



## **2021 Issue Paper: Census**

### **Position Summary**

The League of Women Voters of the United States' position on apportionment means that the census should count everyone, be transparent, easy and accessible, and the process should respect the diversity of our communities.

### **Background**

Every 10 years, the U.S. Census Bureau carries out a count of the nation's residents. This total population count includes all people regardless of their legal resident status. It counts the total population living in the 50 states, District of Columbia, and five U.S. territories. The count is mandated by the U.S. Constitution, and the data collected is used for decisions and funding (over \$900 billion in federal money) that impact every community. The decisions include redistricting, enforcement of civil rights laws, education, infrastructure, medical insurance, and much more. Whether all people are counted accurately in the 2020 Census could make a significant difference in the redrawing of districts.

### **What happened because of the pandemic?**

The 2020 Census marked the first time that people were able to respond online. Luckily almost 67% of the U.S. population self-responded either online, by mail, or by phone. At 72.4%, Washington is proud to be second in the nation in terms of self-response.

That left over 38 million households that needed follow-up. Due to the pandemic, the Census Bureau delayed the start of its in-person enumeration process from May to July. After a Supreme Court ruling, the Census Bureau was required to finish on October 15, 2020. This deadline was 16 days earlier than the original date the Census Bureau requested, and the change caused confusion with some census workers.

### **The count is over. Now what?**

Now that the census count is over, the Census Bureau must process the data and identify errors. Rushing the error correction process will likely result in an inaccurate count by as much as 3% according to some sources. This error-correction process uses demographic analysis and Post-Enumeration Surveys, which historically undercount people in communities of color, low-income households, and children at disproportionately high rates and overcount non-Hispanic white people.

## **Getting the official numbers**

The current deadline for the Census Bureau to submit the final 2020 count to the president is December 31, 2020, allowing only 2.5 months to correct errors compared to more than six months during the 2010 Census. The Census Bureau previously requested an extension to April 30, 2021. Coalitions of civil rights groups, cities, counties, and other entities filed lawsuits requesting that the December 31 date be set aside. The Trump administration has appealed a lower court's decision. The Biden administration's Justice Department could reverse the appeal.

## **Presidential memo and executive order**

In July 2019, after the Supreme Court blocked citizenship questions from the census, President Trump issued an executive order directing the Census Bureau to collect citizenship data for the purposes of excluding these people from the count. In addition, President Trump issued a memo on July 21, 2020, excluding undocumented immigrants from congressional apportionment. The U.S. Constitution states that congressional seats are allocated based on "the whole number of persons" (as stated above, the total population). The Supreme Court will hear this case on November 30, 2020, and decide by June 2021.

## **Issue Details for 2021**

The census has traditionally undercounted certain communities, including racial minorities, lower income persons, undocumented immigrants, Native Americans, LGBTQ individuals, homeless persons, and those who distrust the government—the very communities that need equal representation. An inaccurate count risks further disenfranchisement. Both the state and national League support protecting apportionment by total population. The LWV of Washington urges engaging with the Washington State Redistricting Commission and supports the national For the People Act.

## **Securing the Census is not over—taking action**

### **1. Protect apportionment criteria**

Following the LWVUS's guidance, ensure that districts are drawn based on total population and oppose efforts that change apportionment based on citizens or voters or uncorrected known errors. Washington State redistricting law states that legislative and congressional districts are drawn using total population, and the League anticipates that the Washington State Redistricting Commission will follow official census data and draw districts to within a few people. The League urges you to follow the commission proceedings, testify, and ensure transparency.

### **2. Urge the Biden administration to reverse executive orders and drop appeals**

Following the LWVUS's guidance, advocate that the Biden administration reverse the Trump administration's executive orders, continue the Census Bureau practice of including noncitizens in the apportionment count, and drop any appeals so that the Census Bureau has longer to finalize the numbers.

### **3. Support the For the People Act in Congress**

In order to prevent and correct gerrymandering, the For the People Act would require states to use independent commissions to design their congressional districts. If they decline, the federal government will set one up for them. Independent commission are likely to continue the constitutional practice of apportionment by total population.

#### **Resources**

[Census Bureau website](#)

[Census questions](#)

[Washington State Census information](#)

[Presidential Memorandum on Excluding Illegal Aliens from the Apportionment Base](#)

[Census Accuracy and the Undercount](#) (fact sheet)

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