CEC | CENTER for ELECTION CONFIDENCE

November 2, 2026

Mr. Daniel Sweeney
Deputy General Counsel for Economic, Statistical, and Regulatory Affairs
Office of the General Counsel
U.S. Department of Commerce
4600 Silver Hill Road, Designation: ADDEMO/FRN
Washington, D.C. 20746

Re: FDMS Docket No. USBC–2026–0628 Comment on Proposed Rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions"

Dear Mr. Sweeney:

The Center for Election Confidence, Inc., ("CEC") submits this comment in response to the Census Bureau's proposal to codify residence criteria and demographic-question standards for the decennial census (the "Proposed Rule").[1] CEC supports the Proposed Rule's two central theses. First, all people should be counted accurately. Second, the count used to apportion democratic voting power should not include persons present in the United States in violation of federal law. The recommendations below are offered to strengthen the Proposed Rule's legal durability and to ensure that the 2030 Census produces data the public can trust.

Introduction

CEC is a non-profit organization that promotes ethics, integrity, and legal professionalism in the electoral process, including safeguarding the right of eligible voters to vote. Its work proceeds from the simple premise that elections command public confidence only when the rules that govern them are lawful, transparent, and settled in advance of elections, and only when officials administer those rules as written and with integrity.

The decennial census is the foundation on which that public confidence rests. The enumeration determines how seats in the House of Representatives are apportioned among the States[2] and, because each State's presidential electors equal the sum of its Senators and Representatives, how votes in the Electoral College are allocated.[3] It also supplies figures that States use to draw congressional and legislative districts.[4] An error in the census thus becomes an error in representation that endures for a decade. The Constitution's demand for an "actual Enumeration" responds to that danger.[5] As Hamilton explained, an actual census "effectually shuts the door to

[1] Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions ("Proposed Rule"), 91 Fed. Reg. 57524 (proposed Sept. 10, 2026) (to be codified at 15 C.F.R. pts. 60, 70).
[2] U.S. Const. art. I, § 2, cl. 3; *id.* amend. XIV, § 2.
[3] U.S. Const. art. II, § 1, cl. 2.
[4] 13 U.S.C. § 141(c).
[5] U.S. Const. art. I, § 2, cl. 3.

partiality or oppression."[6] Accordingly, Congress has declared it "essential that the decennial enumeration of the population be as accurate as possible, consistent with the Constitution and laws of the United States."[7]

CEC supports the Proposed Rule and offers four sets of recommendations. Part II explains that the exclusion of illegal aliens from the apportionment base rests on sound constitutional and statutory footing. Part III outlines the two prevailing approaches to determining where a person resides, explains how reliance on State voter registration records can help to harmonize them, and recommends corrections to several other provisions of proposed Part 60 that would otherwise invite litigation. Part IV urges the Bureau to extend proposed § 70.3(b)'s prohibition on introducing uncertainty into population counts to every geographic level, including the census block; limit count imputation to a last resort; and take steps necessary to maintain the strength of checks on the accuracy of the census. Part V urges the Bureau to include a citizenship question on the 2030 short-form questionnaire.

The Proposed Rule Correctly Excludes Illegal Aliens from the Apportionment Base

Proposed § 60.4 would exclude from the apportionment count, among others, aliens present in the United States in violation of federal law.[8] CEC supports that exclusion as well as the Bureau's decision to rest it on both the best reading of the Constitution and the Secretary's discretion under 13 U.S.C. § 141 and *Franklin v. Massachusetts*.[9] The Bureau has already set forth the history of "usual residence," *Franklin*'s recognition that the term carries "some element of allegiance or enduring tie to a place," and the founding-era understanding that a foreigner became an "inhabitant" only with the sovereign's permission.[10] CEC offers two points that reinforce that reading.

First, the Constitution has never apportioned Representatives according to every person physically present within a State. Both the original apportionment clause and the Fourteenth Amendment exclude "Indians not taxed"—members of Native American tribes who, although frequently living within a State's borders, formed "no part of the people entitled to representation."[11] The apportionment base has thus always depended, at least in part, on a person's legal relationship to the political community and not on his or her mere physical presence within its borders. *Second*, the Fourteenth Amendment, in the same section that defines the apportionment base, refers to a State's "inhabitants."[12]

An alien present in violation of federal law has no lawful permission to inhabit at all, and is subject to removal (*i.e.*, deportation) at any time,[13] so such an alien cannot be deemed an "inhabitant" of any State, no matter how

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[6] The Federalist No. 36, at 220 (Alexander Hamilton); *accord Utah v. Evans*, 536 U.S. 452, 501 (2002) (Thomas, J., concurring in part and dissenting in part).

[7] Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, Pub. L. No. 105-119, tit. II, § 209(a)(6), 111 Stat. 2440, 2481 (1997).

