



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER

File #: 20-576

Board Meeting Date: 8/4/2020

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Warren Slocum, Board President
Michael P. Callagy, County Manager

Subject: County of San Mateo opposition to the memorandum of the President of the United States regarding Apportionment following the 2020 Census

RECOMMENDATION:

Adopt a resolution opposing the memorandum of the President of the United States on excluding unauthorized immigrants from the apportionment base for the United States House Representatives following the 2020 Census.

BACKGROUND:

Ensuring a complete count of San Mateo County residents in the 2020 Census is essential for many reasons and this Board has indicated that it is a priority. The decennial census serves as the cornerstone of our democracy and is written into the United States Constitution. The Census ensures that everyone is equally represented in our political system through the enumeration and apportionment process, and that government resources are allocated fairly. Census counts are also used to make important community decisions, including where to build homes, parks, schools, and roads and where to offer health, childcare, and transportation services. Businesses rely on census data to determine where to open facilities, what products to develop, and how to market their services.

There have been several challenges that have created obstacles for obtaining a complete count in the 2020 Census. Among these are several actions by the President and his administration that have created fear in some communities, including among unauthorized immigrants. In addition to the initial proposal to add a citizenship question to the 2020 Census, on July 11, 2020, the administration issued a memorandum that directs the Secretary of Commerce, in preparing the report of tabulation of the 2020 Census for apportionment of Representatives in the United States Congress, to take action or exclude from the report of tabulation unauthorized aliens.

DISCUSSION:

Under the United States Constitution, the federal government has an obligation to count all persons residing in the United States every ten years. In light of criticality of the census count, the County's

stated goal for the 2020 Census is to meet or exceed the 73.2% self-response rate achieved in 2010. Although San Mateo County has now surpassed its 2010 self-response rate, many hard-to-count communities remain undercounted and the efforts to ensure that all County residents get counted are ongoing.

On July 11, 2020, the President of the United States issued a memorandum for the Secretary of Commerce directing that, in preparing the report of tabulation of the census for the apportionment of Representatives in the Congress, the Secretary of Commerce shall take action to exclude from the report of tabulation unauthorized aliens.

Notwithstanding attempts to the contrary, the 2020 Census does not include a question regarding citizenship status, and the United States Supreme Court has ruled that statistical sampling may not be used in preparing the tabulation of the census used to reapportion representation in the House of Representatives.

In light of the foregoing, the President's July 11, 2020 memorandum cannot be meaningfully implemented, but it does risk creating confusion on the part of the public and further fear on the part of our immigrant neighbors, thereby depressing participation in the 2020 Census and this Board believes that the County should take appropriate measures to combat efforts to depress participation in the 2020 Census.

The importance of a complete and accurate census count is greater now more than ever, regardless of a resident's immigration status, religion, sexual orientation, language spoken, etc. The County, working with trusted partners and community stakeholders, will continue its outreach among all communities, to ensure the dissemination of accurate information about the 2020 Census and to ensure the maximum participation possible. The County will continue to inform residents that the census and enumerators will not ask about immigration status and that the information collected on the census is and will remain confidential.

The County also rejects the tactics being employed to depress participation in the 2020 Census and reinforces its stand against discrimination, racism, and hate of any residents and opposes the unlawful July 11, 2020 Memorandum seeking to exclude unauthorized immigrants from the apportionment base for the United States House of Representatives following the 2020 Census. The County remains committed to ensuring all communities throughout the County are counted for a stronger and more equitable future for all residents.

The attached resolution, which directs County staff to continue its outreach to the community to ensure that residents have accurate information about the 2020 Census and to ensure the maximum possible participation and to take other appropriate actions to oppose the July 11, 2020 memorandum, including, but not limited to, initiating or participating in litigation, has been reviewed and approved by County Counsel as to form.

FISCAL IMPACT:

Funding for 2020 Census outreach has already been allocated in the 2019-20 budget, and the proposed resolution does not impact funding for such efforts. There is no impact to Net County Cost.