STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

JOSH STEIN
GOVERNOR

November 2, 2026

George M. Cook, Deputy Under Secretary Performing the Non-Exclusive Functions and Duties of the Director of the U.S. Census Bureau
Census Bureau, U.S. Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

RE: Decennial Census of the Population of Americans: Proposed Residence Criteria and Proposed Regulations for Demographic Questions [USBC-2026-0628]

Dear Mr. Cook,

The U.S. Census Bureau has long stated its goal is to count everyone once, only once, and in the right place every decade. In our nation's 250-year history, North Carolinians have been counted 24 times, beginning with the 1790 Census in which North Carolina was the third most populous state in the union. Today, North Carolina is the ninth most populous and third-fastest-growing state in the nation and in 2025 contributed nearly $128 billion in total federal taxes. The people of our state rightfully expect their fair share of representation in Congress and of federal funding for roads, schools, and disaster relief. An accurate census helps ensure just that. However, the recent proposed changes to the 2030 Census would fall short of the Bureau's own goal, threaten the accuracy of the count, and risk shortchanging North Carolinians of our just share of resources and representation.

On behalf of the State of North Carolina, I write to urge the U.S. Census Bureau to withdraw its proposed rules, "Proposed Residence Criteria and Proposed Regulations for Demographic Questions" (Docket No. USBC-2026-0628). The proposal would change where North Carolinians are counted, leave lawful residents out of the count used to apportion Congress, and strip questions on race and ethnicity from the census. Furthermore, our state's Demographer and our Office of State Management and Budget have raised numerous practical concerns about the implementation of these proposed changes (their public comment to the Census Bureau is attached to this letter). This proposed rule would make the 2030 count less accurate; therefore, I

ask that the Census Bureau withdraw these proposed changes so that our people can be accurately and fairly counted.

Few states have more at stake than North Carolina in the upcoming census. Estimates from North Carolina's State Demographer indicate that North Carolina's trajectory as the third-fastest-growing state in the nation could lead to our state gaining an additional congressional seat and vote in the Electoral College in 2030. However, apportionment depends on the census's population count. If the 2030 Census undercounts our state's population due to lower response rates or misguided administrative procedures that threaten the accuracy of the count, our people would be deprived of critical representation. Furthermore, undercounting North Carolinians in the next decennial census threatens our state's share of key resources to serve our people, including more than $60 billion in annual census-guided federal funding. Lastly, census data serves as the foundation for a broad array of federal and state statistical analysis, and undermining its accuracy will make all that work less accurate and less reliable.

The Proposed Changes Unlawfully Distort North Carolina's Share of Resources and Electoral Representation

The Constitution is clear: For purposes of apportioning members of the House of Representatives among the states, the census must count all persons residing in the United States, regardless of legal status. Consistent with the Constitutional requirement, the Census Act similarly requires the Census Bureau to take a census of population as of April 1 of the census year. The Census Bureau's proposal to exclude certain persons for apportionment and to add a legal status question violate the statute and Constitution and will only promote fear and deter participation in the census by immigrants and their families.

In addition to being unlawful, these proposed changes risk both a distortion of Congressional and other electoral representation and a degraded quality of census and census-derived data that federal, state, and local governments use to allocate resources and provide critical services, often at the direction of Congress. Research shows that a citizenship status question lowers self-response rates in the census, particularly among Latino and immigrant households, including mixed-status households with both American citizens and noncitizens. Lower self-response rates from these households could lead to an undercount of the population as a whole and even the number of United States citizens in mixed-status households.

The proposed changes would *prevent* the count of swaths of the current population of each state. This is in direct violation of the Constitutional requirement of an "actual [e]numeration" of the population. Demographic questions have been included in the census to accommodate important analyses regarding the disposition of federal resources. To the extent the Census Bureau is seeking to establish new population groupings for the eventual allocation of said resources, the Bureau cannot reasonably maintain that the government has an interest in shaping the census to

achieve such goals while simultaneously undermining the Bureau's ability to achieve what must be its fundamental and primary goal – an actual enumeration of the population at the time of the census for purposes of apportionment.

The Proposed Changes Risk Shortchanging Many North Carolinians, Especially Military and Disaster-Impacted Populations

The proposal to use an enumeration period to measure residency and a requirement that tax records be consistent with a respondent's "usual residence" risk undercounting many segments of our population, especially our state's military population and those people displaced by natural disasters.

North Carolina is home to nearly 95,000 active-duty service members—the fourth largest military population in the nation—and nearly 106,000 activity-duty military family members. Nearly 38,000 children of active-duty service members attend K-12 school in our state. North Carolina also is home to Fort Bragg, the largest military base in the United States by population.

Under federal law, military servicemembers and their families stationed under orders elsewhere in the United States can maintain their state of legal residence for tax purposes in the state where they or their spouse lived prior to service. We ask our military servicemembers and their families to leave their homes, move across the country—often on short notice—and put their lives on the line for our freedom. They deserve the flexibility and certainty of being able to maintain their ties to the place they choose, and they also deserve a government that ensures that it provides good schools, roads, and health care for their families in the communities where they physically reside.

