

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<http://oversight.house.gov>

March 5, 2020

Ms. Ronna McDaniel
Chairwoman
Republican National Committee
310 First Street, S.E.
Washington, D.C. 20003

Dear Chairwoman McDaniel:

We are writing to request that the Republican National Committee (RNC) immediately stop sending letters, fundraising requests, text messages, social media posts, or any other communications that appear in any way to resemble official Census documents. Distributing these materials as Census operations begin around the country could mislead Americans, reduce Census participation, and harm the accuracy of the Census.

Our Committee has focused on this issue before—on a bipartisan basis. Before the 2010 Census, the RNC sent fundraising mailings that appeared to resemble official Census documents. In response, Congress passed the *Prevent Deceptive Census Look Alike Mailings Act* to prohibit mailings that could lead Americans to erroneously believe they had already filled out their Census forms—or that they had to pay to complete the Census. This law passed unanimously in both the House and Senate and was signed into law in April 2010.¹

The RNC then sought to evade the 2010 law by slightly modifying its mailer. In response, Congressman Jason Chaffetz, in his capacity as Ranking Member of the Committee's Subcommittee on Information Policy, Census, and National Archives and as a cosponsor of the legislation, sent a letter warning RNC Chairman Michael Steele:

I am worried that letter violates not only the spirit but also the letter of the *Prevent Deceptive Census Look Alike Mailings Act*. ... The clear intent of Congress in passing the Act was to prevent confusion on the part of citizens who receive mailings invoking or referring to the Census during this important year in which the official Census is taken. The fundraising letter evaded that intended purpose in a manner I believe is unacceptable.²

¹ Public Law 111-155.

² Letter from Rep. Jason Chaffetz to Chairman Michael Steele, Republican National Committee (Apr. 27, 2010) (online at <https://web.archive.org/web/20110406224607/http://chaffetz.house.gov/Deceptive%20Mailings%20Letter%20to%20RNC%20Chmn%20Steele.pdf>).

Rep. Chaffetz urged the RNC to “seriously reconsider the use of such deceptive and misleading tactics” and to “not resort to tactics that reflect negatively on our party’s character, or on the public offices we seek.”³

The RNC did not heed these warnings. As a result, Rep. Darrell Issa, who then served as the Ranking Member of the Committee, introduced H.R. 5148 “to clarify the instances in which the term ‘census’ may appear on mailable matter.”⁴ This bill also passed unanimously through both chambers and was signed into law on May 24, 2010, nearly two months into the Census’s critical self-response period.⁵

Unfortunately, prior to the 2020 Census, the RNC has been engaging in similar activities, sending out new fundraising mailers that resemble official Census documents. The envelope states that it includes an “OFFICIAL DOCUMENT.”⁶ Inside is a questionnaire labeled “Census Document” and “2020 Congressional District Census.” The questionnaire states that responses “will be shared with the White House,” and it directs individuals to return the questionnaire “within 7 days to ensure accurate tabulation and dependable results.”⁷

The Census Bureau has informed the Committee that it has been contacted dozens of times about concerns with these mailers. Census Bureau Director Steven Dillingham was asked about the RNC’s mailer during his February 12, 2020, testimony before the Committee. He testified that “we should not confuse any mailings like that with the census.”⁸ After the hearing, the Census Bureau issued the following statement:

[T]he 2020 Census needs to foster public trust and maximize public engagement. Accordingly, we urge businesses and organizations that conduct mass mailings or commercial solicitations to avoid using the likenesses of the U.S. Census Bureau and 2020 Census materials that may confuse recipients and the public as to their origin or purpose.⁹

Our Committee is charged with overseeing a fair and accurate 2020 Census. Simply put, the RNC should not invoke the official U.S. Census as a means to confuse and deceive recipients

³ *Id.*

⁴ Public Law 111-170.

⁵ *Id.*

⁶ *RNC Sends Vermonter an Imitation Census Form Asking for Political Donation*, Seven Days (Feb. 18, 2020) (online at www.sevendaysvt.com/OffMessage/archives/2020/02/18/rnc-sends-vermonter-an-imitation-census-form-asking-for-political-donation).

