STATE OF NEW YORK

5864

2025-2026 Regular Sessions

IN ASSEMBLY

February 24, 2025

Introduced by M. of A. SOLAGES, DAIS -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to establishing the office of census counts and providing for its powers and duties and establishing the New York state census counts commission and providing for its powers and duties; to amend the penal law, in relation to establishing the offense of impersonation of a census enumerator; and making an appropriation therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "New York Counts Act".

§ 2. Legislative intent. (a) It is the intent of the legislature to ensure that all New Yorkers have information access and knowledge about accurate, timely information about the United States government census and that all New Yorkers have the opportunity to participate in the census freely and without fear of fraud, intimidation, or harm.

(b) New York State's future depends on accurate census data. The census provides critical and timely information and data to help inform businesses, educators, governments, faith-based communities, nonprofit organizations, foundations, researchers, and the public about the state's demographic features, where people live, and how they live. Accurate, ongoing, and consistent census data helps provide for sound and objective policy decisions, allocates resources, helps target investments, and evaluates programs for a healthier economy, communities, and better living. From congressional representation in Washington, D.C. to billions of dollars in federal funding, the census matters.

(c) New York must address the loss of population that has resulted in the loss of congressional representation after each federal decennial census since 1950. While the state had 45 members of Congress after the 1940 census, the loss after each subsequent decennial census now leaves

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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the state with only 26 members of Congress. Current projections suggest New York losing at least two seats after the 2030 census. State government, working with key stakeholders, has an obligation to step in and help stem future losses. By ensuring a fair and complete decennial census, New York State can address this challenge.

(d) By expanding partnerships between the Census Bureau, state and local community leaders, community-based organizations, education, business, labor, philanthropies, and stakeholders, New York State cannot only help develop accurate census counts through the decennial census, American Community Survey, the Local Update of Census Addresses program, and other census data reports, but help avoid the undercounts that have hurt the state in past decades by directing resources to improve population counts in communities that have been historically undercounted. Key elements of this strategy include:

(i) making awareness of the census part of the state's civic culture, integrating census data usage into schools, business, social, good government, economic planning, and other venues where census data helps drive decision-making;

(ii) providing educational efforts to community activists, industry leaders, constituents, and the public to increase awareness, support, and participation in an accurate census. Better knowledge of and use of census data helps informed decision-making in all sectors and helps drive stronger economic improvement strategies and improves and benefits all New Yorkers;

(iii) promoting the American Community Survey that is taken every year and provides data about local communities annually, providing an excellent source of local information for social and economic planning purposes;

(iv) helping to coordinate, plan for, and fund Local Update of Census Addresses (LUCA) type efforts on an annual basis to ensure that LUCA submissions are strong across the state so that we are not missing households in census counting efforts;

(v) evaluating hard-to-count communities to develop better outreach/education strategies;

(vi) inventorying resources within all levels of government and academic/private sectors to "hit the ground running" leading up to the 2030 and future censuses; and

(vii) development of a grant program to support local governments and community-based organizations, academic institutions, and non-profit organizations to insure a complete 2030 decennial count and for subsequent decades.

(e) New York State needs a comprehensive coordinated census effort unlike past decades where state government efforts were insufficient. Updated strategies and approaches should focus on census data analysis, accurate address lists, information about demographic trends, outreach, state and local project planning, and follow up to meet the challenges of the next census.

(f) To ensure that every New York resident is counted in the census, planning must start now with a dedicated, multi-faceted approach. Census data informs us of who we are, our populations by age, sex, race, and ethnicity, our housing units and types, and advises of trends and how the state is changing. A well planned and coordinated state census strategy consists of many parts.

§ 3. The executive law is amended by adding two new sections 95-d and 95-e to read as follows:

§ 95-d. Office of census services. 1. Definitions. As used in this section and in section ninety-five-e of this article:

(a) "American Community Survey" means an ongoing survey conducted by the U.S. Census Bureau that provides vital information on a yearly basis about the United States and its people;

(b) "Census day" means the official reporting date of the U.S. Census;

(c) "Commission" means the New York state census counts commission established in section ninety-five-e of this article;

(d) "Office" means the office of census services created by subdivision two of this section;

(e) "Secretary" means the secretary of state; and

(f) "U.S. Census Bureau's Local Update of Census Addresses Operation" (LUCA) means the partnership between federal and local officials providing an opportunity for officials of tribal, state, and local governments to engage with the next census by reviewing and commenting on the U.S. Census Bureau's address list prior to the following census;

2. Office of census services. There is hereby created within the department of state an office of census services. The secretary shall appoint a director of the office to accomplish the responsibilities set forth in this section. Such director shall receive an annual salary within amounts appropriated and shall serve at the pleasure of the secretary.

