Exhibit 11

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *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 SUSAN BROWER**

Pursuant to 28 U.S.C. § 1746(2), I, Susan Brower, hereby declare as follows:

1. I am over the age of eighteen and have personal knowledge of all the facts stated herein. Because I have not yet served as State Demographer during a redistricting cycle, some of what I know and expect to occur related to my role in redistricting is based on information available to me as State Demographer, including business records.

2. I obtained my Ph.D. in sociology and population studies from the University of Michigan.

3. I am the State Demographer for the State of Minnesota. As State Demographer, I oversee the Minnesota State Demographic Center ("the Center"). By statute, I am appointed by the Commissioner of Administration. Minn. Stat. § 4A.02(a). My duties are identified in Section 4A.02(b), and include gathering and developing demographic data relevant to the state; serving as the liaison to the United States Bureau of the Census; coordinating state and federal demographic activities; and aiding the state legislature in preparing a census data plan and form for each decennial census. I have been employed as the Minnesota State Demographer since 2012.

4. The Center works to ensure a full count and reduce non-response rates and undercounting. In Minnesota, the groups that are more likely to be undercounted include: (a) those with language barriers; (b) residents who are highly mobile and/or homeless; (c) residents who are lower income; (d) residents with lower education levels; (e) children; (f) people of color because of the correlation with high mobility, low income, and low education levels; (g) rural populations; and (h) immigrants and non-citizens.

5. Based on the 2010 census mail return rates, 150,000 Minnesota residents (or about 2.5%) are considered hard to count. *See* https://www.censushardtocountmaps2020.us/; https://www.censushardtocountmaps2020.us/img/Census2020HTCmap_overview_Sept2017.pdf; https://mn.gov/admin/demography/census2020/ccc/hardtocount/.

6. You can also estimate hard to count numbers by using the ROAM database. This is a census bureau database called the 2018 planning database. ROAM visually maps the 2018 planning database. Using a regression analysis, ROAM estimates what proportion of each tract will not respond to the census by mail. For Minnesota, the estimate is 941,000 (or about 17%). These individuals are those who are not likely to return their mailed census forms, and require additional follow up to obtain survey responses. This is based on the American Community Survey, that reflect changes that have occurred in Minnesota since the last census. *See* U.S. Census Bureau, 2018 Planning Database, Minnesota State Demographic Center Population Estimates.

7. Over the past few years, thousands of Minnesotans representing non-profit groups, communities of color, communities of faith, the business community, tribal nations, and local governments have been working together with the Center to reduce non-response rates and make sure all Minnesotans are counted in the 2020 Census. By making sure we count each

resident of Minnesota, we ensure that Minnesota gets proper representation in the federal government, state legislative districts are drawn to take into account all the people who live there, and assure the proper allocation of over $15 billion in federal funds that help support Minnesota's schools, hospitals, agriculture, first responders, roads, businesses, and households. The Center's budget for these efforts is a total of $1,885,00, across three years; that does not include the $95,000 budgeted for the Local Update of Census Addresses program.

8. The Center's efforts to ensure a complete count have included hiring additional communications staff; grants and training for local Complete Count Committees; targeted mailing of print materials to residents with PO boxes; sending over 1 million text messages to residents on Census Day; apartment canvassing; working with the Minnesota Department of Commerce to provide Census information with LIHEAP application materials; working with the Minnesota Department of Revenue to provide Census information with communications about low income tax credits; and training librarians to set up questionnaire assistance centers.

9. Once the COVID-19 pandemic began, the Center shifted its efforts to mailing print materials and online phone banking. The Center has been tracking response rates and targeting residents living in areas with the lowest response rates.

10. To date, approximately 30% of Minnesotans still needs to be counted. This group largely consists of the hard-to-count populations described above. The recent decision to shorten the non-response follow up period by one month will make a complete count even more challenging.