⁷ *Republican Party Sending Mailer Labeled Census Ahead of Official Forms*, The Hill (Feb. 21, 2020) (online at <https://thehill.com/homenews/campaign/484090-republican-party-sending-mailer-labeled-census-ahead-of-official-forms>).

⁸ Committee on Oversight and Reform, *Hearing with Census Bureau Director, Dr. Steven Dillingham* (Feb. 12, 2020) (online at <https://oversight.house.gov/legislation/hearings/with-census-bureau-director>).

⁹ Census Bureau, *Support in Preventing Public Confusion with the 2020 Census* (Feb. 2020) (online at <https://2020census.gov/content/dam/2020census/materials/partners/2020-02/business-letter.pdf>).

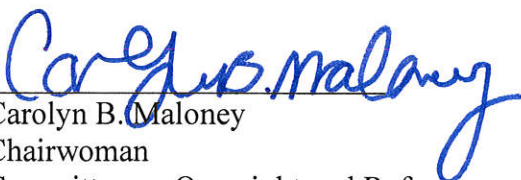
of the mailer into opening it, thinking they are complying with their civic duty. This letter was not an “official document,” as it suggested.

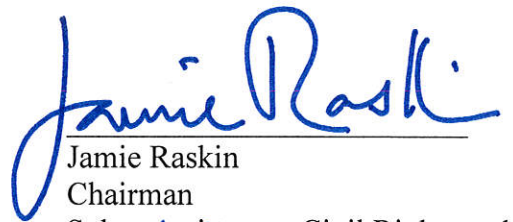
The Committee is also concerned that the RNC has been sending deceptive communications via social media, which may be particularly damaging because the 2020 Census is our nation’s first that will be conducted largely online. As recently as yesterday, a joint fundraising committee of the RNC and President Trump’s reelection campaign posted fundraising appeals on Facebook designed to mimic the 2020 Census. The posts, which purport to come directly from President Trump and Vice President Pence, state, “President Trump needs you to take the Official 2020 Congressional District Census today.” The posts include a graphic labeled “2020 Census” and state that the “survey” is important for “YOUR CONGRESSIONAL DISTRICT.”¹⁰

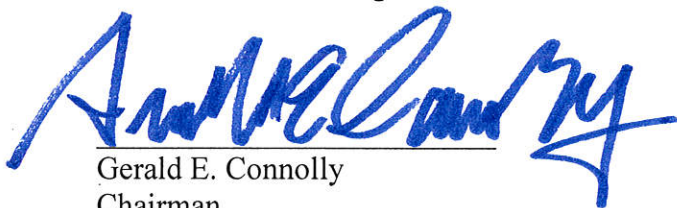
For these reasons, we ask that you inform the Committee by Thursday, March 12, 2020, whether you will discontinue these practices or whether further action by the Committee is necessary.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. In addition, the Committee has jurisdiction over “Population and demography generally, including the Census.”¹¹ If you have any questions, please contact Committee staff at (202) 225-5051.

Sincerely,


Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform


Jamie Raskin
Chairman
Subcommittee on Civil Rights and
Civil Liberties


Gerald E. Connolly
Chairman
Subcommittee on Government Operations


Katie Porter
Member of Congress

¹⁰ *Facebook Allows Trump Campaign to Run Deceptive Census Ads*, Popular Information (Mar. 5, 2020) (online at <https://popular.info/p/facebook-allows-trump-campaign-to?token=eyJ1c2VyX2lkIjoxMTM2OTMyLCJwb3N0X2lkIjozMDE5MzcsIl8iOiJ1V2xidyIsImhhdCI6MTU4MzQxNTY3NSwiZXhwIjoxNTgzNDE5Mjc1LCJpc3MiOiJwdWltMTY2NCIsInN1YiI6InBvc3QtcmlhY3Rpb24ifQ.BY6CfGM0zz2nyD8P5XjhcGweJGZeWy3Fja3AECidIqg>).

¹¹ House rule X, clause 1(n)(8).

Ms. Ronna McDaniel

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cc: The Honorable Jim Jordan, Ranking Member
Committee on Oversight and Reform

The Honorable Chip Roy, Ranking Member
Subcommittee on Civil Rights and Civil Liberties

The Honorable Mark Meadows, Ranking Member
Subcommittee on Government Operations