[8] Proposed Rule, 91 Fed. Reg. at 57529 (proposed 15 C.F.R. § 60.4(b)).

[9] *See id.* at 57526; 505 U.S. 788, 806 (1992).

[10] Proposed Rule, 91 Fed. Reg. at 57525 (quoting *Franklin*, 505 U.S. at 804); *id.* at 57526 (citing 1 Emmerich de Vattel, The Law of Nations § 213, at 92 (1760)).

[11] U.S. Const. art. I, § 2, cl. 3; *id.* amend. XIV, § 2; *Elk v. Wilkins*, 112 U.S. 94, 103 (1884).

[12] U.S. Const. amend. XIV, § 2. Although the draft apportionment clause submitted to the Committee of Style measured representation "by the number of inhabitants," *Franklin*, 505 U.S. at 805 n.3 (quoting 2 Max Farrand, The Records of the Federal Convention of 1787, at 566 (rev. ed. 1966)), and the version ultimately produced altered that language to apportion by each State's "respective Numbers," U.S. Const. art. I, § 2, cl. 3, the Committee of Style "'had no authority from the Convention to alter the meaning' of the draft Constitution submitted for its review and revision," *Evans*, 536 U.S. at 474 (quoting *Powell v. McCormack*, 395 U.S. 486, 538–39 (1969)), so that change is best read as stylistic.

[13] U.S. Dep't of Homeland Sec., *Yearbook of Immigration Statistics (2022): Table 39 – Noncitizen Removals, Returns, and Expulsions: Fiscal Years 1892 to 2022*, https://ohss.dhs.gov/topics/immigration/yearbook/2022/table39 (last visited Oct. 14, 2026) (showing total number of deportations each year between 1892 and 2022).

long he or she has been there. Moreover, there is no historical or textual basis in the Constitution for diminishing the democratic representation of American citizens by counting people present unlawfully.

A. Neither the Census Statute nor Precedent Forecloses the Bureau's Judgment.

Opponents of the Proposed Rule will advance three principal arguments, none of which is persuasive.

First, they will argue that 2 U.S.C. § 2a(a), which refers to "the whole number of persons in each State," and 13 U.S.C. § 141(b), which refers to the "tabulation of total population by States," compel the Bureau to count everyone physically present in a State, regardless of status. But § 2a(a) incorporates the constitutional phrase "in each State," and *Franklin* upheld an apportionment, produced under these statutes, that counted overseas personnel in States where they were not present.[14] If "total population by States" meant physical presence, *Franklin* could not have permitted counting overseas personnel in States where they were not present at all.

Second, they will invoke *Evenwel v. Abbott*[15] and *Trump v. New York*.[16] *Evenwel* held that a State may draw its apportioned legislative districts based on total population if it so chooses.[17] But *Evenwel* did not approve apportionment of congressional seats among the States based on total population, it said nothing about how the federal apportionment base treats persons without lawful status, and it expressly reserved whether States may equalize districts according to the total number of eligible voters.[18] Additionally, the Court's recognition of a particular redistricting methodology as permissible says nothing about whether a State that employs a different methodology has violated the law. Indeed, in the state-legislative-apportionment context, the Court has recognized that apportionment bases need not include "aliens, transients, short-term or temporary residents, or persons denied the vote for conviction of crime," because "[t]he decision to include or exclude any such group involves choices about the nature of representation" with which the Court had been "shown no constitutionally founded reason to interfere."[19] *Trump*, for its part, was dismissed for lack of jurisdiction, and the Court "express[ed] no view on the merits of the constitutional and related statutory claims presented."[20]

Third, opponents will invoke past practice, including the 2020 criteria and the now-revoked Executive Order 13986, which asserted that apportionment must include all residents regardless of immigration status.[21] History undercuts this argument. The Bureau has repeatedly changed its residence rules, and the Supreme Court has treated those changes as a matter of judgment.[22] Moreover, the category of persons present in violation of federal immigration law was created by later statutes. As the dissenting Justices in *Trump* acknowledged, "the Federal Government did not begin to restrict immigration into the United States until after the Civil War."[23] The Constitution's Framers could not have made a considered judgment, in 1787, to include such persons in the apportionment base, and the Fourteenth Amendment included the same "in each State" language that the Supreme Court has interpreted to mean usual residence.