In previous administrations of the census, military families would be counted in the state where they reside, providing federal resources to the communities surrounding military bases to scale with their military populations. However, because tax records are often not associated with military families' physical residences, this proposed framework risks underfunding the critical services their families rely on.

Additionally, the proposal threatens national security by weakening state infrastructure supporting military installations. Because the census's population count drives distribution of state and federal funds to support highway maintenance, law enforcement, and other utilities, counting military families based on tax records rather than their physical residences near the bases where they are stationed deprives the communities surrounding those bases of critical resources, which will directly harm military families.

Furthermore, the proposed three-month enumeration period for residency risks undercounting populations in areas recently impacted or displaced by natural disaster. In 2024, Hurricane Helene devastated western North Carolina, causing damage to 73,700 homes. Tens of thousands

of North Carolinians were displaced from their homes, including more than 13,000 North Carolinians who were served by FEMA transitional sheltering in the six months after Helene.

A strict three-month enumeration period, subject to verification against tax records, creates potential confusion and risks leaving out the very residents whose communities most need federal support to rebuild. Many families may be temporarily displaced for a few days or weeks, while others may be displaced for many months while their previous residences are repaired or replaced. The 2020 residency rules addressed these and similar situations. These proposed rules make no mention of the displaced and instead rely on the number of days within the three-month enumeration period that people spent in their communities. These proposed changes risk undermining federal funding for disaster-impacted communities, just as they are rebuilding their schools, roads, and infrastructure. A count meant to show where Americans live should not penalize families for surviving a disaster.

The Proposed Removal of Race and Ethnicity Questions Would Undermine Accuracy and Make Government Less Efficient

The proposed changes regarding the collection of race and ethnicity data would compromise the accuracy of census data and undermine a critical tool in ensuring government is able to efficiently deploy resources to meet critical needs. In particular, these proposed changes risk undermining a critical source of data on our state's Native American and tribal-affiliated residents, just as our state's Lumbee Tribe secures full federal recognition. North Carolina has the second-largest Native American population east of the Mississippi, and this critical data is a source used by various federal agencies to determine the allocation of resources.

This proposal incorrectly asserts that the race and ethnicity questions "distort" the value of census data and relies on a misguided notion that the function of government must be "colorblind." However, data reveals that critical issues of health and safety such as maternal mortality, infant mortality, and violence against women do not adhere to such a notion. In North Carolina, black children are nearly three times as likely to die in infancy than white infants, and black maternal mortality is nearly twice as high as the rate for white women. The United States Department of Justice has found that more than 84% of Native American women report experiencing violence in their lifetimes. Each of these instances is a tragedy—regardless of race, ethnicity, age, gender, or any demographic characteristic. However, government cannot fix what it cannot see. Accurate data, including data broken down by race, ethnicity, and place, shows us where problems exist, where interventions are not working, and where further attention will do the most good. Erasing that information away does not make disparities disappear. Rather, it means government's allocations of limited resources will be less efficient, leading to less efficacy and improvement. It means fewer lives saved for every dollar spent. As a result, the people already hit hardest, as well as the entire population, will pay the price.

Furthermore, in failing to collect this demographic data, the Census Bureau would remove a key metric to understanding the accuracy of the census's population data, particularly since previous administrations have miscounted certain racial and ethnic groups. The Census Bureau's own Post-Enumeration Survey found that the 2020 Census undercounted American Indians and Alaska Natives living on reservations by 5.64 percent, Hispanic or Latino residents by 4.99 percent, and Black residents by 3.30 percent while overcounting non-Hispanic white residents by 1.64 percent. The Bureau could measure these gaps, and work to close them in 2030, only because the census asked about race and ethnicity. Census data is a key component of myriad government programs, undermining the accuracy of the population estimates used to direct billions of dollars in resources to North Carolina.

This proposal comes at a particularly concerning moment for our state's Native American and tribal-affiliated communities. North Carolina is home to nine state recognized tribes and three federally recognized tribes, including the Catawba, Coharie, Eastern Band of Cherokee, Haliwa-Saponi, Lumbee, Meherrin, Occaneechi Band of the Saponi Nation, Sappony, and Waccamaw-Siouan. Our state is also home to four urban Indian organizations consisting of the Cumberland County Association for Indian People, and the Guilford, Metrolina, and Triangle Native American Associations. This year, the Lumbee Tribe of North Carolina finally secured full federal recognition, granting the tribe access to additional federal resources through the Bureau of Indian Affairs, the Bureau of Indian Education, and the Indian Health Service, including support for health care, housing, education, transportation, broadband, and disaster assistance. With more than 68,000 members, the Lumbee Tribe is the largest tribe east of the Mississippi River. While determining membership is the sovereign right of tribal nations, various federal formulas such as the Indian Housing Block Grant rely on census counts of American Indian and Alaska Native residents to allocate funding. Like many American Indians, members of the Lumbee Tribe are apt to be undercounted in the census since they tend to live disproportionately in census tracts that are hard to count. In fact, an analysis in advance of Census 2020 estimated that 23% of North Carolina's American Indians lived in such tracts, with a significant number of those tracts located in Robeson County, a population center of the Lumbee people. Also, without the collection of demographic data about the American Indian population, neither the federal government nor the state government will be able to identify disparities, administer programs, enforce civil rights, and properly allocate important resources to tribal communities. Just as the Lumbee people finally gain access to resources they were denied for generations, this proposal would weaken the very data used to make sure those resources reach them.

