

Date of Hearing: April 11, 2018

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 2592 (Berman) – As Amended March 15, 2018

**SUBJECT:** Secretary of State: census outreach and education.

**SUMMARY:** Requires the Secretary of State (SOS) to include messages that promote awareness of, and encourage participation in, the census, as specified. Specifically, **this bill:**

- 1) 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.
- 2) Requires the state voter information guide, for any statewide election that is held less than one year before the federal decennial census, to contain information that promotes awareness of, and participation in, the federal decennial census.
- 3) 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 Web site information designed to educate the public regarding, and encouraging participation in, the federal decennial census.
- 4) Makes the following findings and declarations:
  - a) Section 2 of Article 1 of the United States (U.S.) Constitution requires an enumeration of the population of the U.S. every 10 years, which is known as the federal decennial census.
  - b) The federal decennial census is important because census figures affect congressional representation, state redistricting, federal formula grant allocations, state funding to local governments, local programs, and planning activities for the next 10 years.
  - c) A complete and accurate count of all California residents in the 2020 federal decennial census is vital to ensure fair political representation and distribution of funding in California.
  - d) Historically, it has been more difficult to reach and enumerate certain groups as part of the federal decennial census, including lower income individuals, homeless persons, children, and immigrants.
  - e) California is home to 10 of the nation's 50 hardest-to-count counties, including Los Angeles County, the single hardest-to-count county in the nation.
  - f) It is the intent of the Legislature to use existing governmental outreach and education efforts to facilitate a complete count of California residents for each federal decennial census.

**EXISTING STATE LAW:**

- 1) Requires the SOS to prepare and send out the state voter information guide, as specified.
- 2) Requires the SOS to make available the complete state voter information guide over the Internet, as specified.
- 3) Requires the state voter information guide to contain information about federal and statewide candidates and statewide ballot measures, as specified.
- 4) Requires the SOS to establish a process that allows a voter to choose to opt out of receiving the state voter information guide and receive it by electronic mail, as specified.
- 5) Requires the SOS, as the chief of elections officer of the state, to make reasonable efforts to do all of the following:
  - a) Promote voter registration to eligible voters;
  - b) Encourage eligible voters to vote;
  - c) Promote pre-registration to eligible citizens; and,
  - d) Promote civic learning and engagement to prepare students and new citizens to register to vote and to vote.

**EXISTING FEDERAL LAW** requires an enumeration to be made within three years after the first meeting of the Congress of the United States, 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:

We face many unprecedented challenges to securing a complete and accurate count in the 2020 Census. The United States Census Bureau has had to cancel key preparations, including testing of a new and unused method of response – the internet – due to a lack of funding from Congress. Additionally, California is home to 10 of the nation’s 50 hardest-to-count counties – regions where the self-response rate to the census questionnaire has historically been low. The California Department of Finance estimates that for every Californian not counted in 2020, we will lose \$1,950 per resident each year. Congressional representation is also at stake. With much to lose, it is critically important that every resident in California is counted in the 2020 Census. California must ramp up its efforts to raise awareness about the census and to encourage people to participate. AB 2592 will do by that requiring the Secretary of State to include information about the census in public elections materials, including the state voter information guide, and on the Secretary of State’s website.

- 2) **Census:** Article I, Section 2 of the U.S. Constitution mandates that the U.S. 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 U.S. 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. The Complete Count Committee is generally appointed by the Governor and coordinates the state's outreach efforts, focusing on the hard-to-count population. According to a March 2018 report from the LAO, the Governor's 2018-19 budget proposals includes \$40 million and 22 limited-term positions to support the Complete Count Committee. The proposed funding would support the activities of the committee through the 2020 Census, such as for a media campaign and working with local community based organizations that would be conducting most of the direct outreach to individuals to encourage them to complete the census.
- 4) **Local Update of Census Addresses Operation (LUCA):** In an effort to ensure an accurate count there is a voluntary decennial census operation, also known as LUCA, through which tribal, state, and local governments (including the District of Columbia and Puerto Rico) can review and update the U.S. Census Bureau's residential address list for their jurisdiction prior to the 2020 census. The Census Bureau relies on a complete and accurate address list to reach every living quarters and associated population for inclusion in the census.