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[14] 505 U.S. at 790–91, 804–06.
[15] 578 U.S. 54 (2016).
[16] 592 U.S. 125 (2020).
[17] 578 U.S. at 64.
[18] *Id.* at 75.
[19] *Burns v. Richardson*, 384 U.S. 73, 92 (1966).
[20] 592 U.S. at 134.
[21] Exec. Order No. 13986, § 2, 86 Fed. Reg. 7015, 7016 (Jan. 25, 2021), *revoked by* Exec. Order No. 14148, § 2(b), 90 Fed. Reg. 8237, 8237 (Jan. 28, 2025).
[22] *See Franklin*, 505 U.S. at 792–95, 805–06 (noting that the census counted college students at their parents' homes until 1950, and discussing the shifting treatment of overseas personnel from a one-time allocation in 1900, to none until 1970, to none again in 1980, and back again to counting them in 1990).
[23] 592 U.S. at 151 (Breyer, J., dissenting).

B. The Final Rule Should Fully Explain the Change from the 2020 Criteria.

The Bureau's 2020 criteria counted foreign citizens living in the United States at their residence, regardless of legal status.[24] The Proposed Rule acknowledges that it departs from those criteria.[25] To insulate the final rule from challenge, the preamble should "display awareness that it is changing position," set out the "good reasons for the new policy," and address any "serious reliance interests."[26] The most likely reliance interests, such as federal funding formulas and redistricting, can be addressed directly because the rule governs the apportionment count, and the Bureau has stated it will continue to publish separate population statistics for other purposes.[27] The final rule should expressly make that commitment and identify which figures will be published for which purposes.

The Bureau Should Weigh Two Approaches to Residence, Which State Voter Registration Records Can Harmonize

The Proposed Rule explains "usual residence" by reference to "allegiance, durable permission from the sovereign to settle within the United States, and establishment of domicile within the United States."[28] Proposed § 60.2, however, defines "usual residence" not by an objective measure of allegiance but rather as a simple physical residence at which the person in question has "lawfully spent the greatest number of days" between January 3 and April 1, according to tax records.[29]

Although for most people, the two measures (allegiance and physical presence between January and April) likely coincide, they often conflict for at least four transient populations: (1) service members present under military orders, (2) students present to attend school, (3) prisoners incarcerated within the State; and (4) individuals who regularly spend a portion of the year in another State on a seasonal basis.[30] There are two prevailing approaches to resolving that conflict. The first looks to records that reflect a person's legal ties to a place, such as voter registration, tax, and driver's license records, and the records of the agencies and institutions responsible for a person's military assignment, school enrollment, or incarceration. The second, which the Proposed Rule advances, counts the number of days a person spends at each residence during a defined period.

The choice between these approaches reflects a tension inherent in the census itself. The Bureau must place each person in a single location, so that every person who should be counted is counted "once, only once, and in the right place."[31] The Constitution, however, apportions Representatives "among the several States . . . according to their respective Numbers,"[32] makes every citizen of the United States a citizen "of the State wherein they

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[24] *See id.* at 148 (Breyer, J., dissenting) (quoting Final 2020 Census Residence Criteria and Residence Situations, 83 Fed. Reg. 5525, 5530 (Feb. 8, 2018)); Proposed Rule, 91 Fed. Reg. at 57528 n.3.
[25] Proposed Rule, 91 Fed. Reg. at 57526.
[26] *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009).
[27] Proposed Rule, 91 Fed. Reg. at 57528 n.5.
[28] *Id.* at 57526.
[29] *Id.* at 57529 (proposed 15 C.F.R. § 60.2(a), (c)).
[30] The two measures can also diverge for persons who divide the year between homes in different States. For example, a retiree who spends the winter months in a warmer State may remain domiciled in the State to which he or she returns each spring. Because the enumeration period runs from January 3 to April 1, Proposed Rule, 91 Fed. Reg. at 57529 (proposed 15 C.F.R. § 60.2(c)), a count-of-days approach would place such a person in the State where he or she spends the winter, even if the person lives, votes, and pays taxes in another State for most of the year. Voter registration records would resolve that question by counting such a person in the State in which he or she is registered to vote, which reflects both the person's own choice and that State's determination of residence, or, in the absence of a voter registration, the person's tax address stated in federal and State tax returns.
[31] Proposed Rule, 91 Fed. Reg. at 57524.
[32] U.S. Const. art. I, § 2, cl. 3.

reside,"[33] and generally leaves to each State the qualifications, including residence or domicile, of the electors who choose its Representatives.[34] The Fourteenth Amendment also links each State's representation to its electorate, reducing a State's basis of representation in proportion to the adult citizens whose right to vote it denies or abridges.[35] Under one view, these provisions leave to each State, in the first instance, the determination of who resides within it and, therefore, who counts towards its apportionment. Under a competing view, the meaning of "usual residence" for apportionment is a question of federal law,[36] and when federal law turns on domicile, the Supreme Court gives the term a uniform federal meaning rather than borrowing the non-uniform laws of each State.[37]

As the Bureau recognizes, the Constitution vests Congress with "virtually unlimited discretion" over the conduct of the enumeration, and Congress has delegated that authority to the Secretary through the Census Act.[38] Within constitutional limits, the choice between these approaches is, therefore, a policy judgment for the Secretary, much like the judgment the Supreme Court upheld in *Franklin* as "consonant with, though not dictated by, the text and history of the Constitution."[39] CEC outlines below the considerations that support each approach and explains how State voter registration records can harmonize them. Several drafting issues also need correction before the rule is finalized.

