

Democracy in Crisis

As an organization dedicated to strengthening our democracy, we knew 2020 would be one of the most critical years ever for our work. Now, six months into the year, we never anticipated that three pillars of our democracy would become so fragile and be on the verge of collapse: the Census, the general election, and redistricting. It is too late for alarm bells; we need urgent course correction and action. Here are the dangers ahead and what must happen.

The Census

That this was going to be the most challenging decennial Censuses in our lifetime is now well-documented history. Partisan mischief by the Administration to tinker with the questionnaire, years of Congressional inattention in oversight and appropriations, and untested new approaches, technical failings, and a larger, more diverse population to count combined to present the Census Bureau with an unprecedented task. Many of these factors led the GAO to place Census 2020 on its “High Risk” list in 2017, where it remains. This now seems kids’ play in face of the disruptions caused by the pandemic. Here are the warning signs of failure and what must happen:

- **Lagging Self-Response Rates** – The Census Bureau crows about reaching its 60.1% national response rate, but that came a month later than the April 30 goal. In heavily Latino, Black and Native American regions of the country, self-response rates are significantly behind, even with millions of Americans in quarantine. With the pivot from in-person to digital outreach strategies, it is clear millions of households are not learning about the Census, and the disaster of the pandemic makes it more difficult to get through.
- **Off-target paid advertising** – When the Census Bureau suspended field operations in mid-March because of the pandemic, we encouraged the Census Bureau to adjust its paid advertising campaign to reflect the moment. While some ads in English began in April from a COVID-19 point of view, those ads did not begin in non-English languages until May 18, two months after stay-at-home orders began. As the Census Bureau resumes operations and prepares for the door-to-door knocks, its advertising campaign must reflect the actual, not a pre-pandemic, reality.
- **Mailing missteps** – Given the extension of the enumeration to October 31, the Census Bureau is now planning on sending households that have not yet responded a sixth mailing to encourage them to comply. Inexplicably, this mailing will be only a postcard instead of an additional questionnaire which experience shows increases response rates. The Bureau must make another paper form available before October 31.
- **Continued Congressional Negligence** – Congress was asleep at the wheel for much of the 2010’s, and it cannot continue to ignore the crisis at hand. Strong Congressional oversight of the revised operations is sorely needed, as well as attention to the financial resources the Bureau may yet require to complete the count.
- **Political Interference** – Two weeks ago, the Department of Commerce deployed two political appointees to newly-created senior policy roles. Professionals at the Census Bureau have expressed deep concern for the last-minute interference by the Administration, and the actions these appointees are taking to intrude on the Bureau’s efforts. Expert statistical associations have expressed outrage at the political intervention. Congress must scrutinize this development and ensure the Census Bureau’s nonpolitical integrity is not tarnished.

- Continued COVID-19 disruption – The Census Bureau stopped all field operations on March 13, and resumed most of them by early June, just as the current wave of COVID-19 became a tsunami. There will very likely be further disruptions to the Census Bureau field operations, including the crucial Non-Response Follow-Up (NRFU) operation where enumerators make visits to households that have not responded in order to collect the data. Whether this operation can be conducted in compliance with local public health protocols, and with sufficient capacity and workforce, has yet to be determined.
- Possible future disasters – Hurricane season has arrived, and three named storms already have hit the mainland. Forecasts for an abnormally active season raise the possibility the Census Bureau may face additional difficulties in affected areas of the country.

The 2020 Census is in crisis, and action is needed on multiple levels. Households that have still not answered the Census need to be encouraged and helped to respond, by providing them with effective and targeted information, and another paper questionnaire. State and local governments, nonprofits, businesses, and philanthropy must not let up on their efforts to promote a fair and accurate Census. Congress and the Administration must support the Census Bureau through effective oversight, adequate funding, and stop the political interference.

The November Election

State and local elections officials are scrambling to prepare for a quadrennial election with an anticipated historic turnout and a completely unanticipated environment caused by the pandemic. Several primaries this past spring provide ample evidence that business-as-usual voting procedures have become obsolete and disenfranchising. Voters are demanding options to vote safely and securely, whether by mail or in person, and those options may not materialize.

While many states and counties are increasing options for voters to send in their ballots by mail, these efforts are being undermined by false accusations that absentee voting leads to fraud. In California, the Governor's executive order mandating a vote-by-mail (VBM) ballot for every registered voter was immediately challenged in state court by the California Republican Party claiming the possibility of fraud; a lower court's injunction was overturned on appeal and now the state had enacted legislation mandating universal VBM in addition to in-person voting.

Other states, including Wisconsin and Texas, are preventing universal VBM, insisting that only voters with a prior approved excuse for requesting an absentee ballot may do so. All other voters in these states must vote in person come November and weigh the health risk of COVID-19 contagion amid long lines, understaffed polling sites, and outdated voting machines.

The public must insist that all states provide voters the option to vote by mail in November 2020 as the pandemic resurges and makes casual public contact a dangerous activity. To do so effectively, states with pandemic-decimated budgets need federal help. Even in the states that insist its people must show up in person to vote, except in extraordinary circumstances, the most recent elections show these states need resources to help modernize and update their voting infrastructure. Federal funding to the states for the November election must be included in the next COVID-19 stimulus legislation – and it must be supported in a bipartisan manner to signal to the American people that voting is still a precious right in this country that needs protection.

Finally, false accusations by the President and others that voting by mail causes fraud must stop. The evidence supporting the security of voting by mail is overwhelming. In fact, the President himself votes by mail as do scores of elected officials, both Republicans and Democrats. We must not fear the outcome of giving every eligible registered voter a ballot to mark: a stronger democracy.

Redistricting

The impact of the pandemic and the usual breaches in fair redistricting are teaming up to undermine the fair redrawing of legislative districts by rushing the process, disregarding real public participation, and excluding key stakeholders – including Latinos – from the process.

The Administration has officially requested a four-month reprieve in the legislative deadlines for delivering the Census counts for reapportioning the U.S. House of Representatives and the data needed by states and localities to redraw electoral districts. The 2020 Census data are needed to reflect changes in the population and secure the one-person, one-vote principle beginning with elections in 2021.

The Census Bureau is trying to complete the Census amid uncertainty about the deadlines. States are scrambling to adjust their redistricting timetables to deal with data that will arrive months later than planned, and may also be unusually flawed. Public input and transparency could become the greatest casualties of a dramatically shortened redistricting process.

At least two states are proceeding with independent redistricting Commissions that may significantly underrepresent, if not outright exclude, Latinos from their memberships. In New York, none of the first eight individuals appointed to the 10-member Commission is a Latino or has a background that affords any meaningful knowledge of the state's Latino population. In California, the arduous process to compile a pool of individuals for selection onto its 14-member Commission resulted in only a handful of Latinos surviving to the penultimate selection phase. Now, members of the Legislature have exercised their right to "strike" those off the list that they think are a threat to their interests, and in so doing, nearly eliminated all the remaining Latinos. A redistricting commission that fails to reflect the people it serves loses validity.

Congress must act swiftly to adjust the delivery dates for the reapportionment and redistricting data, and provide the Census Bureau with clear guidance and certainty as it attempts to complete the count. Redistricting processes around the country must be conducted in full public view, with meaningful opportunities and time for public input and comment, and include all stakeholder communities. Whether these processes are by legislative bodies or independent commissions, these principles apply equally. If necessary, timelines should be adjusted, and selection processes redone to ensure public integrity and confidence.

Three basic pillars of our democracy are at risk of failure, we must act now and fast.