



The Leadership
Conference
Education Fund

2020 CENSUS PUBLIC COMMENTS TOOLKIT

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(produced by [Protect Democracy](#))

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The census is required by the U.S. Constitution and getting it right is important to everyone. A fair and accurate census, and the collection of useful, objective data about our nation's people, housing, economy, and communities generally, is among the most important civil rights issues of our day.

Historically, the census has missed certain communities at disproportionately high rates, which is why it is critical that we have a fair and accurate 2020 Census. Adding an unnecessary and intrusive question about citizenship to the census form that goes to all households will discourage participation and threatens the accuracy of the count, especially in already "hard-to-count" communities.

Why Your Comments Matter

On March 26, 2018, Secretary of Commerce Wilbur Ross announced that he had directed the Census Bureau to add an untested and unnecessary question to the 2020 Census form, which would ask the citizenship status of every person in America. A number of states, cities, civil rights organizations, and the bipartisan U.S. Conference of Mayors have already sued to remove the citizenship question from the 2020 Census.

The public can also weigh in about the misguided decision during a 60-day public comment period on the census topics and questions, which ends August 7. The public comment period provides an opportunity to establish a strong, clear public record from a range of stakeholders who oppose the addition of a citizenship question to the 2020 Census.

Civil rights and census advocates must raise our collective voices to ensure that the 2020 Census is fair and accurate by making our voice heard – to guarantee no one is left behind.

This toolkit was created to help civil rights and census advocates understand the opportunity the public comment period provides while equipping them with resources to oppose the citizenship question and continue to fight for a fair and accurate 2020 Census.

In this toolkit, you will find:

- Explainer on the Paperwork Reduction Act and the 2020 Census (produced by [Protect Democracy](#))
- Talking Points on the Citizenship Question and Public Comments Template
- Sample Graphics and Social Media Messages
- Take Action
- Sample Letters to the Editor

For more information about the public comment period, contact:

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Under the Paperwork Reduction Act (the “PRA”), the Department of Commerce (of which the Census Bureau is a part) has to comply with detailed procedural requirements before collecting information. This requirement applies to the 2020 Census questions, which together are a “collection” under the PRA.

Commerce Evaluation

Under the PRA, Commerce must first evaluate the need for the collection and an objective estimate of the burden imposed by the collection.¹ Because the decennial census is a statistical undertaking, Commerce must also “ensure the relevance, accuracy, timeliness, integrity, and objectivity of [the] information collected.”²

First Public Comment Period

Next, Commerce must publish notice in the Federal Register of a 60-day comment period³ – the first of two public comment opportunities. During this first comment period, Commerce must solicit comments from the public. The comments are solicited so that Commerce can do four things:

1. evaluate whether the proposed collection of information is **necessary for the proper performance of the functions of the agency**, including **whether the information shall have practical utility**;
2. evaluate the **accuracy of the agency’s estimate of the burden** of the proposed collection of information;
3. **enhance the quality, utility, and clarity of the information** to be collected; and
4. **minimize the burden of the collection** of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology[.]⁴

Under the PRA, the agency is required to “evaluate” the public comments⁵ – but the law does not require that the agency give the comments any particular weight.

The PRA directs the agency’s Chief Information Officer (“CIO”) to oversee this process.⁶

Certification and Submission to OMB

After Commerce considers public comments received during this first comment period, it must submit the 2020 Census questions to the Director of the Office of Management and Budget (“OMB”) for review. The agency CIO, on behalf of the Secretary of Commerce,⁷ must certify that the collection of information being submitted to OMB is, among other things, necessary, “not unnecessarily duplicative of information otherwise reasonably accessible to the agency,” as non-burdensome as practicable, and “uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be

¹ 44 U.S.C. § 3507(a); 44 U.S.C. § 3506(c)(1).

² 44 U.S.C. § 3506(e)(1).

³ 44 U.S.C. § 3507(a)(1)(B); 44 U.S.C. § 3506(c)(2)(A).

⁴ 44 U.S.C. § 3506(c)(2)(A)(i)-(iv).

⁵ 44 U.S.C. § 3507(a)(1)(B).

⁶ 44 U.S.C. § 3506(a)(2).

