

CENSUS 2010

Thank you for inviting us to your meeting today to talk about the census that is being done this year. The League of Women Voters is committed to working for a census that will be fair, full and transparent. Since we believe education is paramount to good citizenship, one way we are contributing to the census effort is by taking these opportunities to explain a bit about the census and why it is important.

Let's start this effort by asking ourselves a couple of questions. First, what is a census, exactly? It is defined as a regularly occurring and official count of a population. The word itself comes from the Latin, *Censere*, to assess. In the Roman Empire a census was done every 5 years to list adult males for the military and for taxes. One of the earliest documented censuses was from about 500 BC in Persia, again for military and tax purposes. In 1086, one of the most famous censuses was taken in England by William the Conqueror, who had lists of property and people made so he could determine just how much property he owned and how much taxes he should be paid. This list became the Domesday Book, which is an enormously important tool for historians to understand early British history. In the American colonies, from as early as the 1600's, almost all the colonies performed censuses.

Now the really important question, and what we will explore in more depth, is why do we do this? The easy answer for us is that the Constitution requires it. In the original language of the Constitution, Article 1, section 2, says:

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall 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.

This was amended after the Civil War by the 14th amendment, which made clear that blacks were included as citizens, and rewrote this section to say:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

There are a couple of points to be noted in this language. One is that from the very beginning, there were no limits on people who would be counted in the census. Note that the counting is of the “numbers” in a state. Slaves are specifically included, although they were not citizens until after the 14th amendment was adopted. Likewise there is no limitation to voters only, nor to adults only. The amended language makes this even clearer by saying simply that the “persons” in each state are to be counted.

From the beginning, this is how the census was conducted---everybody is counted. There has been some questioning of this procedure in the recent past. There was a lawsuit before the 1990 census was taken questioning the inclusion in the census of persons in the country illegally. The Supreme Court dismissed the suit, although it did not directly decide the question but on procedural grounds. In other cases raising questions about the way the census is done, the Court has always said that the Congress was given the authority to decide this, and it will not change that. The Census Bureau this year will, as it has been instructed by Congress and has always done, count everyone in the country on April 1, Census Day.

This “enumeration” that the Constitution requires is done in order to apportion Representatives in Congress among the states. This is one of the critical uses of census data. There are 435 seats in the House of Representatives. After each census, a mathematical calculation, defined in Section 13 of the US Code which controls the census, is done by the Census Bureau. This calculation first gives one Representative to each state, then arithmetically divides the remaining 385 seats

among the states by the method of equal proportions. The Census Bureau is required to report this apportionment to the President by Dec. 31 of each census year. The President then informs the Congress of the number of Representatives each state is allocated. After this reapportionment of the House of Representatives is done, the hard work starts. Each state must then divide itself into districts from which each Representative will be elected, i.e. redistrict itself. By March of the year after the census the Census Bureau must report to each Governor and State Legislature the number of persons in that state, and where they live, so this redistricting can be done properly.

Each state is free to redistrict itself as it chooses. In the past, redistricting has been a loose, highly politicized, and irregular process. Some states simply ignored the population counts and left districts untouched; some states declared the entire state to be a district and every Representative was elected from the state as a whole. Today, while the process may still be characterized as highly politicized, it is much more constrained and controlled.

Much of the constraint has been applied by the Supreme Court and related laws since the early 60's. Beginning with the case of Baker v. Carr in 1962, the Court developed what it called the rule of "one person/one vote" Today, state legislatures must come as close as possible in their redistricting to absolute equal populations among districts. While doing this, they must also observe the requirement of keeping districts geographically contiguous and compact. Also, there must be only one Representative elected from any district. Finally, a state legislature must take racial fairness principles into account when it maps election districts.

These same standards for Congressional districting apply to all local districts, such as State Legislatures, County Commissions and our Special Districts. Greater latitude is allowed to cities and counties, due to fewer representatives and smaller populations involved, but these entities are still required to observe many of the same mandates, and use the same census data.

The Constitution of Colorado defines how redistricting will be accomplished in our state. Congressional districting is done by the Legislature under normal bill

writing procedure---the Legislature draws a bill establishing Congressional districts, debates and passes it, then the Governor signs or vetoes it. Our state legislative districts are drawn by a Reapportionment Commission after each federal census. The Commission has 11 members, appointed by the legislature, governor and courts. It is under a strict timetable to draw a plan and submit it to the state Supreme Court for review and approval.

In addition to the political use of census data for apportionment, the economic use of the data is critical. Today census numbers are used by national leaders to make decisions regarding the disbursement of \$400 billion in federal funds to tribal, state and local governments each year. There have been estimates that for each person not counted by the census, a state may lose as much as \$1000 per year in federal funds for things like health care, education and transportation. Local governments, including La Plata County, are vitally interested in ensuring that the 2010 census does not miss any person in this count and are partnering with the Census Bureau to see that this happens. The private sector, including business and individuals, also use this information for marketing, environmental research and home buying.

Our final question for today is just how does the Census Bureau do this monumental job of counting us all? A simple questionnaire is used and in La Plata County, it will be placed on doorknobs of each household in March. This year it will contain 10 questions only. Each household is asked to complete it and return it to the Census Bureau. Respondents are required by law to answer all questions to the best of their ability. Anyone who willfully gives a false answer could be fined up to \$500.

The Census Bureau will use special methods to attempt to count those special populations that could be missed by the household count. Generally, a person is counted where he or she lives and sleeps most of the time, including those who live in more than one residence. Foreign students residing in the US are included, homeless persons may be counted in shelters and college students living on campus will be counted at their college residence. Members of the military serving overseas will be counted from data provided by the Dept. of Defense

giving their home residence. Other Americans living overseas will not be counted due to the difficulty of doing so fully and correctly.

The census forms are available in six languages: English, Spanish, simplified Chinese, Korean, Russian and Vietnamese. English/Spanish bi-lingual forms will be mailed to areas with large numbers of Spanish-only households. Anyone can request a form in one of the five non-English languages through a toll free number that will be available closer to Census Day. Language Assistance Guides will also be available in 59 different languages to help people fill out the English version of the census form. Large print and Braille guides and a language reference dictionary will also be accessible.

The answers you provide on the census questionnaire are protected by law under Title 13 of the U.S. Code, Section 9, are strictly confidential and can not be shared with anyone, even government agencies, for the next 72 years. All Census Bureau employees are subject to a \$250,000 fine or imprisonment of up to five years, or both, for unlawful disclosure of any information that could identify a respondent or household.

Taking the full census in 2010 will be an enormous job. The General Accounting Office has estimated the cost may be up to 14.5 billion dollars. About 2/3 of this cost is to count the persons who do not return the original census questionnaire. If you, or anyone you know, do not receive the form call the Telephone Questionnaire Assistance center at 1-866-872-6868 which will be open from Feb. 25 through July, 2010. The Census Bureau website, www.2010census.gov also has a plethora of information. Also, in March and April the BE COUNTED program will be implemented and questionnaires will be made available at select public locations for those who did not receive a form in the mail or who believe that they were not included on any other census form.

Remember, April 1 is Census Day. The count is important to all of us, and it is important that all of us are counted. If you have any questions, we will be happy to attempt to answer them, or get the information to you if we can't.