

Date of Hearing: April 25, 2019

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 1666 (Reyes) – As Amended April 22, 2019

**SUBJECT:** The California Complete Count: local educational agencies.

**SUMMARY:** Requires the California Complete Count – Census 2020 Office to partner with local contracted educational agencies to make specified information about the 2020 federal decennial census available to students and their parents or guardians at schools, as specified. Specifically, **this bill:**

- 1) Requires the California Complete Count – Census 2020 Office, under the Government Operations Agency, to partner with local contracted educational agencies to make information about the 2020 federal decennial census available to students and their parents or guardians at schools.
- 2) Requires the information provided to include, but not be limited to, all of the following:
  - a) The importance of the census;
  - b) The privacy protections and policies set forth by the United States (US) Census Bureau;
  - c) Community-based resources available to assist with completing the federal census questionnaire;
  - d) How to access resources provided by the US Census Bureau; and,
  - e) Any other information the California Complete Count – Census 2020 Office determines is necessary or convenient to encourage participation in the census.

**EXISTING STATE LAW:**

- 1) Establishes the California Complete Count Committee to develop, recommend, and assist in the administration of a census strategy to encourage full state participation in the 2020 federal decennial census.
- 2) Requires the census outreach strategy to include, but not be limited to, state agency initiatives to encourage participation in the 2020 Census, the establishment and support of school-based outreach programs, partnerships with non-profit community-based organizations, and a multi-lingual, multi-media campaign designed to ensure an accurate and complete count of California's population.
- 3) Requires the California Complete Count efforts to be coordinated out of the Government Operations Agency, as specified.
- 4) Requires the California Complete Count Committee to submit reports relating to various aspects of the federal decennial census to the Joint Legislative Budget Committee, the Assembly Select Committee on the Census, and the Senate Select Committee on the 2020 US Census, as specified.

- 5) Requires the Secretary of State (SOS) to prepare and send out the state voter information guide, as specified, and to make the complete state voter information guide available over the internet, as specified.
- 6) Requires the SOS, beginning in the year before the federal decennial census and continuing through the completion of the enumeration activities for that census, to incorporate messages into public election materials produced by the SOS that promote awareness of, and encourage participation in, the census. Requires the SOS, in undertaking this effort, to prioritize messages that are designed to overcome significant challenges to a complete and accurate enumeration of the state, including messages targeted at overcoming barriers to participation by historically hard-to-count (HTC) communities based on response rate data from the US Census Bureau.
- 7) Requires the SOS, beginning in the year before the federal decennial census and continuing through the completion of the enumeration activities for that census, to include on the SOS's internet website information designed to educate the public regarding, and encouraging participation in, the federal decennial census.

**EXISTING FEDERAL LAW** requires an enumeration to be made within three years after the first meeting of the Congress of the US, and within every subsequent term of ten years, in such manner as they shall by law direct.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Purpose of the Bill:** According to the author:

In order for our community to receive their fair share of federal funds there must be an accurate count of everyone. The 2020 census is the only tool available, therefore it is critical that we ensure that every person living in California is accurately accounted for. Unfortunately, many in our immigrant community have not been properly identified.

Studies have also shown that many adults did not include all the children in the household when answering the census questions. There is often an issue of trust when a stranger comes to the door to ask questions. It is critical that we educate our communities about the importance of the census count. Schools offer a safe haven for families to receive important information

AB 1666 will ensure that our schools have the resources necessary to provide the information regarding the 2020 census and the need to be counted.

- 2) **Census:** Article I, Section 2 of the US Constitution mandates that the US Census Bureau conduct a survey of everyone living in the county every ten years. The data collected by the decennial census determines the number of seats each state has in the US House of Representatives, guides redistricting, and is used to distribute billions of dollars in federal funding for healthcare, education, and infrastructure. Moreover, the census provides a social, demographic, and economic profile of the country's residents, informing decisions by

policymakers and businesses across the country.

- 3) **Complete Count Committee:** Complete Count Committees or Commissions are generally formed to at the state level to support a successful census. They encourage individuals, communities, civic organizations, faith-based groups, and the media to support the census and complete the census on time. According to a 1999 Legislative Analyst's office's (LAO) report, in 1990 the nation's population was undercounted by roughly 1.6 percent, however California was undercounted at a much higher rate—2.7 percent. According to the report, this higher undercount likely cost California one seat in the U.S. House of Representatives and at least \$2 billion in federal funds during the 1990s. After the 1990 undercount, the Complete Count Committee was formed.

Last April, Governor Brown issued an executive order establishing the California Complete Count California - 2020 Census Office (also known as the California Census Office), which oversees and coordinates California's education and outreach program for the 2020 Census and helps to form partnerships, identify resources, and develop an effective outreach strategy. Additionally, the executive order created the California Complete Count Committee, which serves as an advisory panel that helps to develop, recommend, and assist in the administration of the census outreach strategy to encourage full participation in the 2020 Census in their respective communities and in HTC populations. The members are appointed by the Governor, including one designee chosen by the Speaker of the State Assembly and one designee chosen by the State Senate President pro Tempore.

The Committee is required to hold quarterly meetings where members come together to listen to updates from the California Census Office, hear updates from the US Census Bureau, and to draft reports with their advisory recommendations that are due to the Governor's Office twice per year. The California Census Office supports quarterly meetings of the Committee and its working groups.

- 4) **Roles of the US Census Bureau vs. State Census Office:** The US Census Bureau is responsible for canvassing and conducting the actual enumeration process nationally for each decennial census. The state Census Office helps to get the word out about the census to Californians statewide and oversees California's outreach program to educate, motivate, and activate the hardest to count Californians.

