SPECIAL CENSUS

AN EFFECTIVE TOOL IN OBTAINING FEDERAL AND STATE FUNDING

Brad Cunningham, Municipal Attorney, Lexington, SC

Shauna Billingsley, City Attorney, Franklin, TN

BACKGROUND AND PURPOSE OF THE FEDERAL CENSUS AND SPECIAL CENSUS



- "Enumeration" of "persons" every 10 years
- Apportioning representatives to Congress
- Direct taxes among the states
- Secretary of Commerce is responsible to take the census every 10 years on April 1

- Collection and publication of statistics on foreign commerce and trade, etc.
- Quinquennial censuses



SPECIAL CENSUS

WHAT IS A SPECIAL CENSUS?

- A special census is a census conducted upon the request for a local government in the interim between 2 official US censuses
- First conducted in April 1915
- A special census tallies a local government's population, number of housing units, and group quarters.
- The local government requesting is responsible for the cost.

PROVISIONS

- Secretary of Commerce may conduct special censuses for the government of any state, or of any county, city, or other political subdivision within a state
- The results will be designated "Official Census Statistics" and can be used in the manner provided by law
- A special census requested by a city taken under the direction of the Secretary of Commerce and the result of which was certified by the Federal Director of the Census came within the meaning of a state constitutional provision making a certain governmental matter depend upon the population of a city as ascertained by "the last preceding census taken under the authority of the Congress of the United States," and it was not required that such census be the federal decennial census
- Judicial notice

STATE STATUTES REGARDING SPECIAL CENSUS



TENNESSEE

- Tennessee Code provides that municipalities shall have the right to take no more than four special censuses at its own expense between the regular decennial federal census.
- The census shall be taken by the federal bureau of the census, or in a manner directed by and satisfactory to the department of economic and community development.
- The population of the municipality shall be revised in accordance with the special census for purposes of distribution of funds, effective on the next July 1, following the certification of the census results by the federal bureau of the census or the department of economic and community development to the commissioner of finance and administration.



Considered as Federal Census in Many Situations

WHEN TO CONSIDER

- When a local government believes there may have been an unusually large population change in their jurisdictional limits, a special census may be economically beneficial
- A certified official population increase resulting from the special census potentially can produce an increase in state revenue sharing or other benefits.

STATE EXAMPLES

- In Tennessee, certain revenues collected by the state are distributed to counties and municipalities based on the population reported annually in the Certified Population of Tennessee Incorporated Municipalities and Counties. Unless a special census has been conducted and subsequently certified by the TNECD, the population count from the latest decennial census is used.
- In Alabama, the court applied a special federal census in determining whether a city could conduct a "wet-dry" referendum based on its population as shown by such census.
- In Arizona, the state supreme court held that a proposed special federal census , and not the federal Decennial Census of 1950, would be applied in determining a city's proper allocation of state sales tax revenues.
- In California, a court applied a special federal census in determining whether a city was entitled to establish a municipal court according to its population as shown by such census.



STATE EXAMPLES

- In Nebraska, the court held that where an area is annexed to a city subsequent to the "most recent federal census" its population must be considered in subsequent redistricting, and where boundary lines between voting districts differ from boundary lines of census enumeration districts, the census figures from the 1974 special federal census could not be applied directly but must be applied indirectly by interpretation or supplemented by other evidence.
- In New York, the court applied a special federal census of a county taken in 1957, showing a county population of more than 1,000,000, and not the federal Decennial Census of 1950, showing a population of 672,675, in determining the appropriate method of nominating party candidates for municipal office based on the county's population as shown by such census.



SPECIAL CENSUS NOT APPLIED AS A FEDERAL CENSUS

STATE EXAMPLES

- In Iowa, the court declined to apply a special federal census in determining a city's portion of state road-tax revenues.
- In Minnesota, the court applied the federal census of 1950, rather than a special federal census taken in 1954, in determining a city's share of state cigarette- and liquor-tax revenues.
- In Oklahoma, the court applied a census taken by county assessors in 1908, and not a special federal census taken in 1907, in determining the compensation of a county treasurer subsequent to July 1, 1908, based on the county's population as shown by such census.
- In Wyoming, the court applied the federal Decennial Census of 1950, rather than a special federal census taken in 1957, in determining a city's statutory share of state gasoline-license tax revenues.



HOW TO CONDUCT A SPECIAL CENSUS

- Available to all local and tribal governments that desire a more up to date population count and related statistics
- https://www.census.gov/programs-surveys/specialcensus.html - redesigned in past 20 years
- To begin the process, a governmental unit must request an official cost estimate from the Census Bureau
- Signed Memorandum of Understanding and initial payment to Census Bureau
- Meet with Census Bureau's Regional Office staff to make plans for Special Census.
- Review and update Special Census Boundary and Annexation Survey maps and return to Census Bureau.
- Recruit local job applicants for Special Census that results in a diverse applicant pool that is five times greater than the number of actual jobs.
- Provide space for testing applicants and training Enumerators, Crew Leaders, and Clerks.





