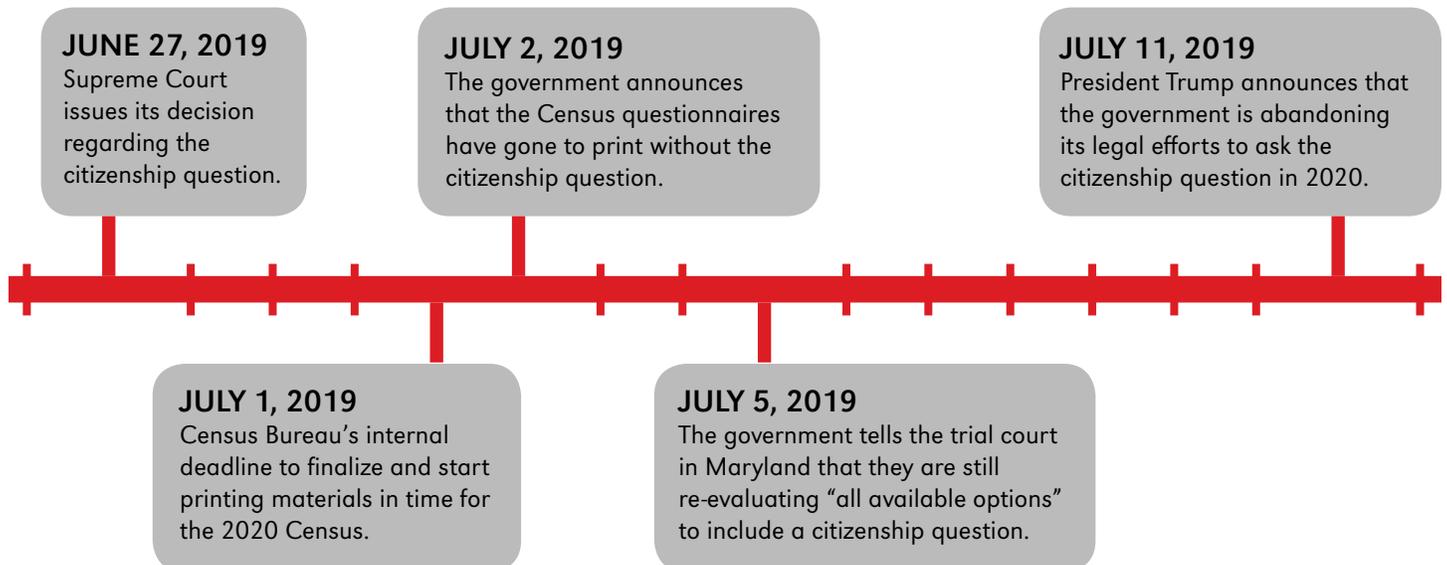
Disclosure of your responses by Census staff in violation of their lifetime oath to protect personal information is a federal offense punishable with fines up to \$250,000 and up to 5 years in prison!

SEVERAL STATES, CITIES, AND NON-GOVERNMENT ORGANIZATIONS SUCCESSFULLY SUED TO STOP THE FEDERAL GOVERNMENT FROM ASKING ABOUT CITIZENSHIP



Federal trial courts in California, New York, and Maryland blocked the government from asking a question about citizenship on the 2020 Census because they found that the Secretary of Commerce had violated federal law by adding the question. The Supreme Court upheld the New York judge, but only because the Court found the government's only justification for adding the question (the Department of Justice requested the data to enforce the Voting Rights Act) was "contrived," and not the real reason. Therefore the Supreme Court was unable to evaluate the agency's rationale for adding the question, which the Administrative Procedures Act requires. The Court sent the case back to the trial judge so that the government could provide a genuine explanation for its actions.

CENSUS FORMS ARE BEING PRINTED WITHOUT THE QUESTION — A TIMELINE



The 2020 Census will only ask questions about individuals' names, housing arrangements, sex, age, race, ethnicity, and relationship to the householder.

2030 CENSUS

THE QUESTION COULD BE ON THE CENSUS IN 2030

The Supreme Court did not hold that asking the citizenship question was per se unlawful or unjustified. The government could conceivably provide a genuine and adequate justification for its inclusion on the 2030 Census.

ASKING ABOUT CITIZENSHIP WOULD LIKELY REDUCE RESPONSE RATES AND MAKES THE COUNT LESS ACCURATE

Expert analysis from the Census Bureau at trial predicted that including a question about citizenship would depress self-response rates for households with non-citizens by a minimum of 5.1%.

★ **THAT HAS A BIG IMPACT!**



Inaccurate counts can cost states money. In Nebraska, a depressed count of households could cost Nebraska around \$114 million over 10 years!



The count is used to decide how many representatives Nebraska has in Congress, and for drawing the voting districts.



A drop in voluntary participation makes the Census much more costly to conduct because Census workers have to make multiple attempts to count households.



Countless government and private entities use census data for their research and to provide services, and they need that data to be reliable.

Sources: 13 U.S.C. § 9 (2018) (information as confidential). 13 U.S.C. § 214 (2018) (wrongful disclosure of information); 18 U.S.C. §§ 3559, 3571 (2018) (federal sentencing guidelines). See *Kravitz v. US Dep't. of Commerce*, 366 F.Supp.3d 681 (D.Md. 2019) (Secretary's decision violated the Enumeration Clause of the Constitution, and was arbitrary and capricious in violation of the Administrative Procedures Act or APA); *California v. Ross*, 358 F.Supp.3d 965 (N.D.Cal 2019) (same); *New York v. U.S. Department of Commerce*, 351 F.Supp.3d 502 (S.D.N.Y. 2019) (Secretary's decision violated the Census Act and the APA). *Department of Commerce v. New York*, 139 S.Ct. 2551, 2575-76, (June 28, 2019) (Supreme Court decision blocking citizenship question). Han Si Lo Wang and Amita Kelly, *Trump Administration To Print 2020 Census Without Citizenship Question*, NPR, https://www.npr.org/2019/07/02/738187530/trump-administration-to-print-2020-census-without-citizenship-question?utm_medium=RSS&utm_campaign=storiesfromnpr (July 2, 2019). U.S. Census Bureau sample questionnaire at: <https://2020census.gov/content/dam/2020census/materials/partners/2019-08/2020-informational-questionnaire.pdf>. CPAR custom calculation from 2013-17 ACS PUMS file, David Drozd (Nebraska has an estimated 43,000 households with at least 1 non-citizen member). "Why the 2020 Census is Important to Nebraska," David Drozd, CPAR (on average, each household not counted will cost the state \$51,980 in lost federal funds over ten years).