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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NATIONAL URBAN LEAGUE; LEAGUE OF WOMEN VOTERS; BLACK ALLIANCE FOR JUST IMMIGRATION; HARRIS COUNTY, TEXAS; KING COUNTY, WASHINGTON; CITY OF LOS ANGELES, CALIFORNIA; CITY OF SALINAS, CALIFORNIA; CITY OF SAN JOSE, CALIFORNIA; RODNEY ELLIS; and ADRIAN GARCIA,

Plaintiffs,

v.

WILBUR L. ROSS, JR., in his official capacity as Secretary of Commerce; U.S. DEPARTMENT OF COMMERCE; STEVEN DILLINGHAM, in his official capacity as Director of the U.S. Census Bureau; and U.S. CENSUS BUREAU,

Defendants.

CASE NO. 20-cv-5799-LHK

DECLARATION OF JARED R. BRIGGS IN SUPPORT OF PLAINTIFFS' MOTION FOR STAY AND PRELIMINARY INJUNCTION

DECLARATION OF JARED R. BRIGGS

I, Jared R. Briggs, hereby declare:

1. I am the Assistant Director of Planning and Development in the Community Services Department for Harris County, Texas.

2. I have been in my current position for approximately six (6) months, and with Harris County for nearly eleven (11) years serving in the capacity as Planner, Development Manager, and Deputy Assistant Director.

3. As part of my official duties, I am overseeing the preparations that Harris County is taking for the 2020 Decennial Census.

4. Harris County made the 2020 Census count a high priority with the creation of the Complete Count Committee in March 2019 in partnership with the City of Houston. For the first time in its history, Harris County Commissioners Court authorized nearly $4 million for vendors to enhance community canvassing and promote participation. Vendors included Outreach Strategists, Lopez Negrete Communications, Houston in Action, and Civis Analytics. Outreach efforts began in October 2019.

5. For the 2020 Census, Harris County sought to ensure that it met or exceeded the self-response and overall response rates achieved by the county during the 2010 Census, and to encourage non-responsive households to cooperate with enumerators during Non-Response Follow Up ("NRFU").

6. Prior to the COVID-19 pandemic, in March 2020, Harris County's outreach vendor, Houston in Action, was engaged in a robust in-person outreach and canvassing program that involved outreach trainings, in-person census events, and tables at non-census related events in addition to door-to-door canvassing operations to inform and educate communities in low response block groups about the 2020 Census. In addition to the in-person activities, Lopez Negrete Communications developed collateral (postcards, door hangers, posters, signs), webinars, Census-branded booths, a messaging campaign, social media posts with selected influencers and public relations toolkits. Other events included press conferences and a media plan to ensure the 2020 Census stayed at the forefront of the County's priorities. Murals were

also placed in targeted communities of Harris County to generate publicity and interest in the census.

7. These preparations include outreach programs designed to encourage hard-to-count populations to participate in the 2020 Decennial Census. The hard-to-count populations were identified by prior Census counts. The US Census Bureau issued a Low Response Score (LRS) for census tracts across the country which was the best predictor of areas with high hard-to-count populations. Variables that contributed to a high LRS were factors such as renters, certain income levels, single mothers, households with children, as well as ethnic minorities like African Americans or Hispanic populations which have historically been undercounted in the Census. In addition to the LRS, as well as assessments from the data vendor Civis Analytics, the campaign has focused on areas with high LRS and immigrant and minority communities. Areas with high concentrations of immigrant and/or minority communities had messaging created and tailored for those communities in Spanish, Chinese, Vietnamese, Hindi/Urdu, and messaging for subsections of English-speaking communities like African Americans, Non-Hispanic Whites, and Persons with Disabilities.

8. The COVID-19 pandemic and its devastating impact on our communities caused, amongst an array of concerns, a concern about the County's ability to ensure that our communities adequately respond to the Census. Harris County recognized the need to revise outreach methods accordingly.

9. With less planning time than was available prior to the development of our original 2020 Census Outreach strategies, Harris County explored options to move from in-person and face-to-face actions to digital outreach and social distancing-compliant actions that could be done to ensure resident and staff safety. These revisions took into account the fact that Census fieldwork was suspended in Harris County from March 18, 2020, through August 11, 2020.

10. During this time, planning efforts were utilizing the October 31, 2020 Non-Response Follow-Up (NRFU) end date that the U.S. Census Bureau had posted on its website. In

order to meet a response rate comparable to 2010, on July 28, 2020 Commissioners Court approved additional contracts with Outreach Strategists and Civis Analytics through November 30, 2020 for project close out with the assumption that outreach efforts would continue through October 31, 2020.

11. Given the most recent cuts to the timeline, Harris County is again forced to attempt to adjust outreach efforts and strategies and compress them into the shortened time period. In response to the shortened timeline, Harris County has drafted a Revised Census 2020 Communications and Response Plan (Plan) for Commissioners Court approval to utilize available funding originally intended for expenditure in October 2020. The Plan proposes expansion of and additional activities to maximize the Census 2020 self-response within the time remaining. The shortening of the timeline and the need to adjust plans adds to our concern that Harris County will not be able to meet our goals. Moreover, for those households that do not self-respond, NRFU is the best program available to ensure that the hardest to count populations are counted in the 2020 Census. By cutting the NRFU period short, Harris County is at risk of seeing unprecedented undercounts in the 2020 Census.

12. Additionally, several of our efforts are essentially undone by the August 3, 2020, shortening of the timeline. For example, between April 13, 2020, and May 17, 2020 alone, our partner and vendor, Houston in Action, participated in over 150 events during which it shared messaging on behalf of the County that identified the October 31, 2020 deadline for the 2020 Census. Houston in Action announced the October 31 deadline for self-response at food distribution events, on flyers distributed at events, and during phone banking and text messaging designed to encourage self-response.

13. In planning for the October 31, 2020 end date, Harris County continued to support and work toward this deadline as seen by events planned well into October 2020 as shown on our Harris County website (https://www.harrishoustoncounts.com/calendar).

14. As part of its Outreach efforts, Harris County funded community murals that highlighted the Census. Part of this Outreach effort involved an opportunity to reach the public

through press releases surrounding these Murals. Examples of press releases that were published in May 2020, and stated that the end date for the 2020 Census is October 31, 2020, see https://www.chron.com/life/article/New-Houston-area-murals-promote-2020-Census-15280871.php and https://preview.houstonchronicle.com/art-exhibits/new-houston-area-murals-promote-2020-census-15280778.

15. If the 2020 Census timeline follows the new compressed schedule, Harris County outreach efforts which have already been forced to change due to the COVID-19 pandemic and the Census Bureau's announcement of the October 31, 2020 deadline, will be further undermined by the new end date of September 30, 2020.

16. Specifically, Harris County will be forced to expend additional resources to clear confusion about the last date for self-response during the Census, to ensure that people who have not responded are counted in time.

17. The changes also impair the effort by Harris County to reach its self-response goals. We are confident that we will achieve a better response rate in response to our outreach efforts if the October 31, 2020 deadline is followed than if we are forced to complete an effective outreach effort under the compressed September 30, 2020 deadline.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 24, 2020 at Houston, Texas.

Jared R. Briggs

Jared R. Briggs