3. Organization of the office of census services. The secretary shall have the power to establish, consolidate, reorganize, or abolish any organizational units within the office as the secretary determines to be necessary for efficient operation thereof. The secretary shall assign functions to any such unit and may appoint staff, agents, and consultants, prescribe their duties, and fix their compensation within amounts appropriated. The secretary shall endeavor to obtain and compensate the services of these experts in the state with expertise and experience in census enumeration, process, education, and promotion.

4. Powers and duties of the office of census services. The office of census services shall have the power and responsibility to:

(a) Promote a government-wide effort to achieve a complete count of New York residents for each decennial national census, as well as interlude public census efforts;

(b) Assist in the administration of census outreach efforts to encourage complete count, including provide staff and consultant assistance to the commission and the administration of state-funded grant programs to support local governments and not-for-profit organizations;

(c) Support U.S. Census Bureau outreach efforts to facilitate quality public data gathering;

(d) Provide its information in languages accessible to New Yorkers;

(e) Liaise with local New York governments through the division of local government services regarding census efforts and local complete count efforts;

(f) Coordinate Census Day events throughout the state;

(g) Coordinate with the department of labor state data center, and state office of information technology services in developing and maintaining a street address maintenance (SAM) program for census address programs;

(h) Develop partnerships with community organizations focused on a complete count, including, but not limited to, New York Law School's N.Y. Elections, Census & Redistricting Institute, the Center for Urban Research at the CUNY Graduate Center, Medgar Evers College, Cornell University's Program on Applied Demographics, grassroots community

organizations, and established philanthropic organizations and foundations dedicated to a full and complete census count;

(i) Contract with the department of labor state data center to support census operations to complement demographic analysis and research to promote a fair and full count;

(j) Prepare annual population estimates for the state, counties, and local governments from a basic method of monitoring demographic trends and changes within the state;

(k) Work with the department of labor and its contractor, the Cornell University Program on Applied Demographics, as appropriate, to publish annual population estimates coordinated with the U.S. Census Bureau's federal-state cooperative programs for population estimates and projections;

(l) Coordinate and oversee statewide submissions for census programs including the Local Update of Census Addresses (LUCA), Census Question Resolution (CQR), annual Boundary and Annexation Survey (BAS), Participant Statistical Areas Program (PSAP) and Building Permit reporting;

(m) Convene and maintain a working group of state statistical agency statisticians and university researchers to conduct ongoing research on state demographic data trends and sources;

(n) Evaluate the demographic impact of policy proposals; and

(o) Work to implement evidence-based policy making.

5. In addition to the powers and duties specified in subdivision four of this section, the office shall:

(a) (i) Coordinate with the commission, as described in section ninety-five-e of this article, to develop and promulgate a New York Census Bill of Rights and Responsibilities no later than one year after the effective date of this section. The Census Bill of Rights and Responsibilities shall affirm the rights of all New Yorkers to all of the following:

(1) to participate in the federal decennial census and other important census undertakings free of threat or intimidation;

(2) to maintain confidentiality of the information provided in a census form or by verbal response;

(3) to respond to a census by means of their chosen modality, either electronically, on paper, or by telephone;

(4) to request language assistance; and

(5) to verify the identity of a census worker.

(ii) The office shall translate the New York Census Bill of Rights and Responsibilities in languages other than English, consistent with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

(iii) The office shall make the New York Census Bill of Rights and Responsibilities available on its internet website and available to the public, such as for inclusion on city and county census internet websites and census questionnaire assistance center internet websites.

(b) Coordinate with the commission to the obligations set forth in subdivision five of section ninety-five-e of this article.

§ 95-e. The New York state census counts commission. 1. Commission established. A commission to be known as the New York state census counts commission, hereafter referred to as the "commission," is hereby established to promote a full and complete census count, to identify issues that may have led to past United States census undercounts in New York state, to make recommendations to ensure an accurate count in the United States census, and to help promote a complete decennial census and American Community Survey count.

2. Membership of the commission. (a) The commission shall consist of thirty members to be appointed as follows:

(i) seven members, including the chair, shall be appointed by the governor from executive agencies and organizations that have significant interaction with the general public as follows:

(1) the secretary of state, who shall serve as chair of the commission;

(2) the counsel to the governor;

(3) the governor's deputy secretary for upstate intergovernmental affairs;

(4) the governor's deputy secretary for downstate intergovernmental affairs;

(5) the commissioner of labor;

(6) the chancellor of the State University of New York; and

(7) the commissioner of education;

(ii) two members shall be appointed by the governor from agencies of the city of New York that have significant interaction with the general public;

(iii) fifteen members shall be appointed by the governor representing interests from across the state; these appointments shall include leaders of academic institutions, community based organizations, and non-profit organizations experienced in and having knowledge about the census;

(iv) two members shall be appointed by the speaker of the assembly;

(v) one member shall be appointed by the minority leader of the assembly;

(vi) two members shall be appointed by the temporary president of the senate; and

(vii) one member shall be appointed by the minority leader of the senate.

