Exhibit 45

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 ROSAMARIA Y. SOTO (AKA Rosemary Soto)**

Pursuant to 28 U.S.C. § 1746(2), I, Rosamaria Y. Soto (AKA Rosemary Soto), hereby declare as follows:

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

2. I am Management Analyst III for the County Administrative Office for the County of Monterey. I oversee special projects and strategic initiatives of the Board of Supervisors, including the 2020 Census Complete Count Committee for Monterey County. I have been employed by the County of Monterey since 2007.

3. The County is a partner of the California Complete Count Committee, Chaired by Secretary of State Alex Padilla, and the County Administrative Office leads a local Complete Count Committee (CCC) charged with the task of educating, encouraging, and empowering Hard-to-Count (HTC) populations in Monterey County. My role has been to establish and manage the Monterey County CCC, which was established in October of 2018 with the commitment of all incorporated cities, community leaders representing unincorporated communities, elected officials, and community-based organizations. The cross-sector membership of partners provided a vast diversity of expertise in community organizing and cultural awareness needed to reach the HTC populations who most feared and mistrusted

government, and exhibited the greatest reluctance to participate in the 2020 Census. I have led the development of strategies for outreach and education: media messaging and recruitment of trusted voices to disseminate Census information and encourage HTC populations to participate in the Census; the development of Census training curriculum; recruitment and training of volunteers; leading the implementation of Census assistance kiosks to meet the digital divide by providing access to the online questionnaire; answering questions; addressing concerns people might have about the Census questionnaire; ensuring completion and submission of the questionnaire by participants; and developing and implementing strategies for the Non-Response Follow Up Period (NRFU), this being the final effort to get out the count during the last three months of the Census enumeration period.

4. For the 2020 Census, the County of Monterey has invested $300,000 to support organizing, outreach, and advertising efforts, leveraging California CCC funding of $441,446 and local philanthropic contributions of $622,650. Collectively, a total investment of $1,364,096 has been made to ensure a complete count of all people living in Monterey County.

5. Efforts to increase participation in the 2020 Census and reduce undercounting began with building partnerships with organizations and community leaders who have deep connections with the HTC populations. Together we developed a social marketing campaign with culturally relevant and linguistically appropriate key messages to educate and inform communities about the importance of the decennial Census, and its impact on community resources through federal funding and the apportionment of Congressional representation. Messages were centered on "Everyone Counts," highlighting the U.S. Census Bureau's own message of "Everyone living in the United States is required by law to be counted in the 2020 Census." Other key messages focused on education about the fact that the Census questionnaire does not ask about one's citizenship or immigration status. Trusted messengers were recruited and trained to disseminate key messages in a variety of forms and through various outlets, including public service announcements, print images, social media memes and graphics, radio show features, theater skits and "fotonovelas," or photobook dramatizations of theater skits. The social marketing campaign launched in April 2019 with an eleven-month series of community

outreach activities conducted in census tracts where HTC populations reside and congregate, particularly Latino immigrant populations.

6. The Presidential Memorandum completely undermines our efforts to ensure a complete and accurate count of everyone living in Monterey County and contradicts our social marketing campaign's message. More importantly, the Presidential Memorandum contradicts the U.S. Constitution's mandate to count whole persons living in the United States, further increasing the deeply rooted pre-existing mistrust of government of immigrant populations living in Monterey County.

7. The impacts of COVID-19 on Census outreach has been significant: a series of planned community events with mobile Census questionnaire assistance centers were canceled; public spaces previously frequented by community members, such as recreation centers, public libraries, shopping malls, school-based sporting events, spring and summer social gatherings and celebrations, all had to be canceled; all of our planned in-person outreach strategies were brought to a screeching halt. Many of the volunteers were retirees who, because of their age and/or underlying health conditions, were forced to scale back or terminate their community outreach activities. The involvement of students and young adults was constrained by their educational institutions' adherence to State and County shelter-in-place ordinances, further impacting our volunteer base and immobilizing our outreach capacity and ability to implement our "get out the count" strategies.

8. While our outreach strategies have shifted to "virtual" online efforts, we have managed to operate contactless questionnaire assistance centers in the census tracts with the highest rates of HTC populations.

9. Monterey County has the most census tracts with high indexes of HTC populations of any region in the central coast of California. Those high index census tracts are currently responding at rates below 50%, among the lowest in the country. Many of the census tracts are in either high density urban parts of the county or in rural communities predominantly inhabited by Latino immigrant populations.

10. Computer literacy and internet access have proven to be barriers for many if not all the HTC populations. The Census Bureau's late start has exacerbated this challenge. Not only have the Census Bureau's operations been delayed, there has been no apparent effort to shift their operations to virtual or contactless operations. As of July 30, 2020, Monterey County's response rate is at 60.1%, trailing behind the state's rate of 64.1% and the nation's rate of 62.8%.

11. Since the Presidential Memorandum was issued on July 21, 2020, our community partners have reported an increase in concerns in immigrant communities. Confusion has set in about why our messages over the past year highlighting the importance of counting everyone in the decennial Census, and emphasizing the security of Census data, are now contradicted by the U.S. President.

12. Immigrants and their families, including those who *do* have legal status, have long lived in the shadows of our society due to the fear that providing personal information to the government would potentially expose them to harm. After having heard messages of empowerment -- to be visible and counted for the sake of their community's future – the President's words have renewed their fears, and generated mistrust of the federal government's commitment to upholding their Constitutional right to be counted in the Census and included in the apportionment of Congressional representation. Remarks I and my colleagues have commonly heard following the issuance of the Presidential Memorandum while hosting mobile Questionnaire Assistance Kiosks at the open air market La Cocina on Broadway Ave in King City, La Princesa Market and EZ Wash & Dry both on N. Sanborn Rd. in East Salinas, all locations in a high HTC index census tract, include statements such as "if the President can force a federal agency to manipulate the Census count, what more can we expect he will do to destroy us and our access to resources that provide for our basic needs"; "why would I fill out the Census, giving you the address of where my family and I sleep, which is supposed to be my safe place, knowing that all the President has to do is issue an order and we could be wiped out by the stroke of a pen?"; and, "We don't matter, why be counted if at the end of the day being counted doesn't matter in terms of political power, which is where we need it most." Many such

comments come from *documented* immigrants who have been discouraged and dissuaded from participating in the enumeration process.

13. The Presidential Memorandum already has deterred many people in Monterey County from participating in the decennial Census and contributed to the low response rate. We are once again forced to adjust our outreach messaging and strategies to mitigate the negative impact of the Presidential Memorandum. To do so, we will need additional investment to augment funding to increase messaging through media outlets and in-person contactless outreach strategies. Such strategies will bear significant unexpected costs, but are imperative as we try, at the last minute, to address the challenges of carrying out our mission to count everyone.

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

Executed on this third day of August, 2020