



October 21, 2019

*By FOIAonline Submission*

Vernon E. Curry, PMP, CIPP/G  
FOIA Officer  
U.S. Census Bureau, Room 3J235  
4600 Silver Hill Road  
Suitland, MD 20746

***RE: Freedom of Information Act Request***

Dear Mr. Curry:

Campaign Legal Center ("CLC") submits this request to the Bureau of the Census ("Census Bureau" or "Bureau") pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 *et seq.*

**I. Requested Records**

CLC requests four categories of records in the possession of the Census Bureau:

**Item 1:** All written communications, sent or received from June 27, 2019 to the present, between any Census Bureau employee and any employee of a state or local government entity, containing any of the following terms: "citizenship," "citizen," "citizens," "CVAP," "driver," "drivers," "driver's," "motor vehicle," "motor vehicles," "DMV," "DL," "ID," "Driver License Administrative Data," "Identification Cards," "administrative record," "administrative records," "administrative data," "AR," "ARs," "AD," "Ad Rec," "Ad Recs," "AdRec," "AdRecs," "Ad Data," "AdData," "Federal Driver's Privacy Protection Act," "FDPPA," "Systematic Alien Verification for Entitlements Program," or "SAVE."

**Item 2:** All written communications, sent or received from June 27, 2019 to the present, between any Census Bureau employee and any employee of the American Association of Motor Vehicle Administrators.

**Item 3:** From June 27, 2019 to the present, all written agreements or memoranda of understanding between the Census Bureau and any state or local government entity concerning administrative records. This item includes any documents modifying or updating pre-existing agreements or MOUs regarding state or local administrative records.

**Item 4:** All written communications or memoranda, sent or received by Census Bureau employees from June 27, 2019 to the present, containing both (a) the term “citizenship,” “citizen,” “citizens,” or “CVAP,” *and* (b) the term “driver,” “drivers,” “driver’s,” “motor vehicle,” “motor vehicles,” “DMV,” “DL,” “ID,” “Driver License Administrative Data,” “Identification Cards,” “administrative record,” “administrative records,” “administrative data,” “AR,” “ARs,” “AD,” “Ad Rec,” “Ad Recs,” “AdRec,” “AdRecs,” “Ad Data,” “AdData,” “Federal Driver’s Privacy Protection Act,” “FDPPA,” “Systematic Alien Verification for Entitlements Program,” or “SAVE.”

Please note that this request encompasses both digital and physical records.

To the extent the Bureau contends that any portion or portions of the requested records are exempt from disclosure, it must nonetheless disclose any reasonably segregable non-exempt portions.<sup>1</sup> To the extent the Bureau contends that any record or portion of the requested records is exempt from disclosure, it must provide an index of the withheld materials as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1973).<sup>2</sup>

CLC expressly excludes from this request all personally identifiable administrative records or data acquired by the Census Bureau. Those records are strictly confidential under federal law and must not be made available to anyone except the Bureau and its sworn agents.<sup>3</sup>

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<sup>1</sup> 5 U.S.C. § 552(b).

<sup>2</sup> To the extent the Bureau contends that any responsive records or portions of responsive records may be covered by the deliberative process privilege, that privilege applies only to documents that are “both predecisional and deliberative.” *Wolfe v. Dep’t of Health and Human Servs.*, 839 F.2d 768, 774 (D.C. Cir. 1988). A document is not “predecisional” if it explains or comments on a decision the agency has already made. *Id.* Nor is a document “deliberative” if it does not “reflect[] the give-and-take of the consultative process.” *Id.* (quoting *Coastal States Gas Corp. v. Dep’t of Energy*, 617 F.2d 854, 866 (D.C. Cir. 1980)).

<sup>3</sup> 13 U.S.C. §9(a).

## II. Custodians To Be Searched

Please search all custodians who are likely to possess documents relating to acquisition of administrative records by the Census Bureau. CLC understands that the custodians likely to possess these documents include Steven Dillingham, Ron Jarmin, Enrique Lamas, Albert E. Fontenot Jr., John Abowd, Victoria Velkoff, John Eltinge, Michael Berning, and Kevin Deardorff, as well as other custodians whose names CLC does not know.

