Exhibit 16

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMONWEALTH OF PENNSYLVANIA, *et al.*, Plaintiffs, v. DONALD J. TRUMP, *in his official capacity as President of the United States, et al.*, Defendants.	20 Civ. 5770 (JMF) **DECLARATION OF NORMAN BRISTOL COLÓN**

Pursuant to 28 U.S.C. § 1746(2), I, NORMAN BRISTOL COLÓN, hereby declare as follows:

1. I am over the age of eighteen and have personal knowledge of all the facts stated herein.

2. I have been employed by the Commonwealth of Pennsylvania ("Commonwealth") since 2017. Since January 2019, I have served as the executive director of the Governor's Census 2020 Complete Count Commission ("Commission"). In this position, I oversee the Commonwealth's strategies, efforts, and management for the 2020 United States Census.

3. The Commission's work is governed by Executive Order 2018-05, which was signed by Pennsylvania Governor Tom Wolf on September 7, 2018. The executive order established the Commission to "recommend methods and policies to facilitate the most complete and accurate census count in the year 2020, including implementing strategies to reach hard-to-count populations and hard-to-enumerate areas."

4. The preamble to the executive order explains the significance to the Commonwealth of a complete and accurate census count:

> WHEREAS, every 10 years beginning in 1790, as mandated by the United States Constitution, the Census of Population and Housing has been taken by the U.S. Government to count all persons and housing units in the United States to reapportion the membership of the U.S. House of Representatives among the States and for other purposes; and
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> WHEREAS, the next decennial census will be conducted on April 1, 2020; and

WHEREAS, the 2020 Census will be used for Congressional reapportionment, redistricting, and for legislative redistricting, such that having a complete and accurate count of Pennsylvania's population is essential for the fair representation of the citizenry in the U.S. Congress, the General Assembly of this Commonwealth, and the legislative bodies of local government; and

WHEREAS, individuals, businesses, local governments, and nonprofit organizations will rely on census data for planning and decision-making; and

WHEREAS, it is well established that certain households, special populations, and hard-to-enumerate areas are at risk of being under-counted and under-represented; and

WHEREAS, the populations that have traditionally been under-counted have a significant presence throughout this Commonwealth; and

WHEREAS, the state and federal governments will use information gained through the census, including population counts, housing and other data, to distribute billions of dollars in funding to essential programs, including health care and human services programs that are intended to help low-income children and their families; and

WHEREAS, the Commonwealth and its local jurisdictions utilize census data to provide descriptions of the social and economic characteristics of geographic areas and population groups to determine those areas and groups' funding needs for infrastructure projects, economic development programs, job training, schools, and other activities; and

WHEREAS, it is important to the Commonwealth that a complete and accurate census count be obtained; and

WHEREAS, to achieve a complete and accurate census count, the Commonwealth must support efforts to share address and other geographic information with the U.S. Census Bureau and other census partners, work with the U.S. Census Bureau on the recruitment of Pennsylvania Census workers, and implement communication strategies to reach hard-to-count populations and hard-to-enumerate areas; and

WHEREAS, to achieve a complete and accurate census count, it is important to involve representatives of the private and public sectors, Pennsylvania's local governments, state agencies, and other important stakeholders.

5. Like the current Wolf administration, the Commonwealth's gubernatorial administrations in office during both the 2000 and 2010 decennial censuses directed non-partisan efforts to increase participation and reduce the undercounting of residents. Specifically, they fully partnered with the U.S. Census Bureau to ensure a complete and accurate count while providing

training; an education and awareness campaign; public events; and outreach in schools, institutions of higher learning, senior centers, chambers of commerce, and local governments. The U.S. Census Bureau had nineteen regional offices in Pennsylvania in 2010, as compared to nine in 2020. It is my understanding that there are fewer regional offices in Pennsylvania this year due to a lack of funding, which may be part of a federal strategy to influence the count, as discussed further below.