- Inform and motivate your residents to be counted in the Special Census through community newsletters, public television, advertisements, public meeting announcements, press releases, church bulletin announcements, school programs, and other outreach venues that communicate to your residents the importance of being counted.
- Provide office space for Census Bureau staff that work on the Special Census in your community. The office space must be able to securely house Title 13 confidential data and is accessible only to Census Bureau staff during the day, evenings, and weekends. The office space needs to be secure and accessible to census employees for 2 to 8 weeks during the data collection phase. Depending on the size of your Special Census, the average office space needs to have 3 to 5 phone lines, a fax machine, DSL Internet connectivity and basic office furniture, including tables, desks, and chairs. The Special Census Supervisor and support staff will work from this office space.
- Pay temporary census employees (local residents) that work on your Special Census based on invoices provided by the Census Bureau's local office.
- Review preliminary count information immediately following the data collection phase.
- Receive Official Census Statistics on population and housing data collected for your Special Census approximately 90 days after data collection is complete. Detailed data products at the block and tract level will be provided within 14 days after you receive the Official Census Statistics letter.

HOW IS DATA COLLECTED

- Update/enumerate methodology
- Enumerators canvass their assignment areas using census maps and address registers that contain addresses and location information for housing units
- Enumerators update the address lists and census maps by adding housing units not already listed, making corrections to address information, updating maps with feature changes, and deleting listing that do not exist
- Right now, the form is similar to 2010 form but after 2020 census, form will be similar to the 2020 form
- Governmental unit can add questions to the form but must be in accordance with subjects covered by the censuses, fee would increase
- Governmental unit is responsible for recruiting candidates from the special census



PROCESS

- Hiatus 2 years before and 2 years after a Decennial Census
- Typically a community conducts its own census of its residents, but some seek the assistance of the Special Census section at the U.S. Census Bureau.
- The governmental unit will receive a signed letter from the Director of the US Census Bureau confirming the jurisdiction's special census population and housing counts

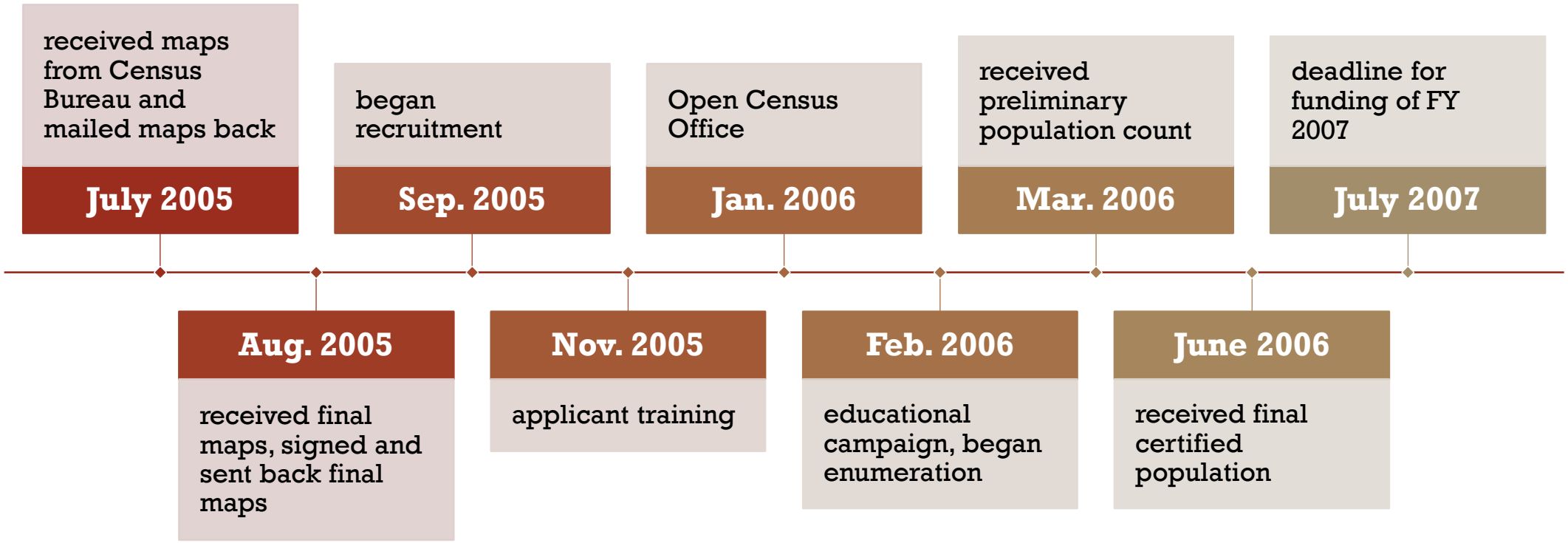


TOWN OF LEXINGTON, SOUTH CAROLINA'S STORY

LEXINGTON

- Spring 2005 began to consider special census option
- Official request made in June 2005
- Final updated population statistics received in June 2006