Conclusion

North Carolina's service members and their families, disaster survivors, immigrant communities, and tribal communities deserve a census that counts every person where they actually live. Accurate census data is the foundation of fair representation and of the responsible use of

taxpayer dollars, and the proposed changes would move the 2030 Census away from both. I urge the Census Bureau to withdraw the proposed rules and to conduct the 2030 Census in a way that produces the most complete and accurate count possible. North Carolina stands ready to work with the Bureau toward those goals.

Regards,



Josh Stein

Governor of North Carolina

STATE OF NORTH CAROLINA
OFFICE OF STATE BUDGET AND MANAGEMENT

JOSH STEIN
GOVERNOR

KRISTIN WALKER
STATE BUDGET DIRECTOR

November 2, 2026

Mr. Daniel Sweeney
Deputy General Counsel for Economic, Statistical, and Regulatory Affairs
Office of the General Counsel
US Department of Commerce
Washington, DC 20230

Re: Decennial Census of the Population of Americans: Proposed Residence Criteria and Proposed Regulations for Demographic Questions [USBC-2026-0628]

Mr. Sweeney:

On behalf of the North Carolina Office of State Budget and Management, we urge the US Census Bureau to withdraw the rules regarding residence criteria and demographic questions proposed for the 2030 Census. Our fundamental concerns are the following:

- The proposed residency rules will prevent North Carolina from obtaining a complete count of its residents, leading to potential underrepresentation in the US Congress and Electoral College.
- Besides being apt to confuse respondents, the proposed residency rules likely will result in sizable segments of our state's population, especially active-duty military personnel and their dependents, being counted in the wrong place.
- The use of administrative record matching may result in the improper exclusion of people from the census, thereby reducing public willingness to participate or trust the results.
- In addition to serious concerns about constitutionality and accuracy, the tabulation of a smaller apportionment population based on citizens and legal permanent residents raises questions about which value would be used in funding formulas that require population numbers.
- The proposed demographic rules would deprive North Carolina of critical information about its residents; without the benchmark data provided by the census, the state will lose its ability to generate accurate population estimates to guide state and local planning and funding.
- The cumulative effect of the rules will be to produce a less accurate, less precise count that will prevent public officials from understanding local needs, addressing community realities, and managing programs and funding as fairly, effectively, and efficiently as possible.

The following sections detail the potential negative impacts of the proposed rules on North Carolina, provide information of the kind requested by the government in the *Federal Register* notice, and offer constructive alternatives for achieving an accurate and comprehensive 2030 Census.

We also are enclosing, for your reference, copies of the public comments submitted separately by the following North Carolina state agencies: North Carolina Department of Administration and North Carolina Department of Military and Veterans Affairs.

Rule #1 (Part 60): Proposed Residence Criteria Are Unworkable and Will Generate Miscounts

Adoption of this rule will make it harder for North Carolinians to participate in the census, complete their forms accurately, be counted fairly, and know if they have been counted at all. The resulting miscounts may shift unfairly congressional seats away from North Carolina, and a lack of transparency regarding an expanded use of administrative record matching could undercut civic trust if people believe they were excluded randomly or erroneously from the enumeration. We therefore recommend that the Census Bureau withdraw the rule and instead rely on residence criteria like those used in Census 2020.

A. "Usual Residence" Definition Is Apt to Cause Confusion and Undermine Public Trust

The requirement to count a person at their "usual residence" has been part of every census since 1790. Historically, a person's "usual residence" is "the place where they live and sleep most of the time" relative to census day, which federal law specifies as April 1. Identifying a usual residence is simple for most people but complex for others, such as military service members, college students, people in group facilities, owners of multiple homes, homeless people, and seasonal workers. To handle such special cases, the Census Bureau develops policies, procedures, and processes each census cycle to ensure people with complicated residence situations are counted once, only once, and in the right place.

The proposed rule changes the definition of a person's "usual residence" to the place "at which they have lawfully spent the greatest number of days during the census enumeration period," defined as the period spanning January 3 to April 1. This will transform the census from an enumeration based on usual residence to one based on physical presence; the 2030 Census therefore would differ fundamentally from every prior census. We believe the shift to a census measuring physical presence while using a structure geared toward measuring usual residence is unworkable. At the individual level, for instance, is every person supposed to track voluntarily their daily location over a three-month period before completing a census form? The complexity of complying may simply lead people not to participate, leading potentially to more costly follow-up operations and population undercounts.

