

Politics and the U.S. Census

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April 6, 2020

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The 2010 and 2020 U. S. Censuses

The Census is to count every person in the United States, once and in the right place

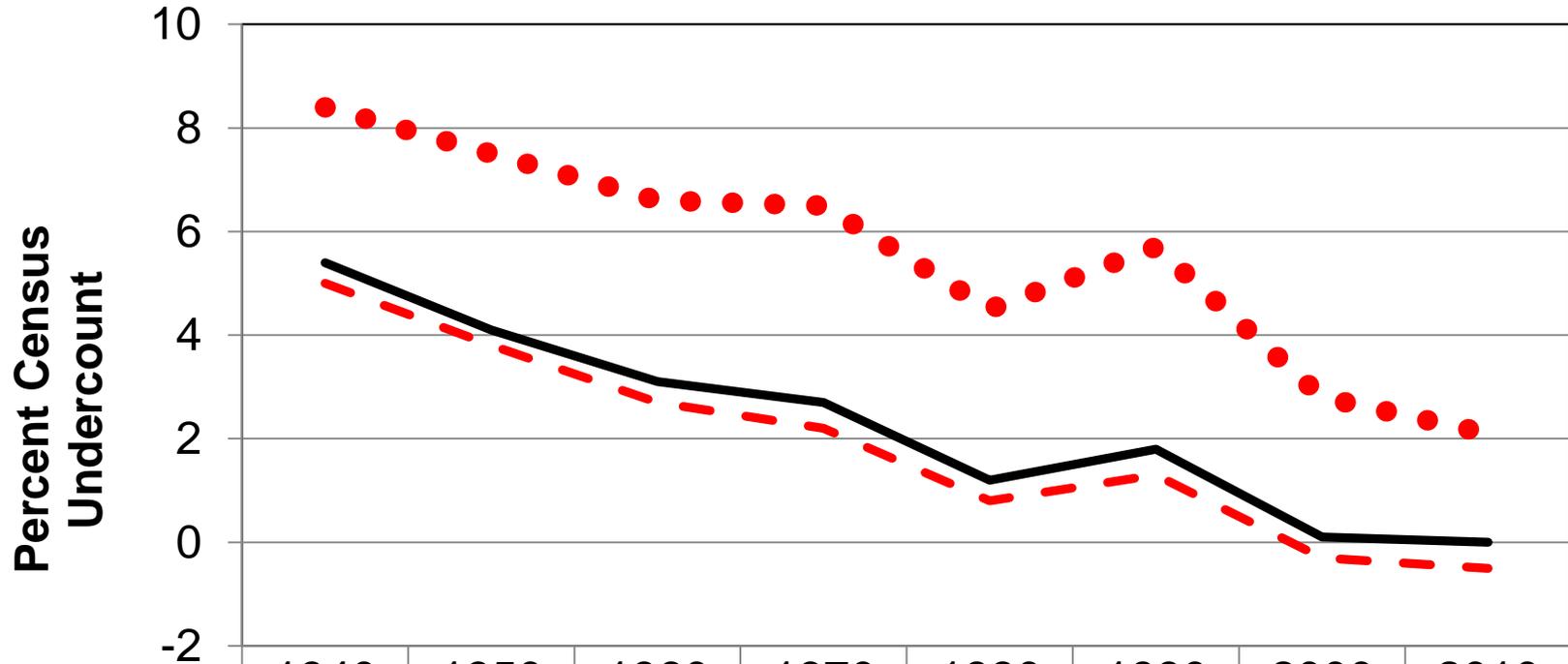
The 2010 and 2020 censuses ask only:

- Name
- Age and date of birth
- Relation to head of household
- Race and ethnicity (Hispanic or not)
- Whether person sometimes lives somewhere else
- Whether residence is a house, apartment or mobile home
- Whether residence is owned or rented
- Household phone number

American Community Survey (ACS)

- Through the 2000 Census, 1/6 of households received a long Census form, about 60 questions.
- The ACS, with about 60 questions, replaced the long Census form in 2010.
- The ACS surveys 3 million households each year.
- The ACS by law **cannot be used** for congressional reapportionment.
- The federal government uses ACS to allocate funds.
- The ACS asks a question about citizenship.
- The Census count is used as the basis of weights for surveys upon which funds are distributed.