(b) Members of the commission representing interests outside New York City shall serve a term of office of six years.

(c) Any vacancy on the commission shall be filled in the same manner as the original appointment was made.

(d) The appointments made pursuant to this section shall, to the extent practicable, reflect the diversity of the residents of this state with regard to race, ethnicity, gender, language, age, and geographic residence and, to the extent practicable the appointing authorities shall, in considering potential appointees to the commission, consult with organizations devoted to representing municipalities and educational institutions, and organizations providing services to the elderly, children, minority communities, and individuals and communities to combat poverty.

(e) The members of the commission shall receive no direct compensation for their services as members. Reasonable travel costs may be reimbursed by the state for official business travel.

(f) Notwithstanding any inconsistent provision of any general, special or local law, ordinance, resolution or charter, no officer, member or employee of the state or of any public corporation shall forfeit their office or employment by reason of acceptance of appointment as a member of the commission, nor shall service as such commission member be deemed incompatible or in conflict with such office or employment.

3. Powers and duties of the commission. (a) The commission shall study, examine, and review the issues that may have led to past United States census undercounts in New York state and shall make recommenda-

tions to ensure an accurate count in the United States census and develop effective outreach programs.

(b) The commission shall educate the public about the census on an ongoing basis, developing strategies to ensure that New Yorkers respond to the American Community Survey, provide educational outreach efforts to schools, businesses, civic, religious, educational, and other related organizations on the importance of the census and ways census data can be used to promote economic and social development and assist in decision-making processes. Based on social demographic best practices, the commission may also advise the governor on New York's position on updates to the census questionnaire. The commission shall maintain regular liaison with the U.S. Census Bureau (hereafter "the Bureau") and New York's Congressional delegation to request any changes to request and secure a full end-to-end census test each decade, suggest changes to the U.S. Census Bureau's master plan, and for other purposes deemed necessary by the commission.

(c) The commission shall meet on at least a quarterly basis at the call of the chair. The first meeting shall be held within forty-five days of the effective date of this section.

(d) The commission may meet and hold public hearings and events within the state and represent the state at out-of-state census-related meetings and events.

(e) The commission may establish committees and workgroups in furtherance of the purposes set forth in this section and may include on such committees and workgroups individuals who are not members of the commission.

(f) The commission may request and may receive from any subdivision, department, board, commission, office, agency, or other instrumentality of the state or of any political subdivision thereof such facilities, assistance, and data reasonably available as it deems necessary or desirable for the proper execution of its powers and duties and to effectuate the purposes set forth in this section.

(g) The commission is authorized and empowered to enter into any agreements and to do and perform any acts that may be necessary, desirable, or proper to carry out the purposes and objectives of this act, including entering into contracts in furtherance of the provisions of this section.

(h) The commission is authorized and empowered to enter into agreements to partner with and provide funding to qualified experts, non-profit organizations, and public and private educational institutions in the state that specialize in the use of census data for economic development and strategic planning and that also help educate New Yorkers about the census and its importance.

(i) On or before the fifth year of each decade beginning in two thousand twenty-five and in each subsequent decade, the commission shall transmit to the governor and the legislature a report containing an overview of census successes and the issues that may have led to past United States census undercounts in New York state and a comprehensive action plan, including best practices, for state and local governmental and non-governmental agencies to work together to ensure an accurate count in the following United States census. Such report shall also include recommendations on state funds necessary to ensure an accurate count in the following United States census.

(j) On or before January tenth, in the ninth year of each decade beginning in two thousand twenty-nine and in each subsequent decade, the commission shall transmit to the governor and the legislature a report

detailing the actions taken by the commission since the initial report of the decade, and detail how any appropriations made for the fiscal year that includes census day will be used to meet the recommendations and action plan made in the commission's initial report, and include any recommended changes to its previous recommendations on state funds necessary to ensure an accurate count in the United States census. This report shall include a detailed plan for how to engage New York's hard-to-count communities in census operations.

4. In furtherance of its duties, the commission may request and shall receive staff support from the office of census services.

5. (a) The commission shall coordinate with the office of census services to accomplish the obligations set forth in paragraph (a) of subdivision five of section ninety-five-d of this article and the obligations set forth in this subdivision.