Beyond this extraordinary change, the proposal states that "a person's 'usual residence' should be consistent with, and evidenced by, their tax records (*e.g.*, tax returns, W-2 forms)." Yet there is no inherent relationship between a person's usual residence and the address used in tax and other administrative records. The Internal Revenue Service, for example, accepts post office boxes and agents' offices as addresses. And some rural and tribal communities lack direct mail delivery service, with residents required to visit a post office instead. For instance, most residents of the Qualla Boundary, the land trust for the Eastern Band of Cherokee Indians in western North Carolina, use post office boxes to receive their mail. How would their residency be determined? The proposal similarly is silent about the treatment of people who have transitory jobs or who are homeless and lack an address.

Even more troubling is the suggestion that the Census Bureau will use administrative records to verify a person's stated residence *after* they respond. Administrative records like tax returns, as the US Department of the Treasury notes, are ill-suited to proving residency. Among the flaws, there is a timing mismatch between the proposed census enumeration period, tax filing deadlines, and the required

dates for delivering apportionment counts. This could result in people being treated differently based solely on when they file their taxes or if they even are required to file taxes at all.

Finally, the proposal offers no detail about the mechanics of administrative record matching and how mismatches will be addressed. If a problem surfaces during the review process, will an affected person be notified and have a chance to correct a mistake, or would they simply be removed from the count? If the latter, how could any member of the public trust the accuracy of the published numbers?

B. Proposed Residence Rules Are Likely to Undercount Military Personnel

Of special concern to North Carolina is the proper enumeration of military personnel. The US Department of Defense reported 96,000 active-duty service members stationed in North Carolina in September 2025; only three states hosted more personnel. In addition, the department estimated that 55,000 spouses and 79,000 children and other dependents lived with these active-duty personnel.

For the 2020 Census, we were concerned about the residency criteria applied to military personnel temporarily deployed and their dependents. Thankfully, the Census Bureau listened to our concerns and revised the criteria to ensure we avoided potential undercounts of the population of our military communities. Unfortunately, by determining residency over a three-month period, the proposed rules will establish criteria like those used in the 2010 Census, when at least 10,000 service members were excluded from our count due to temporary deployments.

Additionally, many military service members and their spouses file taxes using their State of Legal Residence (SLR), which may differ from the state where they are posted and reside.[1] Any mention of tax records for verifying residency in 2030 likely will confuse military household respondents and artificially reduce the count of county and municipal populations where service members live. Since the decennial counts are used as a benchmark for annual population estimates, any undercounts would disproportionately impact federal and state per capita funding to military communities for a decade.

C. Proposed Rules Likely Will Undercount Households Displaced by Hurricane Helene

Confusion regarding the proper application of residence rules and the matching of administrative data is of crucial concern in the 26 counties (and the Eastern Band of Cherokee Indians) in western North Carolina declared eligible for all forms of federal public assistance after Hurricane Helene in 2024. These communities were among the most difficult to enumerate before the storm. For instance, the State Demographer estimated that 64% of the region's 1.1 million pre-storm residents lived in unincorporated rural areas. Even the area's incorporated municipalities were small, with 63 of 114 places having no more than 2,000 residents. Older adults accounted for a sizable share of the overall population, with a significant number of residents reporting one or more disabilities. The difficulties in counting the population in this area highlight the need to ensure the rules are conducive for a proper count.

While research suggests that many affected individuals have not moved far and are apt to return to their pre-disaster address, numerous individuals remain displaced. In August 2026, the Governor's

[1] The Service Member Civil Relief Act allows service members to establish a State of Legal Residence (SLR) based on their intent to live in that state at the completion of their service. Spouses can "borrow" their active-duty service member's SLR under the Military Spouse Residence Relief Act. See https://tinyurl.com/bdhavsvc.

Recovery Office for Western North Carolina reported that some 7,100 households were participating in formal temporary housing programs. Others were living in atypical situations, such as campgrounds that have become de facto permanent communities without mail service. The proposed usual residence rules fail to consider the unusual living situations found in Helene-impacted communities – situations that may result in residents lacking administrative records that match their actual residence. Simply excluding such people from the statewide and local counts would generate miscounts that distort political representation and the allocation of state and federal funds to recovering places.

While Hurricane Helene is most on our minds, North Carolina is not immune to major storms. Before the 2020 Census, over 4,000 people were displaced during Hurricane Matthew (2016), and over 21,000 people were displaced during Hurricanes Michael and Florence (2018). These rules could further compromise the completeness of North Carolina's count if other disasters strike before April 1, 2030.

D. Redefining the Apportionment Count Would Disadvantage North Carolina

The US Constitution—in both Article I and the 14th Amendment—states that the decennial census count all "persons." The proposed rule, however, asserts that the Census Bureau can exclude non-citizens from the apportionment base, which is the population used to allocate seats in the US House of Representatives among the 50 states. The rule proposes to include only US citizens and "citizens of foreign countries who are also either citizens or lawful permanent residents of the United States as of April 1 of a decennial census year" in the apportionment count. All other noncitizens, including those present on legal work or student visas, would be excluded. Again, this extraordinary change conflicts with the Constitution and all past censuses.

