

INTERIM JOINT COMMITTEE ON STATE GOVERNMENT

Minutes of the 6th Meeting of the 2020 Interim

November 17, 2020

Call to Order and Roll Call

The sixth meeting of the Interim Joint Committee on State Government was held on Tuesday, November 17, 2020, at 10:30 AM, in Room 171 of the Capitol Annex. Representative Kevin D. Bratcher, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Wil Schroder, Co-Chair; Representatives Jerry T. Miller, Co-Chair, and Kevin D. Bratcher, Co-Chair; Senators Ralph Alvarado, Denise Harper Angel, Christian McDaniel, Morgan McGarvey, Robby Mills, Michael J. Nemes, and Johnny Ray Turner; Representatives John Blanton, Tom Burch, McKenzie Cantrell, Jeffery Donohue, Jim DuPlessis, Joseph M. Fischer, Kelly Flood, Derrick Graham, Joe Graviss, Richard Heath, Samara Heavrin, Joni L. Jenkins, Matthew Koch, Scott Lewis, Mary Lou Marzian, Patti Minter, Jason Nemes, Jason Petrie, Attica Scott, Steve Sheldon, James Tipton, Ken Upchurch, Russell Webber, and Lisa Willner.

Guests: James Whitehorne, U.S. Census Bureau.

LRC Staff: Roberta Kiser, Alisha Miller, Daniel Carter, and Peggy Sciantarelli.

Approval of Minutes

The minutes of the September 22 and the October 27 meetings were approved without objection.

U.S. Census Report

James Whitehorne, Chief of the Redistricting & Voting Rights Data Office, U.S. Census Bureau, gave a report on 2020 census operations and the Redistricting Data Program that is governed by Public Law 94-171. His testimony included a PowerPoint presentation. He extended thanks to LRC staffers Greg Woosley and Scott Hamilton for their assistance with the Redistricting Data Program during the last several years.

Mr. Whitehorne said that collection operations for the 2020 census concluded on October 15. The census resolved 152 million addresses, compared to 132 million during the 2010 census. With the exception of Louisiana, the total response rate for all the states

was at or above 99.9 percent. The District of Columbia and Puerto Rico reached at least a 99 percent total response rate.

The final self-response rate for the 2020 census was 67 percent, compared to 66.5 percent in 2010. There were 99 million self-responses—including 79 million Internet, 18 million paper, and 1.83 million phone. Kentucky’s 68.2 percent self-response ranked 22nd in the country and exceeded its 2010 rate of 65.7 percent. Oldham County, with a self-response rate of 83.3 percent, finished 10th in the country among all counties. Twenty-eight states met or exceeded their self-response rates from 2010. Census questionnaire assistance centers operated without interruption from March 12 through October 15, and Internet self-response operated with zero downtime during that period.

The nonresponse follow-up rate accounted for 32.9 percent of total responses; six million addresses self-responded after enumerators left a notice of visit. Challenges affecting the census included repeated hurricanes for the Gulf Coast states, the global pandemic, wildfires and air quality issues, and civil unrest.

To ensure data quality, special teams with expertise within the Census Bureau in the fields of census operations, statistical methodology, acquisition and utilization of administrative records—and in social, economic, and housing subject areas—were assembled to supplement the existing expert teams and provide extra focus on data quality. The nonresponse follow-up for the census resolved 5.6 percent of addresses nationwide through high-quality administrative records—such as Internal Revenue Service, Medicare, and Medicaid records—which equated to 13.9 percent of the nonresponse follow-up universe. In nonresponse follow-up, 24.1 percent of occupied housing units were enumerated by proxy—slightly higher than during the 2010 census; and 99.77 percent of the nonresponse workload on American Indian/Alaska native lands has been completed.

The census traditionally has two primary methods for evaluating quality. Demographic analysis—comparing census results to others—is a technique used to develop an understanding of the racial composition of the population. The results are expected in December 2020. The post-enumeration survey is a short survey used to evaluate the process of conducting census work. Based on that survey, it is possible to determine the number of people who are counted and the number who should have been counted. The results are expected between November 2021 and February 2022.

The Redistricting Data Program (P.L. 94-171) directs the Census Bureau to establish a program that allows the states to identify the small area geographic tabulations they need to conduct legislative redistricting. Historically those areas have been identified as voting districts, census blocks, and state legislative and congressional districts. The law requires the bureau to deliver the tabulations to the persons embodied with initial responsibility for legislative apportionment or districting of each state no later than one year from census day (April 1, 2021). The entire process has to be conducted in a nonpartisan manner.