In recognition of the importance of the 2020 Census LUCA program, California has established an incentive fund to encourage cities and counties to participate in the program and to help mitigate some of the cost of that participation.

- 5) **Changes to the 2020 Census Operations:** According to the National Conference of State Legislatures' 2020 Census Resources and Legislation report, the Census Bureau is utilizing technology, mostly the internet, as its primary response method. This new focus on utilizing technology has resulted in significant changes to the 2020 census. According to the March 2018 budget report by the LAO, historically, individuals have primarily responded to the census via a mailed questionnaire and the Census Bureau has typically relied heavily on field workers to update its national address list. During the 2020 Census, however, only a portion of households will receive a mailed census questionnaire and most individuals will be encouraged to respond online. Additionally, the 2020 Census plans to rely primarily on local government data, satellite imagery, and other administrative records to update its address list.

The LAO states that follow up will be reduced as well because the Census Bureau expects to hire 50 percent fewer fieldworkers for nonresponse follow up for the 2020 census. As a

result, field operations will be substantially reduced in 2020. In previous years, census field workers visited households that had not yet responded up to six times to complete their surveys. For 2020, however, the Census Bureau is committing to visiting nonrespondents at least once. Given the reduced field presence, the Census Bureau plans to rely heavily on administrative records—like those from the Internal Revenue Service—to complete the count.

- 6) **Additional Changes to the 2020 Census:** Beyond the changes listed above, the LAO report, also points out a handful of other changes that have been made to the 2020 Census. The report states that funding for the 2020 Census has been below estimated costs for a number of years and these reductions have had a number of impacts to census preparations, including notable impacts to field testing. Last year's field test in which the Census had planned to test a number of features of the online response system was canceled due to budgetary uncertainty. Additionally, the Census Bureau typically does a comprehensive test of census operations – also known as an end-to-end test – in three areas of the country, with different locations chosen to reflect the differing response challenges throughout the country. According to the LAO's report, this test will only occur in Providence, Rhode Island.

Moreover, changes have been made to the Census questionnaire. Last month the U.S. Department of Commerce, which houses the U.S. Census Bureau, announced it will add a question to the 2020 Census questionnaire that asks the citizenship status of every person in every household in the U.S. California Attorney General (AG) Xavier Becerra filed a lawsuit in federal court against the inclusion of the citizenship question. The AG contends that including the citizenship question on the 2020 Census violates the Constitution's "actual Enumeration" mandate and the Administrative Procedure Act's prohibition against "arbitrary and capricious" agency action, and seeks an injunction prohibiting the Census Bureau from including the citizenship question on the 2020 Census.

- 7) **Lose a Seat in the U.S. House of Representatives?** An undercount in California could result in losing a seat in the House of Representatives. These seats are apportioned based on states' relative populations. California's population growth has been slower than some other states. By not growing as quickly as other states, the relative proportion of people living in California—compared to other states—shrunk. According to a study completed by Election Data Services, Inc., a political consulting firm specializing in redistricting, election administration, and the analysis and presentation of census and political data, California might be in danger of losing a seat in the U.S. House of Representatives. According to the LAO, the latest study estimates that if California were to have a greater-than-average undercount of roughly 76,000 people, it could result in California losing a seat. The LAO believes that part of the reason California's population growth has been slower is the net loss of some residents to other states.
- 8) **Secretary of State:** Existing law requires the state voter information guide to contain information regarding federal and statewide candidates and statewide ballot measures. In practice, if there are extra pages in the state voter information guide, the SOS will add helpful voting information to the guide, such as information about how to vote, serving as a poll worker, voter registration, and state and federal voting requirements. As mentioned above this bill 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. Specifically, this bill requires the SOS, for any statewide election that is held less than one year before the census, to print information that promotes awareness of and participation in the census in the state voter information guide and on its internet website. This information could be helpful in raising awareness as the 2020 Census will be taking place immediately after the 2020 presidential primary election.

**REGISTERED SUPPORT / OPPOSITION:****Support**

Secretary of State Alex Padilla (sponsor)  
Silicon Valley Community Foundation

**Opposition**

None on file.

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