A. The Records-Based and Count-of-Days Approaches Rest on Competing Considerations.

A records-based approach would locate each person according to the records that most directly reflect his or her own ties to a place. One formulation would first look to a person's registration on a State's active voter registration list (and, for service members, the legal voting residence maintained by the Department of War), then to tax records, including dependency status, and then to driver's license records. It would locate prisoners through the records of penal authorities and would count anyone whom no record locates under the count-of-days approach.

Proponents of such a records-based approach observe that the "usual residence" inquiry has never turned on physical presence alone. The first census counted "every person occasionally absent at the time of the enumeration" as "belonging to that place in which he usually resides."[40] Madison read the Constitution's term "inhabitant" to include "persons absent occasionally for a considerable time on public or private business."[41] The Bureau itself counted college students at their parents' homes until 1950, and, as of *Franklin*, counted boarding-school students at their parents' homes and persons institutionalized in out-of-State hospitals or jails for short terms in their home States.[42] And in 1990, the Bureau allocated overseas military personnel to their home States, a practice the Supreme Court permitted because those personnel "had retained their ties to the States."[43] In their view, the same logic applies with equal force when the temporary or involuntary residence is in another State.

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[33] *Id.* amend. XIV, § 1; *see Saenz v. Roe*, 526 U.S. 489, 503 (1999) (explaining that a citizen of the United States may "become a citizen of any State of the Union by a bona fide residence therein" (quoting *Slaughter-House Cases*, 83 U.S. (16 Wall.) 36, 80 (1872))).
[34] U.S. Const. art. I, § 2, cl. 1.
[35] *Id.* amend. XIV, § 2.
[36] *See Franklin*, 505 U.S. at 804 (stating that usual residence is the "gloss given the constitutional phrase 'in each State' by the first enumeration Act").
[37] *Mississippi Band of Choctaw Indians v. Holyfield*, 490 U.S. 30, 43 (1989); *see id.* at 45 (explaining that Congress "could hardly have intended the lack of nationwide uniformity that would result from state-law definitions of domicile").
[38] U.S. Const. art. I, § 2, cl. 3; 13 U.S.C. § 141(a); *Wisconsin v. City of New York*, 517 U.S. 1, 19 (1996); *see* Proposed Rule, 91 Fed. Reg. at 57525.
[39] 505 U.S. at 806.
[40] *Franklin*, 505 U.S. at 804 (quoting Act of Mar. 1, 1790, ch. 2, § 5, 1 Stat. 101, 103).
[41] *Id.* at 805 (quoting 2 Farrand, *supra* note 12, at 217).
[42] *Id.* at 805–06; *see also* Proposed Rule, 91 Fed. Reg. at 57528 n.2 (quoting *Borough of Bethel Park v. Stans*, 449 F.2d 575, 579 (3d Cir. 1971)).
[43] *Franklin*, 505 U.S. at 806.

Existing statutes and judicial decisions recognize continuing ties to prior residences for each of these populations, although through different legal rules. A service member neither loses nor acquires a residence or domicile for tax purposes by presence "solely in compliance with military orders," and the same rule governs voting residence "without regard to whether or not the person intends to return."[44] Because the Proposed Rule ties usual residence to tax records, and federal law preserves a service member's tax domicile regardless of where he or she is stationed, a records-based approach would count such a service member in his or her State of legal residence. For the limited purpose of applying certain household tax rules, federal regulations likewise treat a "nonpermanent failure to occupy the common abode by reason of . . . education . . . [or] military service" as a "temporary absence due to special circumstances."[45] Proposed § 60.3 already counts dependents at their providers' residence unless they have a "consistent usual residence separate from their provider(s)."[46] A records-based approach would presume that temporary housing occupied by a dependent student for purposes of attending school does not constitute such a separate and permanent residence for the census count.[47] And courts presume that a prisoner retains the domicile he or she had before incarceration, because presence compelled by law is not a choice made by the prisoner.[48] Maryland enacted a statute counting prisoners at their home addresses for redistricting purposes, and the Supreme Court summarily affirmed a decision upholding that law.[49] Even the dissenting Justices in *Trump* recognized that whether prisoners should "be counted in the State of their incarceration, or the State where they resided prior to, and where they intend to return following, their confinement" is a judgment about usual residence to be made by the Executive.[50]