11. Furthermore, I anticipate that the Presidential Memorandum about who will be counted for apportionment will have a negative impact in Minnesota. Based on my training, education, and experience, I am concerned that Minnesota residents will be less likely to respond

to the census due to the Presidential Memorandum. The Memorandum sends the message that undocumented immigrants do not count, which conflicts with our "We Count. Minnesota." messaging that emphasizes "Counting Every Minnesotan." *See, e.g.*, https://mn.gov/admin/2020-census/.

12. In addition, the Memorandum could harm the quality of the census data. If the Census Bureau were to rely more heavily on proxy responses in the 2020 Census, it would degrade the quality of the data and impact the usability of the data for Minnesota. The Census Bureau's own research shows that proxy responses have higher item non-response than those responses collected by household members. This means that detailed information such as race, age, sex is more likely to be left unanswered with some types of proxy respondents. See https://www.census.gov/pred/www/rpts/O.5.PDF

13. For questions that are answered by proxy respondents, there is evidence that some types of information are reported less accurately. Data on the age of household members, for example, are more likely to reported in numbers ending in 5 or 0 when a proxy is the respondent. See http://www.asasrms.org/Proceedings/y2005/files/JSM2005-000443.pdf This type of rounding error, called "age heaping" has a range of implications for the usability of the data. It degrades the quality of the data for any purpose that relies on accurate information about the age of residents—including rates of death, disease prevalence, disability, and rates geographic mobility, among many others.

14. The Center needs accurate age data to be able to produce high-quality population projections which are then are used by the state, regional planners, counties and school districts to plan for future transportation, education, and housing needs. For example, the Center has provided the following services that would be impacted by poorer quality census data:

- State planning related to COVID-19. I recently provided an analysis for a state agency based on census data to show the number of children to parents of essential workers and the number of children and families potentially impacted by school closings.

- The Center has provided race and ethnicity data to the state courts, to ensure racial proportionality in jury pool selection.

- The Center has detailed differing local community conditions (poverty, age structure, labor force participation, etc.) to help equitably distribute resources, such as the Small Cities Development Grant program and Public Facilities Authority infrastructure funds, both administered the Minnesota Department of Employment and Economic Development.

- The Center has compiled age and sex data annually for the Minnesota Department of Health's biennial report to the MN Legislature describing the burden of cancer.

- Detail the number and percent of children under age 18 living in poverty for the Minnesota Department of Education's needs assessment of the Preschool Development Grant.

- The Center has estimated the migration of young Minnesotans to help the Minnesota Office of Higher Education understand the implications of setting up college savings accounts for young children.

- The Center has produced estimates of the voting-age population by city for the Minnesota Secretary of State's office.

15. A Census undercount will also negatively affect redistricting in Minnesota. As liaison between the Census Bureau and the State of Minnesota with respect to redistricting, I inform the Census Bureau about the type of and format of data the State of Minnesota needs and wants to complete its redistricting. In order to identify what the State needs and wants in connection with redistricting, I anticipate communicating with the State of Minnesota legislative redistricting committees. Those committees have not been formed yet for the 2020 Census; based on the process for redistricting following the 2010 census, I expect each party caucus (one Republican and one Democratic Farmer Labor ("DFL")) to form one committee per legislative chamber, such that there are four redistricting committees. I also anticipate working with the redistricting committees to send them the census data file from the Census Bureau and help them understand the data.

16. The federal decennial census has an effect on redistricting. Public Law 94-171 establishes that the Census Bureau must provide population data to all states within one year of the day the census is conducted. In Minnesota, upon receipt of the population data, the Governor then files a certified copy of the official census population counts with the Office of the Secretary of State. Minn. Stat. § 600.18. Those certified census results are the official counts that are used to determine the population of every political subdivision in Minnesota. Minn. Stat. § 600.18. Specifically, the Minnesota Legislature and local governments use "block" population counts to redistrict election districts.

17. State statute also provides that the political subdivisions of the state "for all purposes . . . shall be deemed to have the population thereby disclosed [in the certified copy of the federal census]." Minn. Stat. § 600.18.