The program has five phases. Phases 1 and 2—the Block Boundary Suggestion Project and the Voting District Project—are complete. Phase 3 is delivery of the redistricting data tabulations and geographic support products. Phase 4 is the collection of post-2020 census redistricting plans. Phase 5 provides evaluation of the 2020 Redistricting Data Program, which includes recommendations from the states and design for the 2030 census redistricting data program.

Mr. Whitehorne said the original schedule for Phase 3 delivery of the data products was altered by the pandemic. Prototype geographic support products are now available. They are examples of the geographic and tabulation products that will be created from the 2020 census. The bureau will be able to provide official geographic support products to all states, the District of Columbia, and Puerto Rico starting January 22, 2021, and no later than February 28, 2021. The Phase 3 redistricting data geographic products are comprised of shapefiles, maps, block assignment files, and block-to-block relationship files. The bureau is working to provide the redistricting data as close as possible to the statutory deadline of April 1, 2021. The new planned date is not yet determined. The original plan for delivery of census data for redistricting was weekly delivery from mid-February to March 31, 2021. Instead there will be a single maximum delivery date for all states. As soon as the date is determined it will be communicated to official liaisons and stakeholders. There will also be public announcements.

As in the 2010 census, the census count will tabulate data based on race; race for the 18-years-and-over population; Hispanic or Latino, and not Hispanic or Latino by race; Hispanic or Latino, and not Hispanic or Latino by race for the 18-years-and-over population; and occupancy status (housing). A new table—group quarters population by group quarters type—was added for the 2020 census. Group quarter types include correctional institutions for adults, juvenile facilities, nursing and skilled nursing facilities, college/university student housing, and military quarters. There will be no demographic breakdown of the group quarters total population.

Mr. Whitehorne discussed another data product that is often used—Citizen Voting Age Population by Race and Ethnicity (CVAP). It is an annual tabulation using the American Community Survey 5-year estimates for 2011-2020 publications and is typically released in the first week of February each year. An internal expert panel published their final methodology report on October 30, 2020. The report was previewed at the Census Scientific Advisory Committee meeting in September.

Mr. Whitehorne spoke at length about disclosure avoidance and its timeline. All 2020 census data products released after apportionment will have formal privacy protections applied through the use of differential privacy. For the P.L. 94-171 redistricting data, this will be through the use of the Top Down Algorithm (TDA). The TDA is being streamlined to focus solely on the P.L. 94-171 redistricting data and the characteristics

reported in that file, such as race, age, ethnicity, etc. The Census Bureau, using the 2010 census as the data source, has been releasing interim output from the TDA's as demonstration products. Interim output showing improvements was just released on November 16, 2020, correcting an error from a previous version. Mr. Whitehorne referenced the Census Bureau website for additional information regarding disclosure avoidance.

Mr. Whitehorne concluded his presentation by discussing the Count Question Resolution (CQR) program, which occurs after the data has been published. It allows the highest elected or appointed official in each tribal, state, and local government unit to request that the U.S. Census Bureau review their 2020 census counts for housing and associated population, based on two types of geographic cases—boundary and/or living quarter count. CQR will not revise any redistricting data sent to the states. The program begins on September 1, 2021. On October 1, 2021, the Census Bureau will begin processing CQR cases and will stop accepting cases on June 30, 2023. The deadline for the Census Bureau to provide results is September 30, 2023.

Representative Bratcher asked how long differential privacy has been used. Mr. Whitehorne said that differential privacy is a fairly new science that began being developed in the early 2000's. This would probably be the first decennial census to apply differential privacy on such a large scale.

Representative Graviss commended the Census Bureau for its visibility and helpfulness. He asked whether the deadline for delivery of data to the states might be extended to July 31 from the statutorily required April 1, 2021, deadline. Mr. Whitehorne said his personal belief is that the bureau rescinded its request for the deadline extension. He does not believe that an extension to July 31 is being pursued by the Census Bureau or the Department of Commerce at this time. When Representative Graviss asked whether broadband access and Section 8 housing can become a shapefile or data set, Mr. Whitehorne said the answer to that question falls outside his area of expertise.

Representative Bratcher said that he realizes it is not realistic to predict what the courts might do, but he questioned whether differential privacy “noise” might have an effect on redistricting. Mr. Whitehorne said there is a tremendous amount of focus being put on making sure that differential privacy is protecting respondents' data so that it is still accurate. He said he does think that the data will hold up and be of use for redistricting.

Representative Bratcher thanked Mr. Whitehorne for his presentation. There were no further questions, and the meeting was adjourned at 11:17 a.m.