One way this rule would negatively impact North Carolina is by excluding nonimmigrant resident visa holders and other immigrants without permanent legal status. According to the US Department of Homeland Security, North Carolina was home to an estimated 100,000 nonimmigrant resident visa holders in FY 2024, a total greater than those in all but nine other states. The overwhelming majority of those individuals held some type of temporary work or student visa. In addition, an estimated 342,000 to 425,000 immigrants without legal status reside in North Carolina (about 3 to 4% of the state's current estimated population).[2] These immigrant groups contribute to the state's economy and finances and use services provided by the state and local governments (*e.g.* water, sewer, transportation). Arbitrarily excluding visa holders and others from the total count not only would affect North Carolina's political representation, but also hinder local planning in university communities, high-tech centers, and rural places with sizable numbers of agricultural workers.

This change raises the odds of population miscounts and misallocations of congressional seats. Recent decennial census forms have not asked about the factors (*e.g.,* place of birth, citizenship status, year of arrival) needed to separate citizens and permanent residents who would be included from non-citizens who would be excluded. The Census Bureau likely will need to add such questions to the forms, yet published research has found that including a citizenship question on the census form lowers self-

[2] Office of Homeland Security Statistics, US Dept. of Homeland Security, Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2018 to January 2022; "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023" by Jeffrey S. Passel and Jens Manuel Krogstad, Pew Research Center, August 21, 2025; American Immigration Council.

response rates, especially in households whose members have mixed citizenship statuses. This could result in undercounts of both the total population and the total number of US citizens.

The proposal also raises two practical concerns. First, the potential use of administrative data to validate responses about citizenship and legal status raises questions about accuracy and transparency. Would someone flagged as being excluded receive notice and a chance to correct a mistake, or would they simply be omitted? Second, would the Census Bureau publish two sets of population figures: one with all people and one with a smaller apportionment population? If two numbers are published, which number would be used in federal funding formulas that require population numbers? And if only the smaller number is released, would communities receive artificially lower funding amounts?

E. Collective Changes Could Deprive North Carolina of a Congressional Seat for Unclear Reasons

North Carolina has been one of the fastest growing states. Between 2020 and 2025, the state netted an estimated 757,000 residents, due almost entirely to the migration of people from other parts of the country and the world into the state. Based on current trends, the State Demographer projects that the state will gain 1.3 million people over the 2020s, which would bring the 2030 population to 11.7 million and, by the mid-2030s, make North Carolina the nation's seventh most-populous state.

Current population estimates suggest that North Carolina is on a path to add a 15th congressional seat in 2030, all else equal. Apportionment, however, hinges on the population enumerated in the census, which is why counting every person in the right place is critical. Under this rule, if North Carolina were to fall short of the threshold, it would be impossible to know if the population truly was too small, was undercounted, or was counted improperly by the application of opaque administrative procedures.

Rule #2 (Part 70): Restrictions on Demographic Questions Undercut Effective and Fair Governance

Adoption of this rule will deprive the State of North Carolina and its communities of vital demographic information needed to understand community-level conditions, plan prudently, and administer state and federal programs effectively and equally. We recommend the Census Bureau withdraw the rule and instead conform the Census 2030 form with the race and ethnicity categories established in the revised version of Statistical Policy Directive #15 adopted by the Office of Management and Budget in 2024.

A. New Restrictions Would Deprive North Carolina of Critical Information about Its Residents

Under this rule, the Census 2030 questionnaire would not ask respondents to self-report their race and ethnicity in contrast to the Census 2020 form, which asked two questions, one for race and one for ethnicity. The justification for the ban is that subjects are irrelevant to apportionment, reduce response rates due to the sensitive nature of the questions, and conflict with new privacy disclosure standards.

The value of collecting such demographic information far outweighs any of the stated concerns. Comprehensive race and ethnicity data are indispensable to, among other critical purposes, drawing fair political districts, enforcing civil rights laws, delivering public services on an equal basis, and understanding health disparities. With inaccurate census data, billions in federal and state funding would be directed to the wrong communities, and public leaders would be unable to tailor resources to social or economic needs as efficiently, effectively, and fairly as they currently can. This outcome is especially likely since most states lack the financial and technical resources needed to conduct a population count comparable to the decennial census.

The proposed ban on questions about race and ethnicity applies to "the short form decennial census questionnaire or on any questionnaire used for the enumeration of the population" but appears to allow for the collection of such data in other census products or via linkages to administrative records. However, the data collected through the decennial census is the baseline to which all other census estimates are set and are critical components for the success of any matching schemes where administrative data is used to enhance census surveys and estimates.

Without the comprehensive demographic data collected through the census, it will not be possible to gauge the accuracy of Census 2030 and the extent to which it likely overcounted or undercounted different population groups. And as census data are embedded in many other programs, it likely will become impossible to generate accurate population estimates, including those used to direct billions in state and federal funds to local governments within North Carolina.