The US Census Bureau will focus on national outreach and media campaigns to inform all individuals living in the US of the upcoming Census. The state's Census Office is targeting the HTC Californians through grassroots culturally appropriate outreach and multicultural, in-language media efforts.

- 5) **Hard-to-Count Populations:** According to research from NCSL, HTC populations are groups that historically have been less likely to respond to the census. HTCs are in both rural and urban areas and usually include young children, racial and ethnic minorities, persons with limited English proficiency, low-income, the homeless, undocumented immigrants, mobile individuals such as college students, LGBTQ persons, and individuals who are angry at or distrustful of the government. Children aged zero to four years old tend to comprise the most undercounted age category.

Reaching HTC's is difficult and each one can require a unique approach, whether it includes languages other than English, an understanding of cultural practices, or addressing suspicions of government motives. State legislators and other community leaders can help make sure everyone is counted, in the right place. According to NCSL research, nine states have state legislation establishing complete count committees, 13 states (including California) have Governor executive orders on the 2020 Census, and 18 states (including California) have legislation funding to support the census work.

- 6) **Census Funding:** In addition to creating the Complete Count Committee, California has appropriated state funding to support the census work. The 2017-2018 Budget Act provided up to \$10 million for initial census preparation activities. Of that amount, \$7 million was appropriated for grants to local governments for participating in the Census Bureau's Local Update of Census Address (also known as LUCA) program and \$3 million to support the initial activities of the California Complete Count – Census 2020 Office.

The 2018-2019 Budget Act appropriated an additional \$90.3 million to support the Complete Count Committee for statewide outreach activities and communication strategies related to the 2020 Census. Additionally, the Governor's 2019-2020 proposed Budget includes \$54 million – \$50 million to bolster outreach and communications and \$4 million for the California Housing and Population Sample Enumeration. In total, California has a proposed \$154.3 million investment for 2020 census efforts.

- 7) **School-Based Outreach Campaign:** As mentioned above, the Governor's executive order requires the statewide census outreach strategy to include the establishment and support of school-based outreach programs, among others. Accordingly, \$1.75 million has been authorized to be directed towards school-based outreach efforts.

The purpose of the school-based outreach program is to educate and inform K-12 youth about the US Census process as a part of civic engagement. The program is also designed to educate, motivate and activate students, parents and families to engage in the 2020 Census and fill out the 2020 Census questionnaire. Additionally, schools will serve as trusted environments for students, parents, and families and provide resources, such as access to broadband and computers to complete census questionnaires.

The California Census Office will contract with County Offices of Educations (COEs) to distribute funds to school districts with the highest HTC populations to complete Census education by engaging youth in classroom curriculum, hosting competitions, and providing information via parent centers, parent-teacher associations, and school site councils. Schools are funded based on a combined weighted average of the total population of students in Title I schools and Title III students, which reaches 97 percent of all youth in HTC areas. The COEs will be responsible for educating and engaging K-12 populations as well as providing outreach services to parents/guardians.

The state's K-12 census outreach objectives include: 1) To further promote awareness about the 2020 Census to the students in HTC areas; 2) To provide funding to COEs with Title I schools and a significant percentage of Title III students (a weighted average) to reach HTC populations; 3) To publicize events that are hosted by school districts and COEs that educate about the 2020 Census; 4) To motivate students to participate in visual and performing arts contests that focus on 2020 Census educational activities; and 5) To provide access to

schools or other facilities in trusted environments to allow the public to complete their 2020 Census questionnaires.

According to information provided by the California Census Office, contracts were recently sent out to 40 eligible COEs. The contracts outline the terms for schools that choose to accept the census funding for outreach and engagement, which include mandatory and optional outreach activities. Examples of mandatory education outreach activities include the following:

- Use the California Schools-based Communications Outreach Toolkit through social media, letters, and telephone calls, to remind school communities to participate in the 2020 Census;
- Utilize, as needed, parent centers or other school locations to be used as Questionnaire Assistance Centers (QACs) and Questionnaire Assistance Kiosks (QAKs) in coordination with Local Complete Count Committees;
- Require a COE public information officer, or equivalent, to publicize outreach events and locations/times of QACs/QAKs to surrounding communities;
- Hold a Census 2020 Week on campuses between March 23-April 9, 2020; and,
- When 15% or more of students enrolled in a public school speak a single primary language other than English, to provide parents with information on the census programs, meetings, and activities in a format and, to the extent practicable, in a language the parents can understand, as specified.

8) **Census Data:** According to the US Census Bureau website, federal law provides strong protections for census information collected from individuals and businesses. The US Census Bureau is bound by Title 13 of the US Code which provides the following protections to individuals and businesses:

- Private information is never published. It is against the law to disclose or publish any private information that identifies an individual or business, such as names, addresses (including GPS coordinates), Social Security Numbers, and telephone numbers.
- The US Census Bureau collects information to produce statistics. Personal information cannot be used against respondents by any government agency or court.
- US Census Bureau employees are sworn to protect confidentiality. People sworn to uphold Title 13 are legally required to maintain the confidentiality of census data. Every person with access to census data is sworn for life to protect the information and understands that the penalties for violating this law are applicable for a lifetime.
- A person who violates the law may face severe penalties, including a federal prison sentence of up to five years, a fine of up to \$250,000, or both.

9) **Previous Legislation:** AB 2592 (Berman), Chapter 652, Statutes of 2018, requires the SOS to include messages that promote awareness of, and encourage participation in, the census, as

specified.

SB 866 (Senate Committee on Budget and Fiscal Review), Chapter 53, Statutes of 2018, among other provisions, requires the California Complete Count Census to submit reports relating to various aspects of the federal decennial census to the Joint Legislative Budget Committee, the Assembly Select Committee on the Census, and the Senate Select Committee on the 2020 United States Census, as specified.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file.

**Opposition**

None on file.

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