



November 21, 2025

Re: Oppose the *Equal Representation Act*

Dear Members of the House of Representatives:

On behalf of the League of Women Voters of the United States (the League), we write to express our strong opposition to the *Equal Representation Act* and any other efforts to add a citizenship question on the Census or exclude noncitizens from the apportionment counts.

This is unconstitutional. The bill would require the Census Bureau to exclude noncitizens from the congressional apportionment process — in violation of the 14th Amendment to apportion seats in the House of Representatives based on “the whole number of persons in each State”. Congress rejected basing apportionment on the number of citizens only when debating the 14th Amendment. Additionally, in 2016, the Supreme Court ruled that “representatives serve all residents, not just those eligible to vote,” in *Evenwel v. Abbott*.

Given that this bill seeks to change the constitutional mandate for the Census, it would require a constitutional amendment, which Congress cannot do through mere legislation, as set forth in Article V of the Constitution.

The Census Bureau already collects citizenship information through the American Community Survey (ACS). The addition of a citizenship question is unnecessary and would certainly lead to a *less accurate* Census, primarily by deterring responses. For example, mixed-status households may not respond to the Census for fear of legal repercussions or deportation of undocumented members of a household, leading to an undercount of the likely American citizen children and other citizens in the household. Counterproductively, an attempt by the Census Bureau to determine the immigration status of every resident would eliminate the chance of collecting an accurate count nationwide.

Data collected by the Census guides the distribution of federal resources for the next decade for services used by ALL members of our communities, like roads and transit systems, schools, hospitals, veterans’ care, disaster preparation, and many other important quality-of-life services. It is vital that these resources be funded proportionate to the whole number of persons in each community- as these resources are used by people regardless of citizenship status.