We are especially worried about the impact on our own annual population estimates and projections for which decennial census data serve as a foundational component. Our estimates currently guide the distribution of over $250 per person in state funding annually, and these estimates inform planning for schools, roads, public transportation, housing, healthcare, and other programs and services. We are concerned that if these rules are implemented as written, we would lack an accurate and complete population count against which to benchmark our own estimates and projections, thereby limiting our abilities to distribute funds fairly and to help agencies and local governments address community needs.

The racial and ethnic data collected in the census also provides the denominators used to compute fertility and mortality rates important to understanding historical demographic change and preparing population projections so that the state and local governments can plan for future education, transportation, water and sewer, and other needs. These denominators are used, too, for other statistical measures that help understand and address various types of health and social disparities. In addition, state and local governments, nonprofits, and businesses use these data for marketing purposes and to develop culturally tailored programs. It would be difficult to replicate the detailed race and ethnic data at the range of geographic scales captured through the decennial enumeration.

B. Related Demographic Provisions Are Unclear and Could Compromise Census Accuracy

The proposed rule contains other provisions of concern. The rule, for one, bans any questions about sexual orientation going forward. The Decennial Census has never inquired about sexual orientation, and the addition of such a question was not part of Census 2030 planning. It is unclear if this ban applies to the relationship question that asks about marital status, including whether a person is part of a same-sex marriage or relationship. Eliminating that information would make it difficult to understand relationship patterns.

The proposal additionally states that "no person shall be obligated to furnish a response to any demographic questions as part of the decennial census" apart from questions about biological sex, date of birth, and household relationships. Questions related to applying the residency criteria outlined in the first rule, however, would be considered mandatory ones (*e.g.,* a potential citizenship question). Currently, respondents are required to answer every question on the census form but creating a patchwork of required and optional questions likely will diminish the quality of the data collected.

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Thank you for considering our comments about the negative impacts the two proposed rules are likely to have on North Carolina. These impacts include depriving the state of a complete count, misallocating political representation and financial resources, limiting understanding of the needs of local communities, and hindering the effective administration of billions of public dollars that funnel through state and federal programs. Moreover, a lack of vital demographic data will prevent North Carolina from generating accurate population estimates and projections and from addressing the needs of different communities. We therefore recommend that the US Census Bureau withdraw both rules.

Sincerely,





John Quinterno
Governor's Census Liaison

Dr. Michael Cline
State Demographer of North Carolina

Enclosures: Previously submitted comments from the following North Carolina state agencies:

1. North Carolina Department of Administration [4 pages]
2. North Carolina Department of Military and Veterans Affairs [3 pages]

NC DOA
Department of Administration

Josh Stein
Governor

Gabriel J. Esparza
Secretary

November 2, 2026

George M. Cook, Deputy Under Secretary Performing the Non-Exclusive Functions and Duties of the Director of the U.S. Census Bureau
Census Bureau, U.S. Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

RE: Decennial Census of the Population of Americans: Proposed Residence Criteria and Proposed Regulations for Demographic Questions [USBC-2026-0628]

Dear Mr. Cook,

The North Carolina Department of Administration (DOA) strongly opposes the US Census Bureau's proposed changes to the residence criteria and demographic questions for the decennial census. If adopted, these rules would prevent North Carolina's three federally recognized tribes – Catawba Nation, Eastern Band of Cherokee, and Lumbee Tribe of North Carolina – and six state-recognized tribes – Coharie Tribe, Haliwa-Saponi Indian Tribe, Meherrin Indian Tribe, Occaneechi Band of the Saponi Nation, Sappony, and Waccamaw Siouan Tribe – from obtaining complete and accurate census counts. Incomplete and inaccurate census data could significantly impact American Indians' political representation and access to federal funding, while limiting the State's ability to appropriately plan and deliver essential programs and services to American Indians across North Carolina.

1. Proposed Residence Criteria Likely to Cause Confusion & Contribute to Undercount of North Carolina's American Indian Population

The proposed changes to residence criteria will make it harder for North Carolina's tribal members to participate in the census and be counted fully and accurately. NC DOA strongly opposes the proposed residence criteria changes and urges the Census Bureau to adopt the same usual residence criteria used in Census 2020.

American Indians and Alaska Natives have historically been undercounted by the decennial census. While no state-specific estimates exist, the Census Bureau estimated that 0.9% of all American Indians were missed in the 2020 count. Some 5.6% of American Indians living on reservations were excluded, as was 0.8% of the American Indian population living on non-tribal lands, such as urban areas.

In part, American Indians are apt to be undercounted since they tend to live in rural census tracts that are considered hard to count – meaning tracts with low rates of self-response to the census. In advance of Census 2020, the Leadership Conference Education Fund estimated that 23.3% of North Carolina's American Indians lived in

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984-236-0000 T

hard-to-count tracts – the ninth-largest share of any state. Similarly, a post-census review of data by researchers at the City University of New York found that multiple census tracts in Robeson County, a population center for the now federally recognized Lumbee Tribe of North Carolina, had exceptionally low rates of census participation in 2010 and 2020.

