

Approved by Council on March 1, 2019

OCTOBER 22, 2018 COUNCIL REPORT OF BALLOT VOTE

The following message was sent to the Council and the Council was asked to vote no later than October 22, 2018:

In May, Council voted to authorize preparation of an amicus brief arguing against the addition of a citizenship question to the 2020 Census based on concerns about scientific methodology. At the time we knew that the brief would likely be finished with little time left before the filing deadline, and that is indeed how things developed. The filing deadline is at the end of next week, and **we need Council approval ASAP for filing**. The brief is attached for your consideration.

Please note that we need 100% participation and a unanimous vote for an email motion to carry. That means to approve filing of our amicus brief we need everyone to participate in the next few days. This is critically important. To ensure that we'll meet the filing deadline, please respond to this email by Monday, October 22 by indicating yes or no in response to the following question: **Do you authorize filing this brief?**

Some relevant context—

The materials you considered for the May vote indicated that “While we will be clear with the attorney from the start that we will need Council authorization to submit the final draft, we do want to provide the attorney with assurance that there is some reasonable likelihood that, once prepared with a credible argument bolstered by scientific evidence, the Council will approve filing. So please keep that in mind as you vote on whether to authorize the writing.” There is not time for comment on the brief. This is an up or down vote with an expectation that we will vote yes if indeed the arguments are sound and based on concerns about scientific methodology.

As you might recall, each of the three associations filing the brief (ASA, PAA, and AStatA) brought an expert to the table to work with the attorneys. Matt Snipp served in that role for ASA and has been closely involved in the development of the brief's content. He has indicated that he supports ASA's signature on this brief and hopes that we can complete a vote quickly to ensure that this moves forward.

There will still be a few changes made to the brief, but we can't wait to vote until the final version is done as the lawyers will be making changes right up until the last minute. The expectation is that remaining changes will not fundamentally alter the arguments. Rather, they'll be fact checking, adding sources, etc. For example, Under A, I know they are going to change the description of the timing since the last test did not conclude in March 2018, but rather the response option test was launched in March 2018 and concluded about a month ago. This doesn't change the point that Ross ordered the citizenship question around the same time that the Bureau launched its final end to end test and there was no way that it could have been

incorporated into this test. They are also making some changes to the description of ASA for accuracy (e.g., incorrect membership number, incorrect number of journals).

Thanks in advance for your attention to this important matter.

[To review the brief: http://www.asanet.org/sites/default/files/filed_census_amicus_brief.pdf]

All members of Council voted unanimously to file this brief.