(b) The commission's activities throughout the decade census cycle shall include:

(i) Year ending in 1:

(A) a review of the previous decade's census numbers and a review of accuracy of such numbers;

(B) working with localities to correct census numbers as appropriate;

(C) releasing demographic profiles for local governments; and

(D) promoting participation by New Yorkers in the American Community Survey.

(ii) Year ending in 2:

(A) reviewing post-enumeration survey results, with a focus on hard-to-count communities;

(B) identifying the best practices and shortcomings from the previous decade's census efforts;

(C) notifying local governments about the U.S. Census Bureau's Count Questions Resolution Operation and providing assistance to such governments in interacting with the operation;

(D) providing comment to the U.S. Census Bureau in the development of the Bureau's Master Plan; and

(E) promoting participation by New Yorkers in the American Community Survey.

(iii) Year ending in 3:

(A) monitoring U.S. Census Bureau decisions regarding the next decade's census questionnaire;

(B) provide information on decennial census and American Community Survey data to help educate New Yorkers about the importance of these surveys and how to use them for local planning purposes;

(C) promoting participation by New Yorkers in the American Community Survey.

(iv) Year ending in 4:

(A) educate local governments and stakeholders about the U.S. Census Bureau's Local Update of Census Addresses (LUCA);

(B) promote participation by New Yorkers in the American Community Survey.

(v) Year ending in 5:

(A) educate state entities and residents about the importance of economic surveys;

(B) engage with and inform New Yorkers on decennial census planning and design;

(C) promote participation by New Yorkers in the American Community Survey; and

(D) assist with state and local plans to participate in the U.S. Census Bureau's Local Update of Census Addresses (LUCA) program.

(vi) Year ending in 6:

(A) review census communications for upcoming decennial census;

(B) begin liaising with hard-to-count communities regarding the upcoming decennial census;

(C) develop test programs to gauge New Yorkers' awareness of the decennial census and the census questionnaire;

(D) promote participation by New Yorkers in the American Community Survey; and

(E) assist with state and local plans to participate in the U.S. Census Bureau's Local Update of Census Addresses (LUCA) program.

(vii) Year ending in 7:

(A) assist with state and local plans to participate in the U.S. Census Bureau's Local Update of Census Addresses (LUCA) program;

(B) develop a planning timeline for the decennial census; and

(C) promote participation by New Yorkers in the American Community Survey.

(viii) Year ending in 8:

(A) participate in end-to-end census test;

(B) secure regional census office;

(C) review the U.S. Census Bureau's Local Update of Census Addresses

(LUCA) program's New York results for accuracy;

(D) develop liaison with U.S. Census Bureau local offices for decennial census recruitment and placement of Bureau partnership specialist local offices, and other operations;

(E) promote participation by New Yorkers in the American Community Survey; and

(F) develop additional grant programs to support efforts of local governments and public interest stakeholders to engage in decennial census outreach efforts.

(ix) Year ending in 9:

(A) hire state-assisted temporary decennial census staff;

(B) develop decennial census messaging;

(C) support U.S. Census Bureau efforts to recruit and hire staff for field canvassing, local census offices, and other offices;

(D) develop and launch state education and communications campaign;

(E) promote participation by New Yorkers in the American Community Survey;

(F) schedule commission outreach and organizing efforts, with a focus on hard-to-count and undercounted localities;

(G) assist with state and local plans to participate in the U.S. Census Bureau's Local Update of Census Addresses (LUCA) program; and

(H) develop a grant program to support efforts of local governments and public interest stakeholders to engage in decennial census outreach efforts.

(x) Year ending in 0:

(A) implement overall comprehensive census plan;

(B) participate in Census Day;

(C) ensure a complete count of all New York households;

(D) provide census outreach materials in multiple languages in accordance with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503); and

(E) promote participation by New Yorkers in the American Community Survey.

§ 4. The penal law is amended by adding a new section 190.95 to read as follows:

§ 190.95 Impersonation of a census enumerator.

A person is guilty of impersonation of a census enumerator, when such person, with the intent to interfere with the operation of a government census or with the intent to obtain information or consent to an otherwise unlawful search or seizure:

1. Falsely represents that they are a census enumerator; or

2. Falsely assumes some or all of the activities of a census taker.

Impersonation of a census enumerator is a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding one thousand dollars, or by both such imprisonment and fine.

§ 5. The sum of fifteen million dollars ($15,000,000), or so much thereof as may be necessary, is hereby appropriated to the department of state out of any moneys in the state treasury in the general fund, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the secretary of state in the manner prescribed by law.

§ 6. This act shall take effect immediately.