Exhibit 4

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 MARC BALDWIN IN SUPPORT OF PLAINTIFF STATE OF WASHINGTON**

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

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

2. I am an Assistant Director for Washington State's Office of Financial Management (OFM). I oversee OFM's Forecasting and Research Division, which includes the Population Unit. The Population Unit is the section of OFM that is working to ensure a complete count during the 2020 Census. I have been employed by OFM since 2013.

3. OFM's Population Unit is the primary state agency responsible for the compilation and maintenance of population data for Washington State. We provide Washington's official demographic data and information to other state agencies, local governments, tribal governments, local planning agencies, institutions of higher education, special purpose districts, and the public. Nearly all of our daily work relies on census data or analyses derived from census data, most of which fall under the broad umbrellas of population estimates and population forecasts.

Efforts to Ensure a Complete Count in the 2020 Census in Washington State

4. The Population Unit oversees Washington's annual population estimate (which is largely based on the decennial census) and also serves as the official state liaison to the Census Bureau. The Population Unit has managed the state's Complete Count Committee since 2018. The

Unit oversees the Committee's 2020 budget of $15 million, which is allocated to support community efforts to promote and ensure a complete count in the 2020 Census. Washington's $15 million budget represents one of the largest state investments nationwide for census efforts (and sharply contrasts with 2010, when Washington invested no state dollars in the national census effort). The Washington Legislature made the decision to allocate these funds to the 2020 Census complete count efforts after various stakeholders raised concerns that federal funding, procedures, and policies would disadvantage our state's diverse populations.

5. In the last two years, the Complete Count Committee effort has generated a complete statewide network of local complete count committees and organizing activity run by local and tribal governments and community organizations. The Population Unit has worked with this network to provide information and resources needed to enable local trusted messengers to raise awareness about the importance of the 2020 Census and to instill confidence in the confidentiality of responses as a means of encouraging participation in the 2020 Census. Washington has seen a heightened need for these efforts as national activity around the 2020 Census has called into doubt how the federal government may use census information in other contexts and whether sufficient resources have been allocated to national efforts to ensure an accurate count of hard-to-count populations.

6. Since October 2018, Washington's Complete Count Committee has met nine times. Its existence has led to the establishment of local Complete Count Committees throughout the state, representing local and tribal governments, regions, or specific ethnic or professional groups. Over 300 local and tribal governments and community organizations have mobilized statewide to train trusted messengers, to organize Questionnaire Assistance Centers at food banks and drive-thru events, to sponsor Census challenge events or competitions, and to hold live social media events and regularly post reminders to complete the Census on social media. In addition, approximately $2.5 million in state funds have been invested in advertising and production of promotional materials.

7. Washington State's self-response rates have been relatively high since the start of the 2020 Census. As of the end of July, Washington ranks 6th in the nation with 68.2 percent self-response. However, closer examination of the self-response locations clearly indicates that census tracts with traditionally hard-to-count populations (people of color, renters, lower income

households, rural communities, foreign born, etc.) are a large part of the 31.8 percent who have not yet responded to the 2020 Census.

Impacts of the Presidential Memorandum and COVID-19 on Response Rates

8. Reports to our office out of both King and Snohomish counties, which contain significant urban populations, indicate that the July 21 Presidential Memorandum raised alarm within the immigrant communities there and cast a chill on our state and local continuing efforts to encourage self-response. People are renewing their concerns about the confidentiality of their responses and are confused about the impact of the Presidential Memorandum on the ongoing Census. As a result, a new toolkit for community organizations was hastily produced to provide new assurances to reinforce the message that there is no citizenship question on the census.

9. Census coordinators in both King and Snohomish counties report receiving alarming calls from community partners expressing concerns and confusion after the Presidential Memorandum. For example, one concerned census advocate in an email to our office stated: "I've heard from some people who have expressed some regret in participating in the census and even fear as to where they will be getting the information to determine how many and who is here legally." Several statewide meetings of community organizations have been convened to strategize on how to respond to these community concerns.

10. Traditionally, Census workers reach out directly to follow up with hard-to-count populations to encourage full census participation. COVID-19 has impaired such efforts; specifically, the inability to send individuals into communities due to COVID-19 has hampered the trusted messenger strategy of encouraging Census completion through face-to-face interaction. Equally concerning, Washington has been forced to close libraries, churches, and community centers due to COVID-19, which in turn eliminated these important venues for community contact. The Commerce Department's temporary suspension of its "Update Leave operation" due to COVID-19 has particularly impacted response rates in Washington's more rural counties, which have high numbers of immigrant farmworkers, which did not receive invitations to participate in the census until as late as the end of June. In addition, response rates are lower in urban census tracts that have higher concentrations of immigrant communities, such as south King County.

11. Educating the public in light of the Presidential Memorandum presents enormous challenges, particularly with the Census deadline potentially sooner than anticipated; the primary Census educational and awareness materials were printed and published long ago. Despite this,

OFM has produced and disseminated information on the Presidential Memorandum and its impact on Census data collection despite the additional costs and challenges. The additional cost has been mainly staff time to research and prepare talking points and toolkits and to convene stakeholders for strategic communications.