Proponents add that this approach also conforms to the Constitution's design. In the context of state legislative apportionment, the Court has recognized that apportionment bases need not include "transients, short-term or temporary residents, or persons denied the vote for conviction of crime," and concentrations of military personnel can make total population figures "a substantially distorted reflection of the distribution of state citizenry."[51] Counting these persons according to where they have enduring ties serves what the Court, in *Franklin*, described as "the underlying constitutional goal of equal representation."[52]

A records-based approach would also give effect to the States' own determinations. Voter registration and driver's license records, for example, reflect a State's judgment, under its own law, that a person resides within it, so starting with those records would honor each State's determination of who belongs to its political community. But this approach comes with limits. No single record reaches everyone. Many people do not register to vote, file a tax return, or hold a driver's license, and records can be incomplete, stale, or inconsistent with one another.

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[44] 50 U.S.C. §§ 4001(a)(1), 4025(a).
[45] 26 C.F.R. § 1.2-2(c)(1).
[46] Proposed Rule, 91 Fed. Reg. at 57529 (proposed 15 C.F.R. § 60.3).
[47] Because this question is often fact-specific, such a presumption would be rebuttable. It would apply only to students under the age of 24, the age at which federal tax law generally stops treating a full-time student as a provider's "qualifying child." 26 U.S.C. § 152(c)(1)(C), (c)(3)(A)(ii), (f)(2). Nor would it apply when the provider's residence is not the student's own home, such as, for example, when a parent has moved, after the student left for school, to a residence at which the student has never lived. In those cases, and whenever the student's own tax or voter registration records establish a different residence, the student would be counted at that residence or, if none can be determined, where he or she lives while attending school.
[48] *See Sullivan v. Freeman*, 944 F.2d 334, 337 (7th Cir. 1991) ("[S]ince domicile is a voluntary status, a forcible change in a person's state of residence does not alter his domicile; hence the domicile of the prisoner before he was imprisoned is presumed to remain his domicile while he is in prison."); *Housand v. Heiman*, 594 F.2d 923, 925 n.5 (2d Cir. 1979) (same); *Jones v. Hadican*, 552 F.2d 249, 251 (8th Cir. 1977) (same), *cert. denied*, 431 U.S. 941 (1977); *Stifel v. Hopkins*, 477 F.2d 1116, 1126 (6th Cir. 1973) (same).
[49] *Fletcher v. Lamone*, 831 F. Supp. 2d 887 (D. Md. 2011) (three-judge court), *aff'd mem.*, 567 U.S. 930 (2012).
[50] 592 U.S. at 152 (Breyer, J., dissenting).
[51] *Burns*, 384 U.S. at 92, 94.
[52] 505 U.S. at 806.

Such an approach, therefore, requires an order of priority among records, a way to resolve conflicts, and a fallback for persons whom no record locates.

The count-of-days approach involves different considerations and carries its own imperfections. Under most State laws, domicile turns on each individual's living circumstances and subjective intentions, and States define residence differently for voting, taxation, in-State tuition, and other purposes. The Bureau may very well have proposed a count-of-days approach to avoid individualized, State-specific inquiries. Indeed, the Bureau has already recognized that a defined residence period is preferable to an open-ended approach.[53] A count-of-days approach applies one national, objective test to every person in every State, reaches people who appear in no record, and builds on the Bureau's practice of counting people where they "live and sleep most of the time."[54] It also aligns with the view that the meaning of "usual residence" for apportionment is a question of federal law that calls for a uniform nationwide rule. But a count-of-days approach does not eliminate the tension inherent to a census that must reach everyone and a residence rule that must apply uniformly to all persons. The Proposed Rule still turns on where each person "spent at least one hour physically and lawfully present" on each day of the enumeration period,[55] and it resolves the most challenging cases by disregarding the enduring ties on which the Proposed Rule itself relies. Nor does it afford any deference to the States' own determinations of who resides within them.

B. State Voter Registration Records May Harmonize the Two Approaches.

Voter registration records may offer one way to harmonize the two approaches. A rule that first looks to the States' active voter registration lists would be uniform, as the Bureau would apply the same rule to every person across the nation, like it would under the count-of-days approach. Yet each registration reflects the residence qualifications of the State that accepted it, because a State registers only those individuals who meet its qualifications for voting, including residence.[56] Such a rule would, therefore, allow the Bureau to take account of each State's voter qualifications with respect to residency without itself applying fifty unique bodies of State law. The Supreme Court has recognized the connection between registration and State citizenship in a related context. In *Burns*, the Court permitted Hawaii, with its large military and transient populations, to apportion its legislature on an interim basis by registered voters, because that measure substantially approximated an apportionment based on a State citizen population.[57]