For each custodian searched, please search all devices and accounts that the custodian uses to conduct government business, regardless of whether those devices and accounts are government-issued.

## III. Background

In March 2018, Secretary of Commerce Wilbur Ross decided to add a question on citizenship status to the 2020 Census questionnaire. Secretary Ross stated that the purpose of collecting citizenship information through the decennial census was to improve enforcement of the Voting Rights Act. However, that rationale was “contrived,” as the U.S. Supreme Court later recognized.<sup>4</sup> The Court therefore ruled that the decision to ask a citizenship question violated the Administrative Procedure Act.<sup>5</sup>

Following the Court’s decision, the Department of Commerce abandoned its attempt to ask the citizenship question in the 2020 Census. However, on July 11, President Donald Trump issued an executive order, E.O. 13880, to enable the Commerce Department to collect citizenship data through alternative means. E.O. 13880 directs other federal agencies to provide the Commerce Department with administrative records on individuals’ citizenship status; orders Secretary Ross to create an inter-agency working group on collecting citizenship data; and orders the Commerce Department to “strengthen its efforts, consistent with law, to obtain State administrative records concerning citizenship.”<sup>6</sup> Around the same time as the President’s executive order, Secretary Ross ordered the Census Bureau to “produce Citizen Voting Age Population (CVAP) information prior to April 1, 2021 that states may use in redistricting.”<sup>7</sup>

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<sup>4</sup> Dep’t of Commerce v. New York, 139 S. Ct. 2551, 2575 (2019).

<sup>5</sup> *Id.* at 2576.

<sup>6</sup> Exec. Order No. 13880, Collecting Information About Citizenship Status in Connection With the Decennial Census, 84 Fed. Reg. 33821, 33824-25 (July 11, 2019).

<sup>7</sup> *Paperwork Reduction Act Program, Information Collection Request 2020 Census - Enumeration Operations* at 18, OMB Control Number 0607-1006, Department of Commerce & U.S. Census Bureau (July 3, 2019), available at

After receiving these orders, the Census Bureau expanded its existing request for states to provide the Bureau with administrative records. Under the expanded request, the Bureau is seeking administrative records connected to state driver licenses. The Bureau has acknowledged that the purpose of seeking driver-license records is to help carry out President Trump's order.<sup>8</sup>

To the extent the Bureau plans to rely on state driver-license records to determine individuals' citizenship for purposes of compiling block-level CVAP data, that plan is cause for concern. State driver-license agencies are an unreliable source for block-level citizenship data because their records of non-U.S. citizen status are necessarily stale. Typically, driver-license records reflect a person's citizenship status only as of the date the person applied for a license and was asked to provide proof of either U.S. citizenship or legal presence in the United States. If a non-U.S. citizen obtains a driver license and later naturalizes, the agency record of that person's citizenship status is rendered obsolete. But the record will not be updated until the person has reason to interact with the agency again—for example, when the license expires years later. As such, these records are substantially likely to misidentify newly naturalized U.S. citizens as non-U.S. citizens.

CLC identified this precise problem in Texas earlier this year, when the state attempted to use stale driver license data to remove registered voters from its voter registration rolls on the basis that they were ineligible non-U.S. citizens. After Texas publicly announced that it had found nearly 100,000 non-U.S. citizens on its voter registration rolls, it quickly became clear that the vast majority of people Texas had identified were newly naturalized U.S. citizens who had obtained a driver license, later naturalized, and only then registered and voted. Because these individuals had not had any reason to interact with the Texas driver-license agency since becoming citizens, their driver-license records still indicated they were non-U.S. citizens. CLC sued and obtained a preliminary injunction halting the voter purge on the basis that it discriminated against newly naturalized U.S. citizens.<sup>9</sup> In the wake of the injunction, Texas agreed to settle the case, together with two separate lawsuits brought by the ACLU of Texas and the Texas Civil Rights Project, and by the Mexican American Legal Defense and Education Fund.<sup>10</sup>

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<https://www.documentcloud.org/documents/6192581-2020-Census-Supporting-Statement-ARevised-July.html#document/p18/a512146>.