18. In Minnesota, congressional and state legislative districts are redrawn after each U.S. Census. Even if the number of federal districts remains the same, the district borders are changed to make sure each district has approximately the same number of people in it. In Minnesota, there are 67 state senate districts; each senate district is divided into two house districts, for a total of 201 state legislative districts. Right now, Minnesota has eight congressional districts. Minnesota's nonpartisan Legislative Coordinating Commission is responsible for assisting the legislature in carrying out its redistricting responsibilities under Minn. Stat. § 2.91. New congressional and legislative districts must be determined at least twenty-five weeks before the primary election in the year ending in two (i.e., 2022). Minn. Stat. § 204B.14, subd. 1a. The redistricting process may happen through consensus among the four legislative caucuses (House Republican Caucus, House DFL[1] Caucus, Senate Republican Caucus, and the Senate DFL Caucus), which is then passed by the legislature and signed by the

[1] DFL stands for Democratic-Farmer-Labor, Minnesota's Democratic party.

Governor. Or, the redistricting process may occur as a result of a special redistricting panel appointed by the Minnesota Supreme Court Chief Justice, which occurred following the 2010 census.

19. A census undercount would negatively affect Minnesota's representational interest. For example, if residents do not participate in the census, due to higher numbers of noncitizens in Minneapolis, an undercount means that Minneapolis will likely lose representation in the state legislature, and other parts of the state will have greater representation. Cities in Minnesota with the highest number of noncitizens are Rochester, Brooklyn Park, Minneapolis, and St. Paul.

20. A loss of representation in the state legislature would harm residents in Minneapolis and other cities where the population is undercounted, because residents of those undercounted areas have less voice in their state government, and the one person, one vote standard is potentially violated.

21. I am also aware of the impact of decennial census population counts on state/local funding and budgets. A number of programs use the census data in formulas for distributing funding.

22. For example, the distribution of road funds is affected by the decennial census. *See* Minn. Stat. §§ 162.09 (census determines populations of cities for municipal state-aid street fund), 162.13 (funds are distributed in part based on the percentage that the population bears to the total population of all cities qualifying for municipal state-aid street fund). In 2017, $173,218,364 in municipal state-aid street funds were apportioned by the State to 148 municipalities. *See* http://www.dot.state.mn.us/safinance/appmt/mnutdf-2017.pdf. Trunk

highway funds are distributed based on population. Minn. Stat. §§ 161.081, subd. 3, 162.081, subd. 4. In 2017, $1,214,069,182 in trunk highway funds were spent by the State.

23. Education funding is also affected by census data. The population of a school district is to be certified from the most recent federal census, except in any year in which no federal census is taken. Minn. Stat. § 275.14. Community education programs provide learning and involvement opportunities for people of all ages including providing school district residents with the opportunity to utilize educational facilities and programs during non-school hours. The amount of money available to school districts for community education funding is affected by the district's population, as defined by Section 275.14. *See* Minn. Stat. § 124D.20.

24. Local Government Aid ("City LGA"), one mechanism to determine "population" is the "most recent federal census." Minn. Stat. § 477A.011. The funding provided to cities and towns is a function of their population. *See* Minn. Stat. §§ 477A.011, subd. 34 (city revenue "need" is determined by population, or housing percentage, which is defined by Census data), 477A.013, subd. 1 (town aid based in part on population), 477A.013, subds. 8-9 (city funds based in part on funding "need"). In 2018, the total amount of LGA certified for all cities was $534,398,012. Minn. Stat. § 477A.03, subd. 2a.

25. In my experience, these funding formulas are designed based on the Legislature's intent to target funding to certain populations—of certain sizes or specific characteristics. If the funding formula assumptions are incorrect—for example, based on inaccurate census data numbers—then the funding will not be distributed consistent with the Legislature's intent. It also means certain residents will not have access to the same amount of funding they would otherwise be entitled to, had the count been accurate.

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

Executed on this 6th day of August, 2020

S/ Susan Brower

SUSAN BROWER
Minnesota State Demographer