Such a rule would also not require the Bureau to adjudicate any person's residence. A census allocation does not change where a person may vote, his or her tax status or obligations, his or her qualification for in-State tuition, which courts have personal jurisdiction over him or her, or of which State he or she is a citizen. The Bureau's task is to allocate the population among the States as accurately as practicable, and it has long performed that task through categorical rules, reasonable presumptions, and the use of administrative records. In *Franklin*, for example, the Bureau allocated overseas military personnel according to each service member's "home of record," declared upon entering service.[58] Four Justices acknowledged that this designation could be "quite stale," but

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[53] Proposed Rule, 91 Fed. Reg. at 57526 ("[C]learly defining a relevant period . . . is preferable to leaving the issue open-ended and uncertain.").
[54] 83 Fed. Reg. at 5533.
[55] Proposed Rule, 91 Fed. Reg. at 57529 (proposed 15 C.F.R. § 60.2(b)).
[56] *See supra* note 34. Many States define "residence" in the voting context to mean a person's place of abode and "domicile" to mean an intent to remain there. *See, e.g.*, Va. Const. art. II, § 1; Cal. Elec. Code § 349(b); Utah Code Ann. § 20A-2-105(4)(a); Eugene D. Mazo, *Residency and Democracy: Durational Residency Requirement from the Framers to the Present*, 43 Fla. State Univ. L. Rev. 611, 655–61 (2016) (describing various State voting requirements as requiring both "physical presence" and "intent to remain permanently" or "indefinitely").
[57] 384 U.S. at 92–96.
[58] 505 U.S. at 793–95.

explained that "[a]ccuracy in [the] context [of counting overseas personnel in the census] is clearly a comparative concept," and the Court upheld the allocation.[59] A rule that begins with voter registration could work the same way. It would look first to a person's registration, then to other records in a standardized *a priori* order, and fall back on the Proposed Rule's count-of-days approach if the records prove insufficient. Indeed, the Proposed Rule already contemplates this kind of evidentiary judgment, as it treats tax records as evidence of usual residence and commits the Bureau to weigh each administrative record according to its "purpose, timing, and reliability."[60]

The records needed to apply such a rule are also available to the Bureau. The Proposed Rule already locates military personnel using administrative data from the Department of War.[61] And the Bureau can obtain residence information for students and prisoners from educational institutions and penal authorities under its existing authority to acquire records from other agencies and governments.[62] For adults, voter registration records are especially probative. A voter registers where he or she resides. The national mail voter registration form requires an applicant to attest, under penalty of perjury, that he or she meets each eligibility requirement,[63] and many state voter registration forms mirror this language. A citizen's voter registration thus reflects a person's own sworn identification of the place he or she calls home and of the political community to which he or she claims membership, as well as the State's acceptance of that citizen into its political community.

Registration also speaks to the populations for which the two approaches most frequently diverge. A service member may retain his or her voting residence regardless of where he or she is stationed,[64] a student may generally register either at school or at home, and a seasonal resident would be counted in the State in which he or she is registered to vote. Where a person appears on more than one State's list,[65] the Bureau would need a rule for resolving the conflict, such as relying on the more recent active registration. For persons who appear on no list, the Bureau could next turn to tax and dependency records or driver's license records. The records of educational institutions and penal authorities could fill any gap, and the count-of-days approach could serve as a fallback, so that no one is missed. The Bureau should also apply the same residence rule in the figures it reports to the States under 13 U.S.C. § 141(c).

Whatever approach the Department selects, an actual enumeration will require a sustained and uniform effort to implement it. The Bureau will need to obtain the relevant records from State election officials, the Department of War, educational institutions, and penal authorities; to match those records to census responses; and to publish the rules it will use to resolve conflicts among them, all well before 2030. CEC supports an actual enumeration under whichever approach the Department adopts, encourages the Bureau to consider the strengths and weaknesses of the various approaches, and urges the Bureau to begin that work now.

C. The Word "Lawfully" in § 60.2 Should Be Deleted or Defined.

Proposed § 60.2 counts the days a person has "lawfully spent" at a residence and requires that the person be "physically and lawfully present" there.[66] Because § 60.4 separately governs immigration status, "lawfully"

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[59] *Id.* at 806; *id.* at 820 n.22 (Stevens, J., concurring in part and concurring in the judgment).
[60] Proposed Rule, 91 Fed. Reg. at 57528 n.7; *see id.* at 57529 (proposed 15 C.F.R. § 60.2(a)).
[61] Proposed Rule, 91 Fed. Reg. at 57530 (proposed 15 C.F.R. §§ 60.5(d)–(e), 60.6(a)).
[62] *See* 13 U.S.C. § 6(a)–(b).
[63] 52 U.S.C. § 20508(b)(2).
[64] *See supra* note 44.
[65] Section 8 of the National Voter Registration Act of 1993, 52 U.S.C. § 20507, prohibits States from removing voters for failure to vote until two consecutive federal election cycles have passed from the date of any notice sent pursuant to 52 U.S.C. § 20507(c) and (d), resulting in many cases in more than a four-year gap between when a voter actually moves and when that voter is removed from a State's voter registration list.
[66] Proposed Rule, 91 Fed. Reg. at 57529 (proposed 15 C.F.R. § 60.2(a)–(b)).