Estimated Percentage Undercount in U.S. Censuses by Race, 1940-2010



— Total	5.4	4.1	3.1	2.7	1.2	1.8	0.1	0.0
•• African-American	8.4	7.5	6.6	6.5	4.5	5.7	2.8	2.1
- - non-African-American	5.0	3.8	2.7	2.2	0.8	1.3	-0.3	-0.5

Budget and 2020 Census

- In 2011 Congress told Census that the 2020 Census should not cost more than the 2010 Census without adjusting for inflation
- Led to a priority on costs and cost-saving
- Census developed many plans, including improved identification of vacant and unoccupied places. If successful, this would save \$1.4 billion.
- Plan for most people to respond on the Internet
- These changes needed extensive testing
- If these changes don't work Census costs will increase
- No Census budget increase 2017 to 2018

Budget and 2020 Census

- Many tests, eliminated, postponed or reduced.
- One extensive test in Providence in May 2018. Had planned to also include Washington State and West Virginia
- Delayed hiring and slow recruitment of community partners and opening of regional centers
- Reduction from 29 to 13 languages in promotional materials from 2010 to 2020
- Elimination of Questionnaire Assistance Centers and Be Counted programs
- On April 2, 2020 announced that due to Coronavirus waiting times at Census Call Centers will be longer
- All these changes will especially impact hard to count populations and increase differential undercount

Citizenship Instructions to Census

- On March 26, 2018 Wilbur Ross, Secretary of Commerce, instructed the Census Bureau to include a citizenship question on the Census.
- On June 27, 2019 the Supreme Court ruled the citizenship question could not be added to the 2020 Census. The government rationale was to help enforce the Voting Rights Act. This was found to be a fabricated reason.
- The Supreme Court ruled that it might be legal for the government to add a citizenship question, but there needed to be a plausible rationale.

Government Options After Supreme Court Ruling

- There was not time for the government to develop a new plausible rationale for a citizenship question for 2020.
- The printing of the Census forms needed to start by July 1, 2019.
- The date of the 2020 Census is April 1, 2020.
- But the fieldwork in remote Alaska starts in January 2020.

Actions After Supreme Court Ruling Not to Add Citizenship Question to 2020 Census

- The Commerce Department told the Census Bureau to obtain from administrative data or to estimate based on modeling the citizenship status of each person in the 2020 Census.
- Congress had years ago instructed the Census Bureau to use data from administrative records whenever possible to reduce respondent burden.
- A file including the number citizens of voting age (CVAP) by race and ethnicity at the block level is to be produced by March 31, 2021. It will be sent to each state.
- A suit has been filed in Arizona and Texas.

Citizenship Status from Administrative Data

- Citizenship sources as of September 2019:
 - Social Security
 - Individual Taxpayer Identification Numbers
 - IRS 1040 and 1099 forms
 - Medicare and Medicaid
 - Housing and Urban Development
 - Homeland Security
 - Department of State Passport Data
 - Indian Health Service
 - Department of Justice

Citizenship Status from Administrative Data

- The Census Bureau has asked states for driver's license information, including citizenship and eye color.
- At least 13 states, including Maine, Utah, Pennsylvania and Nevada, have refused to turn over the information.
- These states refused on the basis of violation of state privacy laws.

Why Report on Citizenship?

- But the likely purpose was to lay groundwork to change the basis of state legislative districts and of reapportionment of seats in the House of Representatives from the total population to the citizen voting age population.
- In 2015, Leah Libresco noted that U.S. Congressional districts based on eligible voters could not be drawn because there was not information on the citizen voting age population. The citizenship question would have provided that information for the entire population.

Change to Citizen Voting Age Persons for Allocation of U. S. House Seats

There are different legal views of what would be necessary for this change:

- Some think a constitutional amendment would be necessary
- Some think Congress would need to pass a law
- Some think a Presidential executive order would be enough

What was necessary would depend on the outcome of elections and court decisions.

In 2016, Andrew Beveridge estimated that such a change would result in Democrats losing 5 or 6 seats.

State Legislative Districts

- State legislative districts cannot be drawn with explicitly racial concerns.
- The largest district in a state can be no more than 10% larger than the smallest district.
- There are virtually no other limitations on what states can do to draw state legislative districts.
- Several states will likely change state legislative districts to citizen or citizen voting age basis using the new census/citizenship file. This will decrease urban and minority representation.
- 22 states have Republican majority legislatures and a Republican governor.
- The only recourse seems to be the election of a Democratic President and him telling the Census Bureau not to turn over the state files to the states.

Alabama and Hawaii

- In 2018 Alabama filed a suit challenging the inclusion of undocumented persons in the Census count for Congressional reapportionment.
- The Federation for American Immigration Reform (FAIR), an anti-immigration group, estimated that the inclusion of undocumented persons in the Census count contributes 3 Congressional seats for Texas and 2 seats for Florida.
- Since 2013 Hawaii has not included non-resident military and non-resident students in the population for drawing state legislative districts, even though they are included in the Census count for Hawaii.

Evenwel vs. Abbott Case

- In 2016 Texas was sued to have state senate districts allocated on the basis of the number of eligible voters rather than the total population.
- The Supreme Court unanimously ruled allocation based on the total population was legal.
- Justice Ginsburg wrote for the majority “We need not and do not resolve whether, as Texas now argues, States may draw districts to equalize voter-eligible population rather than total population.”