

# Census Advocacy

What Your Nonprofit  
Needs to Know

# Census Advocacy:

## What Your Nonprofit Needs to Know

### Background

The 2020 Census is expected to be one of the most critical counts in decades as it will not only influence the fairness of democratic representation for hundreds of millions of people across the country, but will determine the distribution of billions of dollars in federal funding for years to come. From support for school lunch programs and children's health insurance to the apportionment of congressional representation, the federal government uses the data from the decennial population count – or the census – to determine thousands of crucial policy decisions. In fact, the 2020 Census is the determinant for funding many of America's most important policies and programs for the environment, health care, housing, special education and school nutrition services for millions of underprivileged children, and much more.

Yet, the 2020 Census has been mired in controversy as the federal government has missed deadlines, scaled back critical testing, struggled with oversight, failed to fund outreach to ensure an accurate count in underserved communities, and been subject to security breaches. Most recently, concerns were further stoked following the Trump Administration's proposal to add a citizenship question that many experts feared would deter marginalized and vulnerable populations from responding, resulting in an undercount of immigrants, the poor, and other groups that benefit from federal services.

Fortunately, the Supreme Court disallowed the addition of a citizenship question on the 2020 Census. While this was a victory for advocates around the country, the publicity and uncertainty surrounding the debate has sowed confusion and fear in some populations; nonprofits will need to be vigilant in their work to support a full count of people of color, American Indians, Alaska Natives, immigrants, low-income individuals, the disabled, and other constituencies.

### Role for Nonprofits as Advocates

Given the gravity of the stakes in 2020, nonprofits and foundations have sought guidance from AFJ's Bolder Advocacy program on how best to advocate for a fair, accurate and inclusive census. Not only do the nonprofit and philanthropic communities have an important role to play as advocates, educators, and mobilizers for a complete and accurate count to help meet their own constituent's needs, but they stand to benefit from an accurate count as this will help prevent the loss of billions of dollars in federal aid for critical programs.

As described below, while some census-related activities will constitute lobbying, most others will not.

### Advocate for Change through Complete Count Committees

State legislatures and governors have the power to encourage an accurate and inclusive Census by creating "Complete Count" Committees that bring together individuals, civic organizations, private

foundations, nonprofits, and faith-based groups to shape census policy and educate community members to help ensure an accurate count. Thirty-six states plus the District of Columbia have created Complete Count Committees either through executive order or legislation.

Local jurisdictions can also create such committees to address their own unique challenges. For example, during the 2010 Census, the Complete Count Committee in Anchorage, Alaska brought together faith-based organizations, Alaska Native organizations, and social service groups to ensure effective outreach to the city's traditionally hard-to-count population.

Communities without government-established options may wish to form their own Complete Count Committees. This is also an option for larger communities that might benefit from a comprehensive approach. Examples of [Community Complete Count Committees](#) include Community Action Groups, the Latino/a/x Service Center, and NAACP groups where branches and chapters have been encouraged to form committees to help increase African-American participation in the Census.

Representative of 501(c)(3)s may wish to communicate with Complete Count Committees. The question of whether such advocacy would constitute lobbying for IRS purposes would depend on whether a group is expressing views about specific legislation – such as a specific state budget allocation. Because the Committee is composed of government officials, communicating with them about specific legislation would count as lobbying even though they are not the legislators that vote on the legislation. As a governmental body, the Committee may participate in the formulation of legislation by giving their opinion to the legislature. However, communicating with a Committee about issues that do not require a vote by the legislature, such as the details of an outreach plan, would not be considered lobbying under IRS rules since a plan is not legislative in nature.

## Join a Census Working Group

Joining other nonprofits and foundations in working groups and initiatives is one effective method of spearheading census advocacy and supporting the 2020 Census. There are a number of websites where groups can learn more about those working in the field and get further engaged:

- Funders' Committee for Civic Participation's [Funders Census Initiative 2020](#)
- United Philanthropy Forum [Census 2020 Initiative](#)
- California's [Census Policy Advocacy Network](#)
- NALEO Education Fund's [Make Census 2020 Count!](#)

## Get Educated on Census Topics

Government and nonprofit organizations have many helpful resources that explain sections of the Census that might raise questions for respondents. Organizations have the opportunity to serve as a trusted resource for their communities in order to alleviate confusion and promote participation. Time spent by 501(c)(3) staff and their volunteers learning about the issues and educating community members, is generally not considered lobbying.