Today, consistent with practices used in every census since 1790, all persons, including American Indians, are enumerated at their "usual residence," which has been defined as "the place where they live and sleep most of the time" relative to April 1st of the census year. The proposed rule to change the definition of a person's "usual residence" to the one "at which they have lawfully spent the greatest number of days during the census enumeration period," and which "should be consistent with, and evidenced by, their tax records (*e.g.*, tax returns, W-2 forms)" does not appear to take into consideration that American Indians and Alaska Natives often perform seasonal work, away from their primary home, to hunt, fish, or work in the construction trades, but return to their primary homes on a daily or weekly basis. Expecting individuals to track their daily locations over a three-month census enumeration period (January 3 to April 1) is burdensome and impractical.

Additionally, NC DOA is concerned about the Census Bureau's plans to increase its use of administrative records for conducting the decennial census. Administrative records like tax filings are ill-suited to the purpose of confirming a person's state residence. There is no set linkage between a person's physical residence and tax address – for example, the Internal Revenue Service accepts mailing addresses that may differ from physical residences. And in some tribal areas, like parts of the Qualla Boundary, the land trust for the Eastern Band of Cherokee Indians, the majority of residents rely on post office boxes to access their mail rather than home delivery. Similarly, the proposal does not address how people who earn too little to file taxes, transitory workers, or people experiencing homelessness could prove residency. Further, the proposed rule does not address how the Census Bureau would match records and handle discrepancies. Would an affected person be notified and able to correct a mistake, or would they simply be removed from the official count? Doing so could further the likelihood of undercounting American Indians and Alaska Natives.

Additionally, NC DOA is concerned about the proposed rule's potential impact on American Indians who live in the 26 counties in western North Carolina declared eligible for all forms of federal public assistance after Hurricane Helene in 2024[1] – a region home to the trust land and population centers of the Eastern Band of Cherokee Indians. These communities were among the most difficult to enumerate before the storm due to the area's rural, mountainous landscape and a population that is older and more apt to have disabilities. Two years after the storm, numerous residents have been unable to return to their homes and are living in temporary or atypical housing situations. The proposed usual residence rules fail to consider such unusual living conditions. Excluding such people from the statewide and local counts due to problems

[1] *FEMA Designated Areas: Disaster 4827.*

matching administrative records would generate miscounts that distort political representation and the allocation of state and federal funds to recovering communities.

2. Proposed Changes to Demographic Questions Will Limit Understanding of the American Indian Population & Ability of Government to Deliver Services

The proposed prohibition of questions on race and ethnicity would deprive the State of North Carolina and tribal, federal, and local governments of vital demographic data and information needed to understand local needs and effectively administer public programs that serve American Indians. NC DOA strongly opposes the proposed changes to demographic questions and recommends the 2030 Census form instead incorporate the race and ethnicity categories established in the revised version of Statistical Policy Directive #15 adopted by the Office of Management and Budget in 2024.

As described by the Congressional Research Service[2], "There is no uniform definition of [American Indian and Alaska Native] populations or tribal enrollment, and federal agencies rely on different sources for these data." While imperfect, the self-reported race and ethnicity information collected by the Census Bureau is the broadest source of information about the American Indian population and serves as a foundation for promoting equal representation and treatment of American Indians and their communities.

The value of collecting such demographic information far outweighs any of the cited justifications for prohibiting the inclusion of race and ethnicity questions in the decennial census. Comprehensive race and ethnicity data are indispensable to drawing fair political districts, enforcing civil rights laws, delivering public services on an equal basis, understanding health disparities, and, for tribal communities, ensuring that governments' special obligations to them are honored.

Additionally, NC DOA is concerned about the combined impacts of this proposed rule and the U.S. Department of Commerce's new privacy disclosure standards.[3] Most of North Carolina's six state-recognized tribes have relatively small numbers of people who identify as being part of these tribes; in 2020, the numbers ranged from 3,127 people identifying as Haliwa-Saponi Tribe to 157 people identifying as Sappony. While significant improvements to the measurement of tribal communities are needed, banning the collection of race and ethnicity will deprive tribes and civic leaders of what is currently the broadest data source.

In Census 2020, over 130,000 North Carolinians self-identified solely as American Indians or Alaska Natives, which constituted the second-largest tribal population east of the Mississippi River; of those residents, 71,000 identified as members of one of the state's at-the-time eight federally and/or state-recognized tribes. Another 188,000

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[2] *Congressional Research Service Brief: American Indian, Alaska Native, and Tribal Population Data. Released March 12, 2024.*
[3] *US Department of Commerce Disclosure Avoidance for Statistical Products. Description by NC Office of State Budget & Management: Federal Policy Will Limit the Public Data Available to NC Communities | NC OSBM*

people self-identified as being both American Indian or Alaska Native and part of another racial group. Prohibiting census questions on race and gender would severely limit the State's ability to understand the scope and needs of American Indians across North Carolina and eliminate the most reliable and accessible data source available to track education, economic, and social outcomes.

As a state agency operating various programs to serve American Indians across North Carolina – including workforce development, low-income energy assistance, support for students, housing/rental assistance, and the prevention of domestic violence, sexual assault, and human trafficking – in addition to being home to the North Carolina Commission of Indian Affairs, NC DOA depends on census data and federal funding to effectively plan for and deliver essential programs and services.