<sup>8</sup> See Mike Schneider, *Census confirms drivers' records request tied to citizenship*, ASSOCIATED PRESS (Oct. 16, 2019), <https://apnews.com/584d26aa91fc4004ad147d0a3ba2231e>.

<sup>9</sup> *Victory! Court Saves Texas Voters from Purge*, CAMPAIGN LEGAL CTR. (Feb. 27, 2019), <https://campaignlegal.org/press-releases/victory-court-saves-texas-voters-purge>.

<sup>10</sup> *CLC and Partners Settle with Texas to End Targeting of Naturalized Citizen Voters*, CAMPAIGN LEGAL CTR. (April 26, 2019), <https://campaignlegal.org/press-releases/clc-and-partners-settle-texas-end-targeting-naturalized-citizen-voters>.

As this example shows, driver-license data, on its own, does not provide reliable information as to *current* citizenship status, especially for newly naturalized U.S. citizens. Given this concern, there is an important public interest in understanding how the Census Bureau intends to use driver-license records for the purposes of carrying out E.O. 13880.

#### **IV. Application for Fee Waiver or Limitation of Fees**

CLC requests that all fees for this request be waived or, in the alternative, limited. This request qualifies for a fee waiver or reduction because it is non-commercial in nature and would serve the public interest by contributing significantly to public understanding of the operations and activities of the Census Bureau. CLC is also entitled to an exemption from search and review costs because CLC qualifies as a representative of the news media.

In the event that CLC's application for a complete fee waiver is denied and you estimate that more than \$100 in fees will be charged, please contact me before proceeding with any search, review, or duplication.

##### **A. The request is made for non-commercial purposes and will contribute significantly to public understanding of the operations or activities of the government.**

The Bureau should waive all fees associated with this request because the request is non-commercial and will contribute significantly to the public's understanding of important governmental activities—namely, the Census Bureau's collection of state administrative records and use of those records to compile CVAP data.

Under FOIA, an agency must provide requested records without charge or at a reduced charge if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”<sup>11</sup> A Department of Commerce regulation, 15 C.F.R. § 4.11(l), provides guidance by breaking down the basic elements of a successful fee-waiver application into six factors:

- (1) “whether the subject of the requested records concerns the operations or activities of the Government”;
- (2) “whether the disclosure is ‘likely to contribute’ to an understanding of Government operations or activities” by

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<sup>11</sup> 5 U.S.C. § 552(a)(4)(A)(iii).

- providing “meaningfully informative” information not already public;
- (3) “[w]hether disclosure of the requested information will contribute to the understanding of a reasonably broad audience of persons interested in the subject”;
  - (4) “whether the disclosure is likely to contribute ‘significantly’ to public understanding of Government operations or activities”—i.e., whether the public’s understanding will “be significantly enhanced by the disclosure”;
  - (5) “whether the requester has a commercial interest that would be furthered by the requested disclosure”; and
  - (6) “[w]hether any identified commercial interest of the requester is sufficiently great, in comparison with the public interest in disclosure, that disclosure is ‘primarily in the commercial interest of the requester.’”

Here, all six factors weigh in favor of waiving fees for this request.

**First**, this request “concerns the operations or activities of the Government”—specifically, the Census Bureau’s acquisition of state administrative records and its use of those records to compile CVAP data.

**Second**, the request will contribute to public understanding because responsive records will likely disclose “meaningfully informative” information that is not currently in the public domain.

The Census Bureau likely possesses numerous records that would, if published, meaningfully improve public understanding of the Bureau’s request for state driver-license data. For example, the Bureau almost certainly has written communications from Bureau officials to state administrators, explaining the scope of the Bureau’s request for state records. Similarly, the Bureau has likely received messages from state officials, advising the Bureau of how the state will respond to the Bureau’s request and why. To the extent that the Bureau and states have recently entered new record-sharing agreements or updated pre-existing ones, the Bureau must have copies of those documents as well. Additionally, the Bureau likely possesses intra-agency memoranda and emails that announce, explain, contextualize, and reflect on the decision to request driver-license data from states.

All of these records would contribute meaningfully to the public understanding of the Bureau’s request for driver-license data, but none of them are currently in the public domain. CLC’s request is designed to change that.

*Third*, disclosure of the requested records will contribute to the understanding of at least a reasonably broad audience of persons, not merely CLC’s own understanding.

