


# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: August 1, 2018

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso   
Chief Legislative Analyst Assignment No. 18-07-0705

SUBJECT: Resolution to OPPOSE the Census Bureau's proposed revisions to the processes of the 2020 Census

CLA RECOMMENDATION: Adopt the attached Resolution to OPPOSE the Census Bureau's proposed revisions to the processes of the 2020 Census (Federal Register Volume 83, No. 111, pp. 26643-26653) and authorize the Chief Legislative Analyst to submit the attached comments to the Census Bureau.

## SUMMARY:

As instructed by the City Council, the Office of the Chief Legislative Analyst has been monitoring legislation and implementation of the 2020 Decennial U.S. Census. On June 8, 2018, the Census Bureau released a notice in the Federal Register (Vol. 83, No. 111, Pages 26643-26653) seeking comments regarding proposed revisions to the processes of the 2020 Census. These changes included, among other things:

- The addition of a question regarding respondents' citizenship status;
- Encouraging internet response; and
- Increased reliance on existing administrative records in order to compile the Master Address File.

This office is concerned that these changes are likely to discourage participation and decrease the accuracy of the results in the 2020 Census, and recommends opposition to these proposed changes. Questioning respondents' citizenship status serves no specific purpose for the Census Bureau, and could deter citizens and non-citizens alike from responding for fear of governmental retribution. In addition, the City of Los Angeles is a co-plaintiff in *State of California vs. Ross*, which states that the inclusion of the question is illegal and opposes the Census Bureau's inclusion of a citizenship question on the questionnaire.

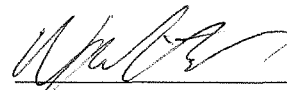
Encouraging internet response to the Census, while simultaneously curtailing the use of traditional response techniques, is likely to disadvantage those with little or no internet access. Access to the internet is not readily available to all citizens and is especially difficult to obtain for traditionally undercounted groups like minorities, recent immigrants, and those living in poverty.

At the same time, Census Bureau staff have proposed an increased reliance on existing administrative records to complete the Master Address File, which are often outdated and incomplete. The Bureau simultaneously plans to decrease the Non-Response Follow Up staff, which will make correcting these inaccurate records even more difficult. These changes would inevitably result in increased likelihood of an inaccurate Master Address File.

The attached Resolution therefore requests that the City oppose the Census Bureau's proposed revisions to the processes of the 2020 Census. In as much as the 2020 Census is crucial for representation and federal and state funding, the Council should adopt the attached Resolution and the Chief Legislative Analyst should be authorized to submit comments to the Census Bureau (Attachment 2).

DEPARTMENTS NOTIFIED:

None



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Alex Whitehead  
Analyst

Attachment: 1. Resolution  
2. Draft letter to Census Bureau, in Response to Federal Register Vol. 83, No. 111, Pages 26643-26653 (June 8, 2018)

## RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, it is the constitutional responsibility of the Census Bureau to provide a full account of all persons residing in the country, which determines fair political representation and directs the allocation of billions of dollars in key resources to states, localities, and families; and

WHEREAS, on June 8, 2018, the Census Bureau released a comment request regarding programmatic changes proposed for the 2020 Census in the Federal Register, Volume 83, No. 111; and

WHEREAS, these changes include the addition of a question regarding respondents' citizenship status, an increased reliance on the use of previously existing administrative records to form the Master Address File, and advocating for the use of the internet as a primary source of data collection; and

WHEREAS, it is the opinion of this governing body that these changes will decrease the accuracy of the results, specifically disadvantage traditionally undercounted communities, and discourage participation in the 2020 Census; and

WHEREAS, numerous advocacy groups have come out in opposition of these proposed changes, including the Leadership Conference on Civil and Human Rights and the National Association for the Advancement of Colored People; and

WHEREAS, the City of Los Angeles is a co-plaintiff in *State of California v. Ross*, which opposes the inclusion of a citizenship question on the 2020 Census;

NOW, THEREFORE, BE IT RESOLVED that by adoption of this Resolution, with concurrence of the Mayor, the City of Los Angeles hereby includes in its 2017-2018 Federal Legislative Program OPPOSITION to the Census Bureau's proposed revisions to the processes of the 2020 Census, as outlined in the Federal Register, Volume 83, No. 111, pp. 26643-26653, on June 8, 2018, and authorizes the Chief Legislative Analyst to submit a letter of opposition to the Census Bureau on behalf of the City.