12. The chilling effect of suggesting that immigrant status would be identifiable and lead to exclusion cannot be viewed in isolation from the pattern of administrative uncertainty that emerged early in the 2020 Census effort with the potential addition of an immigration status question. The Presidential Memorandum has resurfaced and exacerbated many respondents' concerns and mistrust, requiring redoubling of efforts to remind respondents that the census does not contain the proposed citizenship question.

13. The Memorandum's focus on immigration status may have a uniquely toxic effect in Washington given the state's history with internment and Japanese communities.[1] The state has invested significant resources and made extensive efforts to assure Washingtonians that their data is safe, that it will not be used for purposes outside the census, and that their community characteristics will be accounted for. The Presidential Memorandum seriously undermines that investment and those efforts.

Washington's Use of Census Data and the Importance of Data Quality

14. OFM is also responsible for producing annual state, county, and city population estimates for state planning and fund distribution. About 200 million dollars of state shared revenues are distributed to counties and cities on a per capita basis annually. We rely on the decennial census data for these estimates because it is the only available count of the entire population for a single time point, repeated with a consistent methodology over time. The federal census is the definitive source from which almost all other demographic data analyses are based, even demographic products sold by private companies. Conducting a census is prohibitively expensive for most governments and private companies, leading almost everyone to rely on the national decennial census.

15. OFM produces annual estimates of state population by age, sex, race and ethnicity, Small Area Estimates of total population and housing, and Small Area Demographic Estimates,

[1] *See, e.g.*, J. Burton, et al., *A Brief History of Japanese American Relocation During World War II*, (Nat'l Park Serv., Apr. 1, 2016), https://www.nps.gov/articles/historyinternment.htm; *Inside-Out: Japanese Americans during World War II*, (Wash. State Univ. Libraries Digital Exhibits), http://digitalexhibits.libraries.wsu.edu/exhibits/show/jaincarceration/jaincarcerationintro.

which include the characteristics of age, race, gender and ethnicity. We also produce estimates of populations with Limited English Proficiency. All of these estimates rely heavily on the accuracy of the decennial census data. For example, decennial census counts of county and city population housing by characteristic are the foundation of our annual county and city estimates program. Although an oversimplification, our annual estimates can be thought of as federal census data plus locally reported change. The impact of the accuracy of the decennial census data extends beyond just the population totals, as OFM derives household size and occupancy rates from the census for use in these local estimates. Even small deviations in these rates, after being applied to all housing units in the state, can cause large inaccuracies. These issues last for the entire decade, likely getting worse as time goes on. At a minimum, bad data will certainly lead to inaccurate distribution of funding within Washington, impacting all levels of government for a decade. These estimates also form the foundation for all of our other estimates products, making any baked-in inaccuracies even more impactful.

16. OFM produces our Small Area Estimates and Small Area Demographic Estimates using the decennial census as a base. Our Small Area Estimates apply to statutorily defined areas and are used for planning and revenue distribution such as highway urban areas, public transportation benefit areas, and the thermal electric generating facilities area and non-statutory areas such as water resource inventory areas, hospital districts and fire protection areas. Our Small Area Demographic Estimates—which rely heavily on accurate census age, sex, race, and origin data—are distributed to every local health jurisdiction in the state through the Washington Department of Health's Community Health Assessment Tool or in reports such as the Washington Department of Social and Health Services Community Risk Profiles.

17. In addition to these estimates, OFM also produces annual forecasts that again rely on census data. We annually produce a state population forecast by age and sex with a 30-year horizon. On years ending with a 2 or 7, we also produce a county population forecast series to satisfy the state's Growth Management Act requirements (Ch. 36.70A, Wash. Rev. Code). Among other things, Washington's Growth Management Act is a unique economic development statute that guides planning for development and land preservation within the state, and it relies heavily on the geographic and demographic data in the census.

18. Our primary forecast model is a cohort component model, which uses the most detailed age and sex data available from the census combined with birth, death, and migration data

from other sources. The census age and sex data is a key piece of this model because it determines how a population will age forward, how many women are of childbearing age, and how many people are at risk of dying. This state-level forecast is the baseline for all of our other forecasts. Even a difference of 0.25% in the state total population in 2020 would result in a difference of over 20,000 people just 20 years later in 2040 under current assumptions.

19. Our Growth Management Act forecast extends our statewide forecast to the county level, which entails an increased level of detail and a greater need for accuracy in census data. Accurate census age, sex, race and ethnicity data are essential for understanding, estimating, and forecasting county populations because the differences within those characteristics play a large part in determining why counties increase or decrease in population size over time. For example, Whitman County has an extremely high proportion of men and women in their low twenties. Census group quarter counts help us understand how many of these young people are attending Washington State University and if they are likely to move upon graduation. Unlike young people in other parts of the state, Washington State University students are historically unlikely to settle in Whitman County and raise families there. A break in the data series caused by poor-quality decennial census data would skew the historic patterns and relationships we use to estimate and forecast population at the county level, resulting in more uncertainty for counties and other end-users of our data.