The issues of race, national origin, primary tribe of enrollment, and ethnicity are important data points, used by social scientists, the government, and other communities to study and address health disparities, uncover areas of discrimination in housing and employment, ensure environmental justice, and advance basic human rights. Respondents to the 2020 Census may be faced with questions that asks their race or national origin, as well as whether they identify as

mixed race, and they may be unsure how best to respond. Nonprofits can help their constituents better understand why these questions are important and sort through the ways to answer these questions. A useful reference can be found on the website of the US Census Bureau under [Race and Origin Questions](#).

In addition, nonprofits and foundations may wish to familiarize themselves with important questions surrounding the 2020 Census such as the specific timeline for responding; how those with nontraditional addresses, complex or transitional households are counted; how the Census determines which households receive a paper version versus those who receive an online version; and how follow up visits are made. Organizations that provide helpful resources, written publications, and webinars on Census operations include [The Funders Committee for Civic Participation: Census Counts](#), a collaborative of national and community organizations; and [Nonprofit Vote](#).

## Conduct Census Outreach in Your Community

Nonprofits are uniquely positioned to help improve the 2020 Census count as they have trusted relationships with communities that have been historically difficult to count and have a base of volunteers who can be mobilized to conduct outreach. Community members may be more likely to respond if they learn more about why it is safe and important for them to be counted. To increase the response rate, the federal government has provided funding in the past for outreach efforts such as advertising and door-to-door outreach by Census workers and community nonprofits. The House Appropriations Committee approved \$275 million in June for the Census Bureau's outreach efforts in its fiscal 2020 Commerce Justice Science Appropriations bill and the Senate Appropriations Committee has held hearings but has not voted yet on funding. In addition, some state government and private foundations have also made funds available for outreach efforts to ensure an equitable count:

- California Governor Gavin Newsom proposed \$54 million in the 2019 budget [for Census outreach](#), in addition to the \$100 million that has already been allocated. Advocates are working to secure an additional \$30 million with significant resources included for community-based organizations to do outreach in hard-to-count regions.
- Maryland allocated \$5 million in grants to local governments and nonprofits to support an accurate Census count, and other states, including Minnesota, Oregon, Washington, and Georgia, have allocated funds for Census outreach.
- The Michigan legislature appropriated an additional \$5 million this year to the Michigan Nonprofit Association to secure an accurate count of Michigan residents in 2020.

States and local jurisdictions that have funded their own Census outreach efforts may now be in the process of awarding those funds to nonprofits to do this outreach. Nonprofits may wish to check with their state or local Complete Count Committee or with other nonprofits and foundations championing Census 2020 in the area to tap these opportunities.

## Provide Language and Phone Assistance

The online Census questionnaire will be translated into thirteen languages and guides will be published in 59 languages. Videos in American Sign Language will also be available as will phone assistance in a variety of languages. There are many resources for those who may need language or technical assistance to complete the Census form. For example, Asian Americans Advancing Justice has compiled a [factsheet](#) of many of the government and nonprofit language resources available to assist people in completing the Census. In addition, the US Census Bureau and many

nonprofits have put together written and video-based guides in dozens of languages and dialects to help explain concepts and questions on the Census questionnaire.

## Outreach around Census Jobs

It is peak hiring and recruiting season for the US Census Bureau and the first wave of canvassers are already hitting the streets to confirm addresses. The [US Census Bureau](#) is recruiting hundreds of thousands of enumerators, assistants and office staff to assist in the count and is committed to hiring a diverse staff to reflect the communities that will be canvassed for the Census. To assist in those efforts, the federal government has permitted both non-citizens and those on public assistance to work as canvassers. By exempting citizenship and income eligibility work requirements for some census positions, the Bureau believes that canvassers that share an affinity with hard to count residents will be more likely to follow-up with in-person visits. Nonprofits can share Census job opportunities, assist with job applications, and encourage state officials to opt into the citizenship and income eligibility waivers so those who are non-citizens and/or on public assistance can legally work as enumerators. For more information on the waiver process, see [How Nonprofits Can Ensure an Accurate Census Count](#).