⁷ 44 U.S.C. § 3506(a)(1)(B).

collected.”⁸ Commerce must also provide OMB with a record supporting the certification, including public comments received by the agency.⁹

Second Public Comment Period and OMB Approval

After the certification and submission of the 2020 Census questions to OMB, Commerce will publish a second notice in the Federal Register stating that it has submitted the “collection” to OMB and that OMB will be accepting public comment on the collection.¹⁰ This begins the second comment period required by the PRA. This period must last at least 30 days,¹¹ although OMB has 60 days from Commerce’s submission to make a determination.¹² The PRA does not require that OMB give any particular weight to public comments, or issue a public explanation of its decision, but does require that all comments to OMB be made available to the public.¹³

Commerce may only proceed with the collection – that is, use the proposed 2020 Census questions – after the Director of OMB receives public comment during the second comment period, approves the collection, and issues a control number.¹⁴ Although the OMB Director has statutory authority for this review, the PRA delegates implementation of this review to the Administrator of the Office of Information and Regulatory Affairs (OIRA).¹⁵ As a practical matter, the process is carried out by career staff – when it comes to reviewing census questions, this staff is supervised by the Chief Statistician of the United States, whose position in OIRA is authorized under the PRA.¹⁶ OMB can “instruct the agency to make substantive or material change to a collection of information,” known as a *conditional* approval, and must make the reasons for this action publicly available. Any conditions are more in the nature of management instructions and are unlikely to be legally binding.

OMB’s criteria for approval are similar to the criteria used by Commerce to certify the collection, including:¹⁷

1. Minimization of **burden**;
2. Maximization of **practical utility and public benefit**;
3. For statistical information, ensuring **the integrity, objectivity, impartiality, utility, and confidentiality of information** collected for statistical purposes.¹⁸

Note that if OMB fails to notify Commerce of its approval or denial within 60 days, approval is inferred – but then Commerce may only collect the information for one year from the 60-day deadline.¹⁹ Because the 2020 Census will begin more than a year after the probable 60-day mark, it is likely that OMB will timely and affirmatively approve the 2020 Census questions.

⁸ See 44 U.S.C. § 3506(c)(3).

⁹ *Id.*

¹⁰ 44 U.S.C. § 3507(a)(1)(D).

¹¹ 44 U.S.C. § 3507(b).

¹² 44 U.S.C. § 3507(c)(2).

¹³ 44 U.S.C. § 3507(e)(2).

¹⁴ 44 U.S.C. §§ 3507(a)(2), (3).

¹⁵ 44 U.S.C. § 3503(b).

¹⁶ 44 U.S.C. § 3504(e)(7).

¹⁷ 44 U.S.C. § 3504(c).

¹⁸ 44 U.S.C. § 3504(e)(1).

¹⁹ 44 U.S.C. § 3507(c)(3).

Together, the two public comment periods required under the PRA mean that initial notice of the collection be issued at least 90 days before the collection – that is, before the 2020 Census – begins. This timing requirement should be easily met as to the 2020 Census questions: senior Census Bureau staff told the Census Scientific Advisory Committee at its Spring 2018 meeting in late March that it planned to publish the proposed topics and questions for the 2020 Census in the Federal Register in April or May 2018. This notice, published in June 2018, initiated the first of the two required comment periods, as described above.

**Provided by: [Protect Democracy](#). Questions regarding the PRA Explainer can be directed to Jamila Benkato at jamila.benkato@protectdemocracy.org.*

On the evening of March 26, 2018, Secretary of Commerce Wilbur Ross announced that he had directed the Census Bureau to add an untested and unnecessary question to the 2020 Census form, which would ask the citizenship status of every person in America. The following talking points are designed to help you communicate why this was a bad decision and why it must be corrected.

- **This alarming decision is bad for the census, bad for our communities, and bad for America.**
 - Conducting a census with major untested elements will force the Census Bureau to conduct the count with a blindfold on. The Census Bureau conducted careful, costly research and testing over the last eight years to develop the census questions. The addition of this new and controversial question invalidates that research and risks jeopardizing the success of the count.
 - The unwise addition of this citizenship question to the form will cause participation in the upcoming census to plummet. Asking every household and every person in the country about their citizenship status in the current political environment – when there is no programmatic basis or need to do so – will cause panic and will cause hundreds of thousands of people in our communities to avoid the census for fear of being targeted by this administration.
 - This question is unnecessarily intrusive and will raise concerns in all households – native- and foreign-born, citizen and non-citizen – about the confidentiality of their personal information and how government authorities may use that information.
- **Getting the 2020 Census right is important for all American communities – particularly those most likely to be undercounted. This politically driven citizenship question compromises the Census Bureau’s constitutional responsibility to conduct a fair and accurate count of every person living in the United States.**
 - Everyone relies on census data. Census data are the basis for fair political representation. Local community leaders use this data to make decisions about allocating resources for community needs like education, assistance for veterans, hospitals, and transportation. Businesses and entrepreneurs use census data to make critical decisions about where to locate plants and stores, hiring, and customer needs.
 - The Justice Department released thousands of documents in response to the multi-state lawsuit led by the NY AG’s office. These included internal Census Bureau documents warning that the addition of a citizenship question would depress census response rates, drive up costs, and diminish the accuracy of census data. The documents also included a paper trail that demonstrated that the question was added to further the agenda of political operatives like Steve Bannon and Kansas Secretary of State Kris Kobach. Secretary Ross later filed a memo revealing that he had

considered adding the question as early as February 2017, when he began his job, after hearing from other senior administration officials.