6. The Commonwealth has invested $4 million to increase participation in the 2020 census through a media and advertising campaign, as well as grants to local governments and non-governmental organizations. Our residents' health, prosperity, and quality of life depends on the completeness and accuracy of the data collected by the Census Bureau. The data helps us develop policies to address challenges in communities across Pennsylvania, help ensure fair and representative reapportionment and redistricting, and guide a wide range of decisions made in the public and private sectors that affect the lives of all Pennsylvanians. Census data plays an indispensable role in the monitoring and implementation of civil rights policies, and they are used to ensure the effective allocation of billions of dollars in federal, state, and local funding.

7. Pennsylvania is more diverse than ever before, currently home to 1.4 million African Americans, 1 million Latinos, and 500,000 Asian Americans. For every Pennsylvania resident counted in the census, the Commonwealth receives at least $2,100 per person annually for sixteen federal programs. At that rate, 2.9 million individuals of color in our state bring in over $6 billion per year in federal funding; in the course of 10 years, that number rises to over $60 billion. Historically, the poor, communities of color, and rural residents have been undercounted. The Commission has tried to overcome that with an aggressive effort to ensure that a complete and accurate count for the 2020 census. However, the "Presidential Memorandum on Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census," issued by President Donald J. Trump on July 21, 2020, ("Presidential Memorandum") undermines our message that everybody counts and, therefore, puts billions of dollars at risk. An undercount will also have a direct impact on congressional reapportionment, potentially impacting Pennsylvania's representation in the U.S. Congress.

8. We are working closely with the U.S. Census Bureau, local governments, and 79 organizations that received funding to reach out to communities in new, non-traditional ways during the COVID-19 pandemic. The challenges to reach these diverse communities is greater now with this Presidential Memorandum. The pandemic has hit hardest in areas where the highest populations are concentrated: Philadelphia, Pittsburgh, Lehigh Valley, Northeastern Pennsylvania, and South Central Pennsylvania. Those are also the most diverse areas of the state. Counting individuals of color in those areas has been a challenge in the past.

9. The pandemic and the misinformation campaign from the President of the United States clearly create another set of challenges for a constitutionally mandated complete and accurate count. The Latino community has a disproportionate number of COVID-19 cases in our state. It is also the largest immigrant community, and targeting them through census count suppression will have a direct impact in this community and its potential future in Pennsylvania.

10. The Commission continues to monitor challenges posed for a complete and accurate count. The federal attempt to include a citizenship question on the questionnaire created

an avalanche of confusion and misinformation, which forced us to increase our education and awareness campaign and engage numerous faith-based and community organizations to defeat the already damaging belief that this question was still included in the questionnaire.

11. Most recently, the Presidential Memorandum has taken a different angle in trying to suppress civic participation in the census. Even U.S.-born citizen Puerto Rican residents are confused by the misinformation created by these attempts to undermine a complete and accurate count of all residents. When I appear as a guest on weekly and monthly radio programs, individuals call in asking for assurance on information safety and census legitimacy. During previous town halls, apathy has been demonstrated by communities across the state, claiming that their information would be shared with law enforcement agencies. We have been working on mitigating those concerns. This new Presidential Memorandum resurrected those confusions and concerns, creating a challenge two months prior to the census deadline and making it almost impossible for us to deliver a good, truthful campaign in time to change public perception.

12. The Commission will continue engaging with our partners to mitigate the negative impact of the Presidential Memorandum on response rates, especially on communities of color, the poor, rural residents, and the homeless. The Commission is looking for additional efforts to promote a complete and accurate count, such as a texting campaign, an email campaign, and social media advertisements. Through an internal Wolf administration workgroup of cabinet members and their representatives, we will conduct mitigation information efforts agency-wide and administration-wide throughout the state. In places where the public is served directly, staff members will remind residents to fill out census form. Messages promoting participation in the census were automatically played for people calling in to state call centers at the beginning of the campaign, and we might have to revisit this strategy moving forward.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed on this 4th day of August, 2020.

NORMAN BRISTOL COLÓN
Executive Director
Governor's Census 2020 Complete Count Commission