Altogether, the proposed residence criteria and prohibition on including questions on race and ethnicity in the decennial census will harm American Indian communities in North Carolina and across the county. NC DOA urges the Census Bureau to withdraw the proposed changes. Thank you for your consideration.

NORTH CAROLINA DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

JOSH STEIN
GOVERNOR

JOCELYN MITNAUL MALLETTE
SECRETARY

Mr. Daniel Sweeney
Deputy General Counsel for Economic, Statistical, and Regulatory Affairs
Office of the General Counsel
United States Department of Commerce
Washington, DC 20230

RE: Comment on Proposed Residence Criteria and Proposed Regulations, 91 Fed. Reg. 57524 (Sept. 10, 2026)

Dear Mr. Sweeney:

The North Carolina Department of Military and Veterans Affairs ("NC DMVA" or "the Agency") respectfully submits these comments **in strong opposition** to the Census Bureau's proposed rule, *Proposed Residence Criteria and Proposed Regulations*, 91 Fed. Reg. 57524 (Sept. 10, 2026). The proposal would significantly disrupt the longstanding and previously effective methodology for counting military personnel and their families in the decennial census, resulting in foreseeable undercounts and serious harm to North Carolina's military communities. The Agency asks that you withdraw the proposed rule in favor of the residency criteria used in Census 2020.

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1. Adverse Impact on Accurate Enumeration of Military Communities

North Carolina is home to nearly **95,000 active-duty service members** and nearly **106,000 active-duty military family members (dependents)**. Census accuracy is critical because population counts drive:

- Federal and state formula-based funding
- Congressional and legislative redistricting
- School district and infrastructure planning
- Emergency management and public-service delivery
- Veterans and family support programs

The proposed elimination of clear, military-specific residence rules in favor of a **90-day January–April residency test** fails to reflect the operational realities of military life, including Permanent Change of

Station (PCS) moves, temporary duty assignments, deployments, and training cycles. These predictable, routine movements create a significant risk of misclassification.

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2. Risk of Systematic Undercounts in North Carolina

North Carolina experienced the consequences of flawed military residence rules in the 2010 Census, when at least **10,000 service members** were excluded due to deployment. The Census Bureau corrected those deficiencies in 2018 and successfully applied improved rules in 2020.

The current proposal would **reverse these gains** by relying on residence indicators—such as tax domicile—that do not correlate with actual physical residence or public-service usage. This creates a real risk of shifting military population counts to states unrelated to a service member's duty station.

Military families may also experience confusion over the use of tax records, as their State of Legal Residence often differs from their actual place of residence. This confusion may reduce participation and compromise data quality.

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3. Elimination of Clear Military-Specific Rules Creates Harmful Uncertainty

The proposal removes or fails to restate several longstanding rules that ensure accurate military enumeration, including:

- The **automatic barracks/dormitory rule**
- Explicit provisions for **shipboard personnel**
- Rules for **treatment-facility patients**
- Clear direction for **deployed personnel**

This removal introduces administrative burden, invites inconsistent interpretation across states, and increases the likelihood that service members will be improperly counted outside the communities where they live, work, and rely on public services.

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4. Operational Challenges and Data Integrity Concerns

The proposed rule relies heavily on reconciling census responses with federal administrative records, creating increased risk of:

- **Mismatches** between records and actual residence
- Improper **exclusions** or misallocations
- Respondent **confusion** and reduced response rates
- Administrative **delays** and additional **workload** for the Census Bureau

These challenges undermine data integrity and reduce confidence in the decennial count.

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5. Requested Actions

NC DMVA strongly urges the Census Bureau to:

1. **Retain the current residence criteria** used in the 2020 Census for military personnel and dependents.
2. **Remove reliance on the January–April residency test and tax-record verification**, which are incompatible with military mobility and duty stations.
3. **Restore explicit military-specific rules**, including the barracks, deployment, shipboard, and treatment-facility provisions.
4. **Ensure duty-station–based residence remains the foundation for military enumeration**, preserving data accuracy and equity among military communities.

Furthermore, should the Census Bureau adopt the proposed changes despite these concerns, NC DMVA requests that the changes be issued *only as policy and not codified in regulation*, allowing the Bureau to rescind or revise them promptly should legal challenges arise or harmful impacts become evident.

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6. Conclusion

North Carolina's military installations play a vital role in national defense, economic stability, and community wellbeing. Accurate census enumeration is essential to supporting those communities. The proposed rule threatens to undercount tens of thousands of individuals, distort federal and state resource allocations, and create long-lasting harm for military populations nationwide.

For these reasons, the North Carolina Department of Military and Veterans Affairs respectfully requests that the Census Bureau **withdraw the proposed changes** and maintain the current, effective residence criteria for military personnel and dependents in the 2030 Census.

Sincerely,

Jocelyn Mitnaul Mallette

Jocelyn Mitnaul Mallette
Secretary
North Carolina Department of Military and Veterans Affairs