- The costs of adding an untested question this late in the process to taxpayers is significant. According to the Census Bureau, every one percent decrease in the self-response rate will increase the cost of the count by \$55 million. A five percent drop in self response would add an additional, unplanned \$275 million to the census.

PUBLIC COMMENTS TEMPLATE

DATE

Ms. Jennifer Jessup
Departmental Paperwork Clearance Officer
Department of Commerce
Room 6616
14th and Constitution Avenue, NW
Washington, DC 20230

RE: Comments on Proposed Information Collection on 2020 Census, Docket No. USBC-2018-0005

Dear Ms. Jessup,

On behalf of [NAME OF ORGANIZATION], we write to offer comments on the 2020 Census proposed information collection. We urge the Department of Commerce to remove the citizenship question from the 2020 Census form, as it will jeopardize the accuracy of the census in all communities – an outcome that the nation will have to live with for the next 10 years.

We believe a full, fair, and accurate census, and the collection of useful, objective data about our nation’s people, housing, economy, and communities, is vitally important. Not only is a nationwide census required by the Constitution, it is integral to our democracy, ensuring that district lines and political power are fairly drawn and allocated. The federal government uses census-derived data to direct at least \$800 billion annually in federal assistance to states, localities, and families. The data also guide important community decisions affecting schools, housing, health care services, business investment, and much more.

Simply put, a fair and accurate census is essential for all basic functions of our society. *That is why the 2020 Census should not include a question on citizenship that the weight of scientific evidence indicates will undermine a successful count of our nation’s people.*

[ADD INFORMATION THAT IS SPECIFIC TO YOUR COMMUNITY. SEE BELOW FOR HARD TO COUNT FACTSHEETS FOR REFERENCE]

[Hard to Count: Young Children and Their Communities](#)

[Will You Count? Latinos in the 2020 Census](#)

[Will You Count? Asian Americans and Native Hawaiians and Pacific Islanders \(NHPs\) in the 2020 Census](#)

[Will You Count? African Americans in the 2020 Census](#)

[Will You Count? American Indians and Alaska Natives in the 2020 Census](#)

[Will You Count? Middle Eastern and North African Americans \(MENA\) in the 2020 Census](#)

[Will You Count? People Experiencing Homelessness in the 2020 Census](#)

[Will You Count? Households with Low Incomes in the 2020 Census](#)

[Will You Count? Renters in the 2020 Census](#)

[CUNY Census Hard to Count Map](#)

Even before Secretary Ross’ decision to place a citizenship question on the 2020 Census, state and local officials and community leaders were deeply concerned about the difficulty of achieving robust participation in many communities. In the current political environment, immigrants feel demonized, and their worst fears are realized when federal agents invade homes, schools, and places of worship and families are torn apart both at the U.S. border and in the heart of communities. Not surprisingly, the

request has drawn intense opposition from a nonpartisan and ideologically broad group of business leaders, state and local officials, social scientists, and civil and human rights advocates who know how much is at stake with a fair and accurate census. This groundswell of opposition has included more than 160 Republican and Democratic mayors, six former directors of the Census Bureau and two former Commerce Secretaries from Republican and Democratic administrations, civil and human rights groups, more than 600 faith leaders, more than 120 members of the U.S. House of Representatives, and many others representing a diversity of political ideologies and communities. **All are united in their deep-seated concern that an untested citizenship question will compromise implementation of the 2020 Census and jeopardize the quality and accuracy of census data for all communities.**

The harm from this decision (if it is not reversed) would be universal, with communities that are already at greater risk of being undercounted – including people of color, young children, and low-income rural and urban residents – suffering the most. An untested citizenship question will drive up costs as the Census Bureau struggles to develop new communications and outreach strategies with little time remaining, plan for an expanded field operation, and track down the millions of households that will be more reluctant to participate because of this controversial question. In sum, asking about citizenship status in a climate of fear and mistrust can only heighten suspicions, depress response rates, cost additional taxpayer money, and thwart an accurate, inclusive 2020 enumeration.

A full, fair, and accurate census is absolutely critical for our community. For the reasons discussed above, we strongly oppose asking about citizenship status in the 2020 Census and urge the Department of Commerce to remove the proposed citizenship question from the data collection forms.

Sincerely,

[NAME OF ORGANIZATION]



In March, Secretary of Commerce Wilbur Ross, with the support of Attorney General Jeff Sessions' anti-immigrant Department of Justice, announced that he had directed the Census Bureau to add a citizenship question to the 2020 Census. Adding the citizenship question is bad for the census, bad for our communities, and bad for America.