TIMELINE


received maps from Census Bureau and mailed maps back
July 2005
began recruitment
Sep. 2005
Open Census Office
Jan. 2006
received preliminary population count
Mar. 2006
deadline for funding of FY 2007
July 2007
Aug. 2005
received final maps, signed and sent back final maps
Nov. 2005
applicant training
Feb. 2006
educational campaign, began enumeration
June 2006
received final certified population

LEXINGTON'S OUTCOME

- Special census revealed a 47% population increase
- "Aid to Subdivisions" increase of $550,000



FRANKLIN, TENNESSEE'S STORY



Tennessee statutes permit a city to conduct up to four citywide special censuses each decade

Tennessee's nine Development Districts play in important role in this regard, verifying the completeness and accuracy of a special census.

- The City of Franklin has experienced tremendous growth
- In 2013 the population was 62,487 and Franklin decided to being a special census
- Budgeted $80,000 and entered into a contact with Comcast to run advertisements in the PEG channel
- For those newly counted, Franklin would gain approximately $100 in state shared funding
- Completed in 2014 and verified 66,335, increase of 3,848 and additional $384,800 roughly



FRANKLIN'S SECOND SPECIAL CENSUS

- Franklin continued to see tremendous growth and in 2016 decided to conduct another special census
- Learned that citizens were not trusting of the process in 2013 and 2014
- In 2016, Franklin used billboards to provide information and provided giveaways to those who participated. Franklin used YouTube and Facebook and ran PSAs explaining the special census and why Franklin was working to do the census (video 1)
- https://www.youtube.com/watch?v=6mEON1I3h9k

PLAY VIDEO



Franklin Newsroom

City Conducting 2017 Special Census

Census will help Franklin get its Fair Share of Taxes our Citizens Pay to State

Post Date: 09/16/2016 12:53 PM



Franklin-Special Census Mailers will soon be appearing in Franklin resident mailboxes. The City is seeking an accurate population count to assist in better planning for infrastructure, facilities and services. It also means an increase in the amount of state-shared revenues the City receives. Due to the rapid growth of Franklin, city officials believe the City should get more revenue from the State.

Census cards will be mailed to every household in Franklin in late September. Residents may also visit the city's website at www.FranklinTN.gov/2017SpecialCensus to complete a form online. The form takes less than a minute to complete and is very easy to do.

"It's important that every person is counted," said City Administrator Eric Stuckey. "It only takes a few minutes to complete the form and all we are asking is the name and number of people in a household. The census provides an updated count of Franklin's population which will make sure the City gets its fair share of revenue from the taxes our citizen already pay to the State of Tennessee. The information required from citizens is very limited and the City is committed to protecting it appropriately."

If citizens go online or send back the mailer by October 14, they will not have a census taker come to their door. All census takers will be City of Franklin employees and will wear bright yellow colored t-shirts and have a city identification badge. This is a City of Franklin Special Census, not a Federal Census.

If any resident has any questions or concerns they can email 2017specialcensus@franklintn.gov or call 615.550.6728.

-# # #-

- Thinking outside the box, the volunteers went where the people were. Rotarian volunteers set up tables at baseball games and were able to get many families counted. Franklin used its own employees to walk neighborhoods and paid overtime.
- Once the census numbers were in, Franklin used a third-party to verify the numbers, Upper Cumberland Development District.
- Franklin budgeted $100,000
- Verified a population of 71,371, increase of 5,036 and additional $604,320 annually



Tennessean.

WILLIAMSON

Special census will bring $500,000 to Franklin

Jordan Buie USA TODAY NETWORK - Tennessee

Published 12:36 p.m. CT Mar. 16, 2017

The City of Franklin is set to receive about $500,000 in state-shared revenue from the results of the special census it conducted this fall, according to city officials.

Each year, the state pools sales taxes and other taxes it collects and apportions it back to cities on a per capita basis. With the last federal census in 2010, the state allows cities to conduct a special city census at intervals in between when there has been a significant increase in population.

With Franklin's rapid growth in recent years, City Administrator Eric Stuckey has said that it only makes sense to spend the money to conduct the census because of the strong tax revenue the count can bring in, which is about $100 to $125 per person annually.

The city estimated the special census, which lasted from the end of September until March 1, would generate about $400,000, but his year's census showed an increase in population of 5,004, up to 71,374. These numbers are from those who participated.

The last special census was completed in 2014.

"We expect this to translate to the city receiving an additional $500,000 - $600,000 in state-shared revenue per year for the remainder of the decade," said Franklin Public Outreach Specialist Monique McCullough.

REWARD

- $500,000 in 2017

KEY INGREDIENTS TO AN ECONOMICAL SPECIAL CENSUS

The earlier the better (but wait 2 years after 2020 Census)

Unusual population growth

Early promotion and educational campaign to help residents understand why and to be prepared to be counted



Brad Cunningham

Shauna Billingsley