

Census 2020 and the Citizenship Question

Considerations for Community Based Organizations

Why is the census important? What are the consequences of an undercount?

The census determines the apportionment of political representation and the allocation of state and federal resources. Census data are used to calculate the number of Congressional seats in each state, and to draw districts for federal, state, and local offices. Census data are also used to divide federal and state funding and services in a vast range of programs, including healthcare, education, housing, and infrastructure.

What is the citizenship question?

The Census Bureau is trying to add a question about citizenship to the decennial census questionnaire for the first time since 1950. There are multiple legal challenges to the question, alleging that it will scare people in immigrant communities and lead to an inaccurate census. The outcome of the legal challenges is unknown. Three judges ruled that the Census Bureau cannot include the question, but that ruling has been appealed to the Supreme Court. The question might be on the 2020 Census; we will not know until June 2019.

Is this person a citizen of the United States?

- Yes, born in the United States
- Yes, born in Puerto Rico, Guam, the U.S. Virgin Islands, or Northern Marianas
- Yes, born abroad of U.S. citizen parent or parents
- Yes, U.S. citizen by naturalization – Print year of naturalization
- No, not a U.S. citizen

How do people respond to the census?

People can start responding to the census in mid-March 2020. For the first time, people will be able to respond to the census online. The Census Bureau will send mailers encouraging people to fill out the census online, with a unique household ID, starting in March 2020. Some households will also receive paper questionnaires in the initial mailing. If a household does not respond online, they will be sent reminders and then a paper questionnaire. People can also call the Census Bureau to answer the census by phone. The phone line and online questionnaire will be available in English, Spanish, Chinese, Vietnamese, Korean, Russian, Arabic, Tagalog, Polish, French, Haitian Creole, Portuguese, and Japanese. The paper questionnaire will only be available in English and Spanish.

Do people have to participate in the census?

Technically, all people who live in the United States are required to participate in the census and are required to answer every question on the census questionnaire. It is actually a federal crime to fail to respond to the census, in whole or in part, and a person could be fined up to \$5,000. In reality, millions of people fail to answer at least some questions on every census and enforcement of this law has been virtually nonexistent. According to the Census Bureau, the last prosecution for failure to respond to the census was in 1970.

Will the Census Bureau share data about respondents with other agencies?

There are extremely strong privacy protections for census data under federal law. Census data about individual respondents cannot be shared with any party outside the Census Bureau, including immigration enforcement or other government agencies. Additionally, census data cannot be used for any purpose other than statistical analysis. If a Census Bureau employee wrongfully discloses census data, he or she could be sentenced to five years in prison and/or a \$250,000 fine.

Can someone skip questions when responding to the census?

Although it is legally required to respond to all census questions, people might choose to skip some questions. People must provide their address when responding to the census. It should be possible for respondents to skip other questions, including the citizenship question, when they fill out the census form on paper, online, over the phone, or with an enumerator. A respondent who skips a question online, over the phone, or with an enumerator will likely be encouraged to respond to any question they attempt to skip, before being allowed to continue. A person will still be “counted” by the Census Bureau, even if they do not provide a complete response.

What are potential consequences for individuals who skip the citizenship question?

If someone skips a *single* question on the census form, the Census Bureau probably will not send an enumerator to the person’s home to ask for an answer. The more questions a person skips when submitting the form, the likelier it is that an enumerator will come to their home or call them to get missing information. Enumerators may visit a residence up to six times. As noted above, skipping any question on the Census is technically a crime, but the possibility of criminal consequences is extremely small.

What happens if someone provides a false answer to the citizenship question?

Respondents should not lie when answering census questions. While enforcement is rare, providing any false answer on the census is a crime. There is also a very slight risk of serious immigration-related consequences for respondents who falsely state that they are citizens when they are not. Data confidentiality rules prohibit the sharing of personal information with immigration authorities. Nevertheless, lying carries risk and should be avoided.

What are potential consequences for communities if a large number of people respond to the census but skip the citizenship question?

A widespread choice by U.S. citizens and non-citizens to skip the citizenship question could negatively affect future voting rights advocacy and enforcement. The federal Voting Rights Act (VRA) protects voters from discrimination on the basis of race or language skills. When civil rights groups use the VRA to fight for majority-minority districts or translated voting materials, they need accurate census data showing that our communities are as large as possible. We do not know how the Census Bureau will fill in missing information when someone skips the citizenship question, but widespread non-response to the question could lead to an undercount of citizens in our communities and make this enforcement more difficult.

What are potential consequences for community based organizations that advise people to skip the citizenship question?

There are risks to organizations that encourage people not to respond to the census. A 501(c)(3) or 501(c)(4) can lose its tax status if it substantially engages in illegal activities, including planning or encouraging illegal acts. (Remember, not responding to the census is technically illegal.) Additionally, it is a crime for a person or entity to directly or indirectly provide information to the Census Bureau with the intent of causing an inaccurate census count, though enforcement of this law has been exceedingly rare.



A detailed memo about these issues is available at <https://www.advancingjustice-alc.org/programs/voting-rights/>
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