## Provide Support, Report Disinformation, and Educate the Community

Beginning March 12, 2020, the US Census Bureau will mail every household information about completing the Census online, provide unique household IDs, and offer language assistance for those who need it. The online Census questionnaire will be optimized to allow people to answer on a computer, smartphone, or tablet. While only US Census enumerators can technically hear or see someone's response to Census questions, organizations can educate their constituents about the importance of completing the Census, provide tablets with internet connection for those who wish to complete the Census online, and provide other assistance.

While some groups might want to go door to door to encourage completion of the forms, groups should be careful not to falsely represent that they work with or for the US Census Bureau. Additionally, groups that engage in one-on-one outreach should remember that it is illegal for anyone other than a US Census Bureau employee to see or hear someone's answers or collect data from the Census questionnaire. As an alternative to door to door canvassing, groups may wish to transport community members to a trusted public place with secure internet connection, such as a public library or community center.

Unfortunately, in some communities, there may be disinformation campaigns to discourage certain communities from completing their Census forms. Color of Change, a national nonprofit, is monitoring and mounting a response to disinformation campaigns and all incidents of disinformation surrounding the 2020 Census, should be texted to 225568 for monitoring.

These types of outreach activities would not constitute lobbying and would be ideal for 501(c)(3)s that don't have funds for lobbying activities as activities must align with an organization's mission and constitute a charitable, educational, scientific, or religious purpose.

Finally, whether groups can obtain dedicated funding for this work or not, there are a number of tools that can make this process easier to add on to a nonprofit's other important work. One such tool is "[Census Campaign in a Box](#)" which enables nonprofits to create and manage Census campaigns quickly and effectively.

## Participate in Redistricting & Reapportionment

Although data from the Census is used for many purposes, the US Constitution mandates that the Census shall be used to reapportion the 435 members of Congress among the state according to their population. As well, states use Census data to modify state legislative maps and local governments use the data to alter municipal boundaries and school board districts.

In March 2021, the US Census Bureau will deliver its results to the states for congressional reapportionment and state legislative redistricting. This process is often conducted with little public input, but determines how competitive legislative races are for the next decade. The redistricting and reapportionment process is controlled by state legislatures in most states. Lawmakers often draw themselves safe districts, selecting neighborhoods with the most voters that share their political party as possible. But in a handful of states, thanks in large part to advocacy by grass root and nonprofit organizations, a less partisan process is expected to take place with various commissions redrawing legislative districts.

501(c)(3)s that attempt to influence legislation used to the draw congressional or state legislative districts might have to track and report their activities to the IRS as lobbying and register as a lobbyist in their state. However, there is a great deal of work these organizations can do to shape public opinion and educate lawmakers that is NOT lobbying. And those 501(c)(3) organizations that have taken the 501(h) election will have greater leeway in their advocacy activities.

For more information about what is and isn't considered lobbying for IRS purposes, please visit Bolder Advocacy at [www.bolderadvocacy.org](http://www.bolderadvocacy.org).



This work is licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License.

*The information contained in this fact sheet and any attachments is being provided for informational purposes only and not as part of an attorney-client relationship. The information is not a substitute for expert legal, tax, or other professional advice tailored to your specific circumstances, and may not be relied upon for the purposes of avoiding any penalties that may be imposed under the Internal Revenue Code. Alliance for Justice publishes plain-language guides on nonprofit advocacy topics, offers educational workshops on the laws governing the advocacy of nonprofits, and provides technical assistance for nonprofits engaging in advocacy. For additional information, please feel free to contact Alliance for Justice.*

*Founded in 1979, Alliance for Justice is a national alliance of more than 130 organizations dedicated to advancing justice and democracy. AFJ created the Bolder Advocacy program to demystify the rules surrounding advocacy and promote more active engagement in the democratic process by giving nonprofits and foundations the confidence to advocate effectively within the limits of the law.*