In assessing whether this factor is satisfied, the Department considers the “requester’s expertise in the subject area and ability and intention to effectively convey information to the public.”<sup>12</sup> A requester that qualifies as “a representative of the news media” is presumed to satisfy this factor.<sup>13</sup>

As discussed below, CLC qualifies as a representative of the news media. CLC is therefore entitled to a presumption that its request will contribute to the understanding of at least a reasonably broad audience. However, even without the benefit of this presumption, CLC would easily satisfy the “reasonably broad audience” test by virtue of its expertise and its ability and intention to disseminate information from the requested records.

CLC has more than enough expertise in the relevant subject area to help educate a broad audience. Founded in 2002, CLC is a nationally respected source of nonpartisan expert analysis and legal advice on all aspects of the democratic process, including the census and the use of census data for redistricting.<sup>14</sup> CLC has significant experience in litigation directly involving the census,<sup>15</sup> and recently expanded its capacity in this area by hiring a law clerk who specializes in census matters.

CLC also has the ability and intention to convey information from the requested records to the public. CLC plans to publish responsive records and write analyses of those records for public consumption, which will be shared on CLC’s website and social media accounts. CLC’s large online presence<sup>16</sup> will enable these materials to reach at least a “reasonably broad audience.” In the past, CLC has succeeded at disseminating information broadly through

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<sup>12</sup> 15 C.F.R. § 4.11(l)(2)(iii).

<sup>13</sup> *Id.*

<sup>14</sup> See *Impact*, CAMPAIGN LEGAL CENTER, <https://campaignlegal.org/impact> (last visited Oct. 21, 2019).

<sup>15</sup> See *CLC Sues DOJ Over Unlawful Silence in Decision-Making Process Over Census Citizenship Question*, CAMPAIGN LEGAL CENTER (May 23, 2018), <https://campaignlegal.org/update/clc-sues-doj-over-unlawful-silence-decision-making-process-over-census-citizenship-question>; Brief of Former Directors of the Census Bureau as *Amici Curiae* in Support of Appellees, *Evenwel v. Abbott*, 136 S. Ct. 1120 (2016) (No. 14-940) (amicus brief on which CLC served as co-counsel).

<sup>16</sup> CLC has approximately 27,000 followers on Twitter and more than 11,500 followers on Facebook. Campaign Legal Center (@CampaignLegal), TWITTER, <https://twitter.com/CampaignLegal> (last visited Oct. 11, 2019); Campaign Legal Center (@CampaignLegalCenter), FACEBOOK, [https://www.facebook.com/CampaignLegalCenter/?ref=br\\_rs](https://www.facebook.com/CampaignLegalCenter/?ref=br_rs) (last visited Oct. 11, 2019). CLC also publishes updates by email to its many supporters.

reports, blogs, op-eds, and videos,<sup>17</sup> among other media. CLC also shares information and analysis with traditional news organizations, which regularly cite and rely upon CLC's work.<sup>18</sup>

When CLC disseminates information based on records responsive to this request, that information is likely to capture the interest of a large audience. Mainstream national news organizations are closely following the Bureau's attempts to collect driver-license data from states,<sup>19</sup> and they are likely to continue covering this story.

**Fourth**, the contribution that CLC's request will make to public understanding will be significant.

Currently, the public has very little information about the Bureau's request for state driver-license records. The public does not fully understand the scope of

