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MADIGAN & COALITION FILE AMENDED LAWSUIT TO BLOCK FEDERAL ADMINISTRATION FROM DEMANDING CITIZENSHIP INFORMATION IN 2020 CENSUS

Amended Complaint Highlights New Information on Funding Risks as Result of Citizenship Demand That Would Threaten Fair Representation in States with Large Immigrant Populations

Chicago — Attorney General Lisa Madigan and a coalition of 18 states, the District of Columbia, nine cities, four counties, and the U.S. Conference of Mayors, today filed an amended lawsuit to block the federal administration from demanding citizenship information in the 2020 decennial Census, adding new co-plaintiffs and bolstering the arguments in their complaint.

"The Census is critical to ensuring immigrants in Illinois and across the country are represented fairly and accurately," Madigan said. "The amended complaint strengthens our argument that states with large immigrant populations must be fully represented."

The federal government's intent to ask for citizenship status on the Census would depress turnout in states with large immigrant populations, directly threatening the fair representation of those states in Congress and the Electoral College, as well as billions of dollars in critical federal funds. The coalition's amended complaint specifically highlights the billions of dollars at risk for states and localities around the country. In Illinois, that includes \$1.46 billion from the Highway Trust Fund, \$678 million in Title I funds, \$518 million in special education funds for Illinois school districts, and \$126 million in child care and development grants.

The amended complaint also notes recent comments by Census and other federal officials, including Census Director Ron Jarmin's remarks before Congress last month that he expects the negative impact of the citizenship demand on response rates to be "largely felt in various sub-groups, in immigrant populations, [and] Hispanic populations." Jarmin went on to testify that U.S. Commerce Secretary Wilbur Ross disregarded the Census Bureau's recommendation against including the citizenship demand.

The coalition's lawsuit was brought under the Enumeration Clause of the U.S. Constitution because this action by the federal administration will impede the "actual Enumeration" required by the Constitution. It is also brought under the Administrative Procedure Act, which permits courts to set aside unlawful or arbitrary and capricious agency decisions.

[The Census Bureau's own research shows](#) that the decision to demand citizenship information will "inevitably jeopardize the overall accuracy of the population count" by significantly deterring participation in immigrant communities because of concerns about how the federal government will use citizenship information. These concerns are amplified by the President's anti-immigrant rhetoric and his pattern of actions targeting immigrant communities.

The decennial census is also used to apportion seats in the House of Representatives, and each plaintiff state relies on population information from the Census Bureau to draw statewide redistricting plans for their Congressional and state legislative districts. Because demanding citizenship information would cause disproportionate undercounts in communities with immigrant populations, this change to the Census would prevent plaintiff states from fulfilling the one-person, one-vote constitutional requirement, as well as create distributional inaccuracies in the data states use to draw district lines. Additionally, by depressing Census participation within immigrant and undocumented populations, the citizenship questions will lead to a significant undercount of the states' residents, impairing fair representation in states with large immigrant communities.

The lawsuit, which was originally filed last month in the U.S. District Court for the Southern District of New York, was amended to add Colorado; Central Falls, R.I. (the site of the 2018 end-to-end test of the Census); Columbus, Ohio; Pittsburgh, Pa.; Cameron County, Texas; El Paso County, Texas; Hidalgo County, Texas; and Monterey County, Calif. as co-plaintiffs. The new co-plaintiffs join Madigan and the attorneys general of Connecticut, Delaware, the District of Columbia, Iowa, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Virginia, Vermont, Washington; the cities of New York City, Chicago, Philadelphia, Providence, San Francisco, and Seattle; and the U.S. Conference of Mayors in the lawsuit.

A copy of the amended complaint can be found [here](#).

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