

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:

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

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

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

18 (c) New York must address the loss of population that has resulted in
19 the loss of congressional representation after each federal decennial
20 census since 1950. While the state had 45 members of Congress after the
21 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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1 the state with only 26 members of Congress. Current projections suggest
2 New York losing at least two seats after the 2030 census. State govern-
3 ment, working with key stakeholders, has an obligation to step in and
4 help stem future losses. By ensuring a fair and complete decennial
5 census, New York State can address this challenge.

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

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

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

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

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

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

35 (vi) inventorying resources within all levels of government and
36 academic/private sectors to "hit the ground running" leading up to the
37 2030 and future censuses; and

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

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

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

54 § 3. The executive law is amended by adding two new sections 95-d and
55 95-e to read as follows:

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

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

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

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

9 (d) "Office" means the office of census services created by subdivi-
10 sion two of this section;

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

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

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

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

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

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

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

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

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

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

47 (f) Coordinate Census Day events throughout the state;

48 (g) Coordinate with the department of labor state data center, and
49 state office of information technology services in developing and main-
50 taining a street address maintenance (SAM) program for census address
51 programs;

52 (h) Develop partnerships with community organizations focused on a
53 complete count, including, but not limited to, New York Law School's
54 N.Y. Elections, Census & Redistricting Institute, the Center for Urban
55 Research at the CUNY Graduate Center, Medgar Evers College, Cornell
56 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.

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

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

6 (1) the secretary of state, who shall serve as chair of the commis-
7 sion;

8 (2) the counsel to the governor;

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

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

13 (5) the commissioner of labor;

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

15 (7) the commissioner of education;

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

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

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

25 (v) one member shall be appointed by the minority leader of the assem-
26 bly;

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

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

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

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

35 (d) The appointments made pursuant to this section shall, to the
36 extent practicable, reflect the diversity of the residents of this state
37 with regard to race, ethnicity, gender, language, age, and geographic
38 residence and, to the extent practicable the appointing authorities
39 shall, in considering potential appointees to the commission, consult
40 with organizations devoted to representing municipalities and educa-
41 tional institutions, and organizations providing services to the elder-
42 ly, children, minority communities, and individuals and communities to
43 combat poverty.

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

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

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

1 tions to ensure an accurate count in the United States census and devel-
2 op effective outreach programs.

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

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

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

23 (e) The commission may establish committees and workgroups in further-
24 ance of the purposes set forth in this section and may include on such
25 committees and workgroups individuals who are not members of the commis-
26 sion.

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

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

38 (h) The commission is authorized and empowered to enter into agree-
39 ments to partner with and provide funding to qualified experts, non-pro-
40 fit organizations, and public and private educational institutions in
41 the state that specialize in the use of census data for economic devel-
42 opment and strategic planning and that also help educate New Yorkers
43 about the census and its importance.

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

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

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

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

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

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

17 (i) Year ending in 1:

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

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

21 (C) releasing demographic profiles for local governments; and

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

24 (ii) Year ending in 2:

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

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

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

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

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

36 (iii) Year ending in 3:

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

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

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

44 (iv) Year ending in 4:

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

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

49 (v) Year ending in 5:

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

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

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

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

3 (vi) Year ending in 6:

4 (A) review census communications for upcoming decennial census;

5 (B) begin liaising with hard-to-count communities regarding the upcom-
6 ing decennial census;

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

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

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

13 (vii) Year ending in 7:

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

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

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

19 (viii) Year ending in 8:

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

21 (B) secure regional census office;

22 (C) review the U.S. Census Bureau's Local Update of Census Addresses
23 (LUCA) program's New York results for accuracy;

24 (D) develop liaison with U.S. Census Bureau local offices for decenni-
25 al census recruitment and placement of Bureau partnership specialist
26 local offices, and other operations;

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

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

32 (ix) Year ending in 9:

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

34 (B) develop decennial census messaging;

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

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

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

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

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

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

47 (x) Year ending in 0:

48 (A) implement overall comprehensive census plan;

49 (B) participate in Census Day;

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

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

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

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

3 § 190.95 Impersonation of a census enumerator.

4 A person is guilty of impersonation of a census enumerator, when such
5 person, with the intent to interfere with the operation of a government
6 census or with the intent to obtain information or consent to an other-
7 wise unlawful search or seizure:

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

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

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

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

20 § 6. This act shall take effect immediately.