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<sup>17</sup> See, e.g., Maggie Christ, *Constitutional Challenges Facing Our Democracy*, Campaign Legal Center blog (Sept. 18, 2019), <https://campaignlegal.org/update/constitutional-challenges-facing-our-democracy>; Paul Smith, *Census paves moment of truth for the Supreme Court and rule of law*, The Hill (July 9, 2019), <https://thehill.com/opinion/judiciary/452224-census-paves-moment-of-truth-for-the-supreme-court-and-rule-of-law>; Molly Danahy, *The U.S. Supreme Court Should Stop Census Citizenship Question*, Campaign Legal Center blog (April 3, 2019), <https://campaignlegal.org/update/us-supreme-court-should-stop-census-citizenship-question>; Campaign Legal Center, *Distorted Democracy: The Fight Against Gerrymandering*, YOUTUBE (March 7, 2019), [https://www.youtube.com/watch?v=HgAVos\\_tK8E](https://www.youtube.com/watch?v=HgAVos_tK8E); Danielle Lang & Thea Sebastian, *Too Poor to Vote*, N.Y. TIMES (Nov. 1, 2018), <https://www.nytimes.com/2018/11/01/opinion/election-voting-rights-poverty.html>; Daniel Hessel, *Litigating Partisan Gerrymandering Claims Under State Constitutions*, CAMPAIGN LEGAL CENTER (July 17, 2018), [https://campaignlegal.org/sites/default/files/2018-07/CLC%20Issue%20Brief%20Litigating%20Partisan%20Gerrymandering%20under%20State%20Constitutions\\_0.pdf](https://campaignlegal.org/sites/default/files/2018-07/CLC%20Issue%20Brief%20Litigating%20Partisan%20Gerrymandering%20under%20State%20Constitutions_0.pdf); Brendan M. Fischer, *How Trump's Plan to Repeal the Johnson Amendment Could Unleash 'Super Dark Money' Into Our Elections*, Campaign Legal Center blog (Feb. 3, 2017), <http://www.campaignlegalcenter.org/news/blog/how-trump-s-plan-repeal-johnson-amendment-could-unleash-super-dark-money-our-elections>.

<sup>18</sup> See, e.g., Bart Jansen, Kevin Johnson & Kevin McCoy, *Two Giuliani associates involved in Trump-Ukraine controversy arrested on campaign finance charges*, USA TODAY (Oct. 10, 2019), <https://www.usatoday.com/story/news/politics/2019/10/10/impeachment-inquiry-lev-parnas-igor-fruman-witness-list/3866159002>; Alayna Treene, Jonathan Swan & Harry Stevens, *Scoop: Inside a top Trump adviser's fundraising mirage*, AXIOS (May 5, 2019), <https://www.axios.com/david-bossie-fundraising-presidential-coalition-3bf22829-8a89-4a10-84b7-7310e02c2ef2.html>.

<sup>19</sup> See, e.g., Mike Schneider, *Census confirms drivers' records request tied to citizenship*, ASSOCIATED PRESS (Oct. 16, 2019), <https://apnews.com/584d26aa91fc4004ad147d0a3ba2231e>; Hansi Lo Wang, *Census Bureau Asks States For Driver's License Records To Produce Citizenship Data*, NPR (Oct. 16, 2019), <https://www.npr.org/2019/10/16/770648941/census-bureau-asks-states-for-drivers-license-records-to-produce-citizenship-dat>; Nicole Narea, *Trump is still trying to collect citizenship data for redistricting*, VOX (Oct. 17, 2019), <https://www.vox.com/policy-and-politics/2019/10/17/20918989/trump-2020-census-citizenship-data-redistricting-drivers-license>.



the Bureau's request, because the Bureau has not released copies of its recent communications with state agencies. Similarly, the public is mostly in the dark about which states have agreed to share driver-license data, which ones have refused, and which ones (if any) have written to the Census Bureau with comments on the accuracy of driver-license records and the wisdom of using those records to determine citizenship.

Moreover, the Bureau has not explained its reasons for seeking access to state driver-license records as a source of citizenship data. It is not clear who made this decision, nor is it clear whether the choice to seek driver-license data was part of a broader decision to request a range of administrative records. The public also does not know what decisions the Bureau has made regarding the role that driver-license data will play in determining citizenship for CVAP purposes.

CLC's request is designed to address these questions by uncovering relevant documents. After CLC obtains and publishes these documents, the public will be significantly better informed about the Bureau's acquisition and use of driver-license records.

*Fifth*, CLC has no commercial interest in its FOIA request. CLC is a non-profit public-interest organization organized under Section 501(c)(3) of the Internal Revenue Code. CLC is filing this FOIA request for the sole purpose of furthering its public-interest mission.

*Sixth*, because CLC has no commercial interest at all in the request, it necessarily follows that the request cannot be "primarily in the commercial interest of the requester."