Jennifer Jessup, Departmental Paperwork Clearance Office  
Department of Commerce, Room 6616  
14<sup>th</sup> and Constitution Ave. NW  
Washington, D.C. 20230

RE: Proposed Information Collection 2020 Census, Request for Comments Federal Register Vol. 83, No. 111/Friday, June 8, 2018, pp. 26643-26653.

Dear Ms. Jessup,

In response to a notice in the Federal Register Vol. 83, No. 111, dated June 8, 2018, pp. 26643-26653, the City of Los Angeles respectfully submits the following comments. The Census Bureau's proposed design changes to Census 2020 raise a number of concerns that are likely to hinder the accurate tabulation of residents which could result in significant fiscal impacts on local governments, particularly large cities like Los Angeles.

### **Inclusion of a Citizenship Question**

The Constitution and 1790 Census Act mandate that a census, conducted every ten years, enumerate "the number of the inhabitants within their respective districts." The census provides data that, among other important functions, determines fair political representation, directs the allocation of billions of dollars in key resources to states, localities, and families, and helps businesses decide where to grow.

The Constitution does not require that those counted within a national census be "citizens;" it requires that all inhabitants be counted. Therefore, there is no discernable need for the Census Bureau to be asking U.S. inhabitants about their citizenship status. A question about citizenship does not have bearing on the Census Bureau's constitutional responsibility to provide a full account of those residing in the country.

The addition of a question regarding the respondent's citizenship serves to undermine this responsibility by discouraging participation among U.S. inhabitants who lack such citizenship. In a tense political climate surrounding issues of immigration, the inclusion of this unnecessary question is sure to make citizens question whether submittal of a Census document would put them at risk of governmental retribution. This concern is certain to depress response rates to the Census.

Finally, the addition of a question regarding citizenship to the 2020 Census is unlawful for the reasons articulated in the lawsuit entitled *State of California v. Ross*. Case No. 3:18-cv-01865-RS.

### **Encouraging Internet Response**

The Census Bureau has proposed further reliance on internet responses for Census 2020. However, recent cyber-security incidents, which have often involved government agencies, have heightened the public's distrust of providing sensitive information online. In addition, access to computers and the internet is not readily available to all citizens and is especially difficult to

obtain for traditionally undercounted groups like minorities, recent immigrants, and those living in poverty. Encouraging internet response while subsequently tapering off the use of other response types will further alienate these traditionally undercounted communities.

### **Increased Reliance on Administrative Records**

The Census Bureau intends to use a variety of State, Federal, local, and commercial data records to reduce their workload in compiling the Master Address File (MAF). However, these documents are often outdated and incomplete. The Bureau is also planning to reduce the Non-Response Follow Up staff, which will decrease the number of visits to non-responsive households. By relying on outdated and inaccurate data, and diminishing the ability of staff to correct these mistakes, these new policies would drastically increase the likelihood of an incomplete MAF, and therefore a less accurate population count in Census 2020.

In conclusion, the Census Bureau's proposed changes to Census 2020 are in stark contrast to the Bureau's constitutionally-mandated goal: a full and accurate collection of population data. There is no discernable need for the Census Bureau to ask inhabitants to divulge their citizenship status, and the question is likely to lessen response rates to the census. Encouraging internet response to the census will disenfranchise those with insufficient internet access, who are already among traditionally undercounted populations. And, further reliance on outdated administrative records coupled with decreased resources to Non-Response Follow Up staff will inevitably lead to an inaccurate Master Address File. We strongly encourage the Census Bureau to reconsider the proposed design changes to Census 2020.