20. Many of the models we use to inform these forecasts rely on the relationships of the federal census counts from one decade to the next. Consistency in counting is extremely important for trend analysis and statistical modeling. Again, small differences in these relationships can result in large differences in predicted value when applied to hundreds of thousands of households over many years. Accordingly, the U.S. Census Bureau recognizes the importance of consistency and has historically used a very rigorous process to assess the impacts of even the smallest changes in their questionnaire. This is one reason why the Census Bureau's announcement that it will cut short the Nonresponse Followup (NRFU) operation is very disturbing: this lack of follow up with hard-to-count populations will almost certainly compromise the quality of 2020 Census data, resulting in potentially exponential errors.

21. OFM strives to provide the highest-quality, un-biased demographic data possible so Washington decision-makers have the best information available to do their work. Accuracy is

a driving force in our work and it is why we have participated in every available 2020 Census preparation program.

22. In addition to the specific state responsibilities listed above, our office works closely with the Census Bureau. We are the lead census State Data Center, the official Federal State Cooperative for Population Estimates representative, and the state certifying office for city boundaries and annexation boundary changes that are submitted through the Boundary Annexation Survey and Boundary Validation Program. We have represented Washington State by participating in every 2020 Census program available to us, including: Local Update of Census Addresses, Count Review Operation, Early Nonresponse Followup, New Construction Program, Participant Statistical Areas Program, Group Quarter and Transitory Location Identification project, and Urban Growth Area Boundary Delineation program. Our office has been the lead organization for the 2020 Census State Complete Count Committee, which is dedicated to achieving a true count of the population, specifically through increasing self-response and awareness of non-response follow up.

Reduced Census Self-Response Rates Undermine Data Quality

23. A census, by definition, is a count of everyone. If 2020 Census follow-up efforts are cut short, it will no longer be a census, but instead a sample. As the name "sample" implies, not everyone will be counted—and certain areas will suffer more as a result, because response rates are different across population groups in different areas.

24. We know variation in response rates is not randomly distributed. The U.S. Census Bureau has done extensive research and documented which areas had low self-response rates in the 2010 Census and which areas are likely to have low response rates in the 2020 Census. Their predictive "Hard To Count" scores are a guide to which communities are likely to be adversely impacted by an incomplete census. The Census Bureau itself notes that these communities are likely to have higher concentrations of racial and ethnic minorities, people with lower incomes, homeless individuals, undocumented immigrants, children and young people, those with less consistent internet access, and those with higher levels of distrust for the government, among other characteristics. The current 2020 Census self-response rate map and data show many of the predicted Hard To Count areas do indeed have lower 2020 response rates at this time. If the 2020 Census is rushed or ended early, areas with low rates now are likely to have low rates when the

census is complete. In the end, areas that are under-counted are likely to receive fewer resources than they deserve because the census data will show proportionally fewer people there.

25. In terms of modeling, a botched census will impact population forecasts for years. A general rule of thumb in forecasting is that you need an indicator that goes back in time as far as you are forecasting forward in time. As mentioned above, OFM annually creates a 30-year population forecast by age and sex. As a result, the 2020 census data will be used in forecasting until at least the 2050 census data is available, and probably longer. Many estimate and forecast models rely on information about changes in trends over time. An inaccurate census this year will change the relationships in the data between censuses and make all future estimates and forecasts based on these trends less accurate. Those communities with low response rates are more likely to have less accurate estimated and forecasted populations than areas with consistent complete counts. Unreliable census data will impact the resources areas receive based on estimated or forecasted population.

26. Many of our estimates and forecasts use a "top down approach" (which the Census Bureau also uses for its own estimates). With the top down approach, we first estimate or forecast the state's total population, and all political subdivisions are aligned with (or "fit") to the state total. This fitting is not random: it is based on existing data sources. The federal decennial census is one of the most important data sources in that process. Fitting is often done on a proportional basis. If federal census counts are low in some but not all areas, the areas with low counts are likely to be allocated fewer people over time.

27. To take an example, local officials in several communities in Eastern Washington have reported that, following a series of fires there in 2014 and 2015, they were denied FEMA aid because too few people were reported to live there—a result directly attributable to low census self-response rates that resulted in an undercount in 2010. While anecdotal, this example illustrates how low self-response rates, resulting in low official population counts, can impact communities during times of crisis.

28. Poor quality census data will harm Washington's ability to carry out the population data functions required by law both in the short term and the long term. We have been working with state and local partners for decades. OFM has very good working relationships because we produce high quality data products people can rely upon. A poor census could jeopardize those relationships as inaccurate or unreliable census data filters into our estimates, reflecting poorly on

us. Broken relationships and lost trust are not in the State's best interest: they will cost the state in the long run.

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

Executed on this 5th day of August, 2020.

Marc Baldwin

MARC BALDWIN, Ph.D.