Comment Period: Now-August 7, 2018

Have your organization write and submit a comment. We need to show the breadth of voices in opposition to the citizenship question. You can have your organization and your members submit a unique comment at censuscounts.org.

Amplify on social media. Use the graphics, sample messages, and the hashtag #SaveTheCensus to oppose the citizenship question and encourage comment submission.

THE ADDITION OF A
**CITIZENSHIP
QUESTION:**

BAD FOR THE 2020 CENSUS
BAD FOR OUR COMMUNITIES
BAD FOR AMERICA

#SaveTheCensus

TAKE ACTION AT
CensusCounts.org



**TAKE
ACTION:**

URGE THE COMMERCE DEPARTMENT
TO **REMOVE THE CITIZENSHIP QUESTION**
FROM THE 2020 CENSUS FORM

#SaveTheCensus

TAKE ACTION AT
CensusCounts.org



SAMPLE SOCIAL MEDIA MESSAGES

- The addition of an untested and intrusive citizenship question is bad for the #2020Census, bad for our communities, and bad for America. Take action now to #SaveTheCensus: censuscounts.org
- Including an untested, controversial citizenship question on the #2020Census will undermine the quality and accuracy of the census in every community. Urge the Commerce Department to remove the question and #SaveTheCensus now. censuscounts.org
- Including a citizenship question puts the #2020Census at grave risk of a significant undercount, especially among hard-to-reach population groups that are already fearful of answering government surveys. Tell the Commerce Dept to remove it. #SaveTheCensus censuscounts.org
- The addition of a citizenship question is a blatant attempt to undermine the #2020Census. Help #SaveTheCensus: Submit a comment TODAY and urge the Department of Commerce to remove it from the census form. censuscounts.org
- A fair and accurate #2020Census is essential for all basic functions of our society, but an untested citizenship question would jeopardize the quality and accuracy of census data for ALL communities. Take action now to have it removed: censuscounts.org #SaveTheCensus
- The #2020Census citizenship question is untimely, unnecessary, and untested – and you have the power to speak out against it. Submit a public comment now and let the Department of Commerce know that the question is a danger to the count. censuscounts.org #SaveTheCensus
- The stakes are too high to allow the #2020Census to include an unnecessary citizenship question. You can help #SaveTheCensus today: Submit a comment and tell the Department of Commerce to remove it from the census form. censuscounts.org
- The untested #2020Census citizenship question must not stand. It will jeopardize the accuracy of the count in all communities – an outcome that the nation will have to live with for the next TEN years. Take action today to #SaveTheCensus: censuscounts.org
- Getting the #2020Census right is important to everyone. Join us in raising our collective voices to ensure the count is fair and accurate. Submit a public comment today: censuscounts.org #SaveTheCensus

SAMPLE LTE #1

To the Editor:

In March, Secretary of Commerce Wilbur Ross, with the support of Attorney General Jeff Sessions' anti-immigrant Department of Justice, announced that he had directed the Census Bureau to add a citizenship question to the 2020 Census. Adding a new question on citizenship will increase census costs significantly and jeopardize a fair and accurate count by deterring many people from responding. The data gathered by the census provides the basis for fair voting representation and helps our [STATE'S] leaders identify current and future needs for health care, infrastructure, education, housing, and other services.

How can we take action? A [60-day comment period](#), which ends on August 7, provides an opportunity to establish a strong, clear public record from a range of stakeholders who oppose the addition of a citizenship question to the 2020 Census. Make your voice heard and submit your public comment at [censuscounts.org](https://www.censuscounts.org).

The untested and unnecessary citizenship question undermines the integrity of the census. Tell Congress and the Trump administration to support a fair and accurate census and remove the citizenship question from the 2020 Census form.

Advocate Jane Doe

SAMPLE LTE #2

To the Editor:

Saving the 2020 Census is more critical now more than ever. With the inclusion of the citizenship question, the threat to a fair and accurate count is real. Overriding the Census Bureau's nonpartisan experts, Commerce Secretary Wilbur Ross directed the bureau to include a question on citizenship status on the census form, without any time to test the question or assess the potential impact on people's willingness to complete the questionnaire. A fair and accurate census that reflects our communities is absolutely vital. That is why the citizenship question should not be added to the 2020 Census.

A failed, inaccurate census will skew the fair distribution of program funds for the next 10 years. That means that the federal assistance programs [STATE] offers our communities – Medicaid, highway planning and construction, special education grants, children's health insurance plans, child care and foster care – could face serious cuts that would hurt already vulnerable communities and families.

Let Congress and the Trump administration know that this outcome is unacceptable. You can participate in a 60-day comment period between now and August 7, where the Commerce Department is soliciting public comments on the 2020 Census to help evaluate the quality of information the questionnaire will collect. Speak up for every community – let your voice be heard!

#SaveTheCensus by submitting a comment to censuscounts.org.

Mother Jane Doe