



What is the decennial census?

The decennial census is the short survey the Census Bureau sends to every household in the country every ten years. It is required by the Constitution to count every living person in the United States, regardless of citizenship status.

The population count as determined by the decennial census is used to apportion representation in Congress, to allocate votes in the Electoral College, and to divide more than \$900 billion in federal funds annually. It is also used for purposes of equalizing population in congressional, state, and local legislative districts.

The decennial census questionnaires will not be sent to any households until January 2020 and for most households not until March 2020.

Will there be a citizenship question on the 2020 decennial census?

No. The Supreme Court held that the Trump Administration's reasoning for wanting to add a citizenship question was a pretext and not acceptable.

The President has since issued an Executive Order indicating that there will be no citizenship question on the 2020 decennial census.

The administration has also been permanently enjoined from adding a citizenship question to the 2020 decennial census, from delaying the process of printing the 2020 decennial census questionnaire for the purpose of adding a citizenship question and from otherwise asking about citizenship as a part of the 2020 decennial census.

Is the administration still planning on collecting data on citizenship?

Yes. The President's executive order requires all federal agencies to share citizenship data with the Census Bureau to the maximum extent possible allowed by law. This is what the Census Bureau had already recommended to Commerce Secretary Ross as the best method to compile citizenship data.

The administration will use the citizenship data compiled through administrative records to create Citizen Voting Age Population (CVAP) tables, which some state officials have expressed interest in using in redistricting.

I received a survey from the U.S. Census Bureau that asks about citizenship. But I thought that this question won't be on the 2020 decennial census?

While a citizenship question won't be on the 2020 decennial census, the Census Bureau does have other surveys that do have a citizenship question on it. These surveys are sent to a small number of households:

- **The American Community Survey** is an ongoing annual survey of approximately 50 questions sent out to a sample of approximately 3.5 million U.S. households every year.
 - * The ACS has always had a citizenship question on it; it is the primary source of citizenship statistics that governments, policymakers, and advocates use.
 - * Because the ACS is a sample survey, it can be statistically adjusted for non-responses (unlike the decennial census). The presence of a citizenship question on the ACS does not therefore carry the same concerns as it does on the census.
 - * **More info on the ACS is available here:**
<https://www.census.gov/programssurveys/acs>
- **The 2019 Census Test** is a randomized control trial the Census Bureau is conducting in July and August 2019 to test how adding a citizenship question to a decennial census would affect the number of people who respond.
 - * The survey was designed and started before the Supreme Court issued its ruling and the administration announced that there would be no citizenship question on the 2020 decennial census.
 - * This survey is being used for testing purposes only. Approximately 240,000 households will receive the test questionnaire with a citizenship question and another 240,000 households will receive the test questionnaire without the citizenship question.
 - * **More info on the 2019 Census Test is available here:**
<https://www.census.gov/programs-surveys/decennial-census/2020-census/research-testing/testing-activities/2019-census-test.html>

Do I need to answer the American Community Survey and/or the citizenship question on it?

Responding accurately to the American Community Survey is required by law.

Do I need to answer the 2019 Census Test and/or the citizenship question on it?

Responding accurately to the Census Test is required by law because it is a part of the testing to prepare for a decennial census.

Because this is a test you should ask yourself how you would respond if it was the official decennial census questionnaire and then respond to the survey accordingly.

Is census data private?

The Census Bureau is subject to some of the strongest privacy protections in federal law. Under Title 13 of the U.S. Code private information collected through any survey conducted by the census can never be published. It is against the law for the Census Bureau to disclose or publish any private information that identifies an individual or their address. Personal information collected through the census also cannot be used by any government agency or court.

Census Bureau employees are sworn to protect confidentiality and are legally required to maintain the confidentiality of census data. Every person with access to individual census data is sworn for life to protect that information. Anyone who violates this law faces severe penalties, including a federal prison sentence of up to five years, a fine of up to \$250,000, or both.

The President's Executive Order states that "Information subject to confidentiality protections under Title 13 may not, and shall not, be used to bring immigration enforcement actions against particular individuals. Under my Administration, the data confidentiality protections in Title 13 shall be fully respected."

The civil rights community, including the ACLU, will be monitoring the actions of the administration very closely and should any privacy violation occur following the 2020 decennial census the civil rights community is prepared to take the Trump Administration to court.

Are there any plans to challenge the administration's collection of citizenship data from administrative records?

- As a general matter, the analysis and assembly of citizenship data by the federal government based on sources already in its position does not appear, in itself, to be unlawful. But we are scrutinizing the administration's plans and will respond accordingly if we determine that they are unlawful in any way.
- The more serious issue is how the administration and others plan on using the citizenship data after it is assembled.

- * Any attempt by the administration to use citizenship rather than total population to apportion representation in Congress would be clearly unconstitutional and would meet immediate legal action by the ACLU.
- * Efforts by state and local governments to conduct redistricting based on citizenship rather than total population would similarly be challenged.

Is the litigation over? What about the sanctions motion filed by the ACLU?

While the merits of the litigation are over, there are ongoing proceedings related to a motion for sanctions filed by the ACLU against the Defendants in the case—the Department of Commerce and Commerce Secretary Ross.

The motion seeks sanctions based on false testimony by Commerce officials and agents who sought to conceal that the effort to add the citizenship question was part of an effort to facilitate redistricting strategies that would, in the words of a partisan redistricting strategist, be “advantageous to Republicans and Non-Hispanic whites,” at the expense of Latino communities.

The sanctions motion seeks relief against senior Commerce and Justice Department officials. It does not accuse career DOJ or Commerce line attorneys of any misconduct.

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