serves only to invite the argument that it refers to occupancy law. Interpreted in that manner, it could exclude citizens living in unpermitted dwelling units, holding over after a lease expires, residing in areas in violation of zoning laws, or sleeping in public places where camping is prohibited. That view would exclude some citizens from the final count and could unnecessarily impede implementation. The final rule should delete "lawfully" from § 60.2. Alternatively, CEC urges the Bureau to define it as follows:

> *§ 60.2(d) As used in this section, a person is "lawfully" present at a residence if the person's presence in the United States is lawful under the immigration laws. The term does not refer to compliance with any law governing the ownership, occupancy, or use of the residence, or to the law of any State governing domicile or residence.*

D. The Rule Should Resolve the Treatment of Immigration Detainees.

Proposed § 60.4(b) excludes certain foreign citizens from the apportionment count, while proposed § 60.9 counts all "[p]ersons confined at correctional or detention facilities, including juvenile facilities[,]" at the facility.[67] In the context of immigration detention, the two provisions conflict, and the 2020 criteria expressly counted persons in immigration detention at the facility.[68] The final rule should resolve the conflict in favor of § 60.4 by designating the existing text of § 60.9 as paragraph (a) and adding the following:

> *§ 60.9(b) Persons held in immigration detention on Census Day. Persons described in § 60.4(b) are not counted for apportionment. All other persons are counted in accordance with paragraph (a) of this section.*

Alternatively, the Bureau could eliminate any potential misconstruction of the rule by inserting a new § 60.4(c), as follows:

> *§ 60.4(c) This section applies notwithstanding any other provision of this part.*

E. The Rule Should Allocate Overseas Federally Affiliated Persons to Their Home States.

Proposed § 60.5(d)–(e) count overseas military and civilian federal personnel and their dependents "as part of the U.S. federally affiliated overseas population," but do not prescribe a method of allocating that population to States for apportionment purposes.[69] The rule should track the process approved by the Supreme Court in *Franklin* and adopt, as § 60.5(f), the following:

> *§ 60.5(f) For purposes of apportionment, persons described in paragraphs (d) and (e) of this section are allocated to their home States, as reflected in administrative data provided by the Department of War and other federal agencies, including records of each person's legal residence, home of record, and last duty station.*

F. The Rule Should Adopt a "Tie-Breaker" for Use in Determining a Person's "Usual Residence."

Proposed § 60.2(b) provides that a person "may spend a certain day at more than one residence,"[70] but offers no method by which the Bureau may resolve a tie in the greatest number of days. And while § 60.2(a) states that "usual residence" "should be consistent with, and evidenced by," tax records, many people file no tax return. The

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[67] *Id.* at 57529–30 (proposed 15 C.F.R. §§ 60.4(b), 60.9).
[68] *Trump*, 592 U.S. at 148 (Breyer, J., dissenting) (quoting 83 Fed. Reg. at 5535).
[69] Proposed Rule, 91 Fed. Reg. at 57530 (proposed 15 C.F.R. § 60.5(d)–(e)).
[70] *Id.* at 57529 (proposed 15 C.F.R. § 60.2(b)).

preamble already recognizes that reliance on tax records "will necessarily be situation dependent."[71] The final rule should state that expressly. CEC recommends the following additional language in the final rule:

> *§ 60.2(e) If a person spent an equal number of days at two or more residences, the person's usual residence is the residence at which the person is present on Census Day.*
>
> *§ 60.2(f) A person's address of record in federal tax records and other administrative records is evidence of a person's usual residence. The absence of such records does not preclude a determination of usual residence.*

G. The Bureau Should Publish Its Status-Determination Rules Before 2030.

The Bureau states that it is "considering utilizing its enormously broad access to administrative records to determine an individual's legal status," but the Proposed Rule does not specify *how* the Bureau intends to do so.[72] The absence of those details carries legal significance. In 2020, the Supreme Court noted that the record in *Trump* was "silent on which (and how many) aliens have administrative records that would allow the Secretary to avoid impermissible estimation, and whether the Census Bureau can even match the records in its possession to census data in a timely manner."[73] Any chosen method must also satisfy "the constitutional requirement of an 'actual Enumeration' of the persons in each State, as opposed to a conjectural estimate."[74]

At a minimum, the Bureau should publish, well before the 2030 enumeration begins, (1) the rules it will use to determine citizenship and immigration status; (2) the records and sources of information it will rely upon; (3) how conflicts between records will be resolved; and (4) how persons whose citizenship or immigration status cannot be determined will be treated. Publishing these rules and standards will let States, Congress, and the public evaluate the method before it is used. Early publication will also allow any dispute over the method to be resolved before the enumeration, rather than after. As discussed in greater detail below, Congress has found that reversing an unlawful enumeration is difficult.[75] Settling the status-determination rules well in advance of 2030 avoids that problem.