**B. CLC is exempt from search and review fees as a "representative of the news media."**

Even if CLC is denied a complete waiver of fees, it cannot be charged search or review fees because it meets the definition of a "representative of the news media" under FOIA.<sup>20</sup> The Bureau recently recognized CLC's news-media status in processing a separate FOIA request,<sup>21</sup> and that determination was correct.

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<sup>20</sup> See 5 U.S.C. § 552(a)(4)(A)(ii)(II)-(III); 15 C.F.R. § 4.11(c)(1) (providing that representatives of the news media cannot be charged FOIA fees except for duplication beyond the first 100 pages).

<sup>21</sup> The Bureau classified CLC as a representative of the news media for purposes of the FOIA request assigned tracking number DOC-CEN-2019-002192, which CLC filed in September 2019.

“[T]he term ‘a representative of the news media’ means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.”<sup>22</sup> This statutory term must “be interpreted broadly if [FOIA] is to work as expected, . . . In fact, *any person or organization which regularly publishes or disseminates information to the public . . . should qualify for waivers as a ‘representative of the news media.’*”<sup>23</sup>

In applying the “representative of the news media” test, courts focus on the requester rather than the specific FOIA request.<sup>24</sup> News-media status extends not only to traditional news organizations, but also to entities that disseminate information “by issuing press releases to media outlets in order to reach the public indirectly.”<sup>25</sup>

CLC qualifies as a representative of the news media because it applies expertise and editorial skills to turn raw materials into reports, articles, and op-eds that are widely disseminated on its blog,<sup>26</sup> through its own website,<sup>27</sup> through social media platforms and regular emails to its supporters, and through other outlets. CLC additionally applies editorial skill to analyze and disseminate materials to other news media outlets.

Courts have found that other organizations with functionally similar missions and engaged in similar public- education activities qualify as representatives of the news media, even if engaged in litigation or other advocacy beyond educating the public. For example, in *Cause of Action*, the D.C. Circuit granted news-media status to a public-interest advocacy organization that commented to other media outlets about documents it obtained under FOIA.<sup>28</sup>

For these reasons, if the Bureau does not grant CLC a complete public-interest waiver of all fees for this request, CLC should nevertheless be exempted from any fees for search, review, and the first 100 pages of duplication.

## V. Application for Expedited Processing

CLC requests that the processing of this request be expedited pursuant to 15 C.F.R. § 4.6(f)(1). This request qualifies for expedited processing both because

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<sup>22</sup> 5 U.S.C. § 552(a)(4)(A)(ii)(III).

<sup>23</sup> 132 Cong. Rec. S14298 (daily ed. Sept. 30, 1986), cited in *Nat'l Sec. Archive v. DOD*, 880 F.2d 1381, 1386 (D.C. Cir. 1989).

<sup>24</sup> *Cause of Action v. FTC*, 799 F.3d 1108, 1121 (D.C. Cir. 2015).

<sup>25</sup> *Id.* at 1125-26.

<sup>26</sup> See Campaign Legal Center blog at <http://www.campaignlegalcenter.org/news/262>.

<sup>27</sup> See Campaign Legal Center “Reference Materials” library, <http://www.campaignlegalcenter.org/research/reference-materials>.

<sup>28</sup> 799 F.3d at 1121-25.

it involves “[a] matter of widespread and exceptional media interest involving questions about the Government’s integrity which affect public confidence,” 15 C.F.R. § 4.6(f)(1)(iii), and because it involves “[a]n urgency to inform the public about an actual or alleged Federal Government activity” and a requester “primarily engaged in disseminating information,” 15 C.F.R. § 4.6(f)(1)(iv).

The 2020 Census has attracted “widespread and exceptional media interest,”<sup>29</sup> and for good reason: the census is required by the U.S. Constitution,<sup>30</sup> and the results will be used to reapportion Congress, redraw voting districts, and distribute hundreds of billions of federal dollars.<sup>31</sup>

The Bureau’s plan to collect citizenship data through driver-license records is a matter of particularly intense media interest. The Bureau’s request for these records has already received substantial media attention.<sup>32</sup> More broadly, the Bureau’s efforts to obtain citizenship information in connection with the 2020 Census have received immense media coverage. Much of that coverage has focused on the issue of whether the government is engaged in a scheme to reduce political representation and funding for minority communities—a quintessential “question[] about the Government’s integrity which affect[s] public confidence.”<sup>33</sup>

The need to inform the public about this matter is urgent. States are already making decisions about whether to share driver-license records with the

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<sup>29</sup> See *2020 Census Operational Plan v4.0*, *supra* note 1, at 103 (“There is a lot of press coverage surrounding the 2020 Census questionnaire.”); *Covering the 2020 Census*, POYNTER, <https://www.poynter.org/covering-the-2020-census-poynter/#1549662376277-7e2acdf9-0a29> (“Covering the census is the epitome of public service and accountability journalism, and the 2020 Census presents more opportunities than ever before for newsrooms.”).

<sup>30</sup> U.S. Const. art. I § 2 cl. 3.

<sup>31</sup> Hansi Lo Wang, *What You Need To Know About The 2020 Census*, NPR (March 31, 2019), <https://www.npr.org/2019/03/31/707899218/what-you-need-to-know-about-the-2020-census>.

<sup>32</sup> See, e.g., Mike Schneider, *Census confirms drivers’ records request tied to citizenship*, ASSOCIATED PRESS (Oct. 16, 2019), <https://apnews.com/584d26aa91fc4004ad147d0a3ba2231e>; Hansi Lo Wang, *Census Bureau Asks States For Driver's License Records To Produce Citizenship Data*, NPR (Oct. 16, 2019), <https://www.npr.org/2019/10/16/770648941/census-bureau-asks-states-for-drivers-license-records-to-produce-citizenship-dat>; Nicole Narea, *Trump is still trying to collect citizenship data for redistricting*, VOX (Oct. 17, 2019), <https://www.vox.com/policy-and-politics/2019/10/17/20918989/trump-2020-census-citizenship-data-redistricting-drivers-license>.

<sup>33</sup> See, e.g., Sara Murray & Gregory Wallace, *What’s behind the citizenship question on the 2020 census*, CNN (June 24, 2019), <https://www.cnn.com/2019/06/24/politics/citizenship-census-2020/index.html>; Ed Kilgore, *Trump’s New Attempt to Skew Redistricting*, NEW YORK (Aug. 20, 2019), <http://nymag.com/intelligencer/2019/08/trump-moves-ahead-on-citizenship-data-to-skew-redistricting.html>; Tierney Sneed, *Feds Producing Data For States To Do Anti-Immigrant Redistricting Overhaul*, TALKING POINTS MEMO (July 15, 2019), <https://talkingpointsmemo.com/news/citizenship-data-states-redistricting-bureau-directed-data>.

Bureau.<sup>34</sup> Members of the public deserve an opportunity to form educated opinions about the wisdom of sharing these records, while there is still time to contact their state governments and express their views. Moreover, with Census Day just months away, now is the time to inform the public about whether the Bureau will fully protect the confidentiality of personal information.

As described above, CLC qualifies as a representative of the news media; as such, we are regularly engaged in disseminating information about various aspects of our government.

I certify that my statements concerning the need for expedited processing are true and correct to the best of my knowledge and belief.

\* \* \*

In order to expedite delivery of these requested documents and in order to reduce possible fees incurred, I am requesting that these documents be delivered to me either digitally via email (in PDF format), or on a data disk via the U.S. Postal Service.

**Please email copies of responsive documents to:**

[Mdanahy@campaignlegalcenter.org](mailto:Mdanahy@campaignlegalcenter.org)

**Or, please mail copies of responsive documents to:**

**Molly Danahy  
Campaign Legal Center  
1101 14<sup>th</sup> Street NW, Suite 400  
Washington, D.C. 20005**

Should you elect, for any reason, to withhold, redact, or deny the release of any record responsive to this request, I request that you provide me with an explanation for each withholding/redaction, along with pertinent legal citations.

Please confirm receipt of this request and provide me with an estimate of processing time.

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<sup>34</sup> See Mike Schneider, *Census Bureau seeks state data, including citizenship info*, ASSOCIATED PRESS (Oct. 14, 2019), <https://www.apnews.com/0b9e5ca716514d0eab593109b8eda71e> (discussing states' responses).

Thank you.

Sincerely,

/s/ Molly Danahy

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