The Bureau Should Guarantee Count Accuracy at Every Geographic Level

Proposed § 70.3(a) directs the Bureau to "prioritize the accuracy of the population count for purposes of apportionment and (re)districting."[76] CEC strongly supports that principle. Proposed § 70.3(b), however, bars the Bureau from disclosing individual demographic data if such disclosure would require introducing uncertainty into population counts only "at either the national or the state level."[77] That limitation leaves the counts that matter most for redistricting—that is, at the census-block level—unprotected, and it should be removed.

A. Redistricting Depends on Accurate Counts Below the State Level.

The Bureau acknowledges that, in 2020, its disclosure-avoidance methods led it "to introduce deliberate randomness and uncertainty to, among other data, population counts below the state level, which are meant to be used for (re)districting."[78] Those are the counts States receive for the geographic areas they designate under 13 U.S.C. § 141(c) and use to construct congressional districts. Congressional districts must be equal in population

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[71] *Id.* at 57528 n.7.
[72] *Id.* at 57526.
[73] *Trump*, 592 U.S. at 132.
[74] *Id.* (citing *Evans*, 536 U.S. at 475–76).
[75] *See infra* Part IV.D.
[76] Proposed Rule, 91 Fed. Reg. at 57530 (proposed 15 C.F.R. § 70.3(a)).
[77] *Id.* (proposed 15 C.F.R. § 70.3(b)).
[78] *Id.* at 57527.

"as nearly as is practicable," and the Supreme Court has refused to excuse avoidable deviations.[79] A legislature that equalizes districts using altered census-block counts equalizes numbers that describe no actual population. Therefore, the census should be designed to avoid that scenario.

Indeed, Congress itself has recognized the importance of accurate counts at the census-block level. Congress found it "essential that the decennial enumeration of the population be as accurate as possible," and for the 2000 census, it required that the number of persons enumerated without statistical methods be "publicly available for all levels of census geography," including in the redistricting file.[80] It also charged the Census Monitoring Board it created for that census with reporting on whether the Bureau's preparations would "achieve maximum possible accuracy at every level of geography."[81]

B. The Rule Should Expressly Endorse the Prohibition on Altering Counts at Every Level.

The Department has already moved in this direction. Department Administrative Order 216-26, issued in June 2026, provides that "[n]oise infusion shall not be used for any statistical product" and that coarsening "shall be the preferred category of Disclosure Avoidance methods."[82] But an administrative order is always subject to revision or elimination by any future Secretary without public process. A regulation, by contrast, must be adopted or amended through the notice-and-comment process.[83] The final rule should, therefore, extend § 70.3(b) to every geographic level and require that confidentiality be protected by methods that leave accurate counts undisturbed. The Proposed Rule's narrowing of the short-form questionnaire reduces disclosure risk, as the Bureau observes, making count-preserving methods more practical.[84] Where a characteristic cannot be determined, the Bureau should report it as undetermined rather than impute it, so that published figures distinguish between what respondents reported and what the Bureau inferred. These safeguards should also govern any publication of block-level citizenship figures, consistently with 13 U.S.C. § 9. CEC recommends the following language:

> *§ 70.3(b) The Census Bureau shall not disclose or publish any individual demographic data if such disclosure or publication necessitates introducing uncertainty into the population count data at any geographic level, including the census block. The Census Bureau shall not apply noise infusion or any other method that alters the population count data used for apportionment or reported under 13 U.S.C. 141(c).*
>
> *(c) Where necessary to comply with 13 U.S.C. 9, the Census Bureau shall protect individual characteristic data by methods that do not alter population counts, such as coarsening or suppression, and shall report as undetermined any characteristic that it cannot determine from a response or an administrative record.*
>
> *(d) The Census Bureau shall publish the number of persons whose inclusion in the population count was based on count imputation, for each State when it reports the apportionment counts and, when it reports the figures required by 13 U.S.C. 141(c), at the lowest geographic level consistent with 13 U.S.C. 9.*

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[79] *Karcher v. Daggett*, 462 U.S. 725, 730–34 (1983) (quoting *Wesberry v. Sanders*, 376 U.S. 1, 7–8 (1964)).
[80] Pub. L. No. 105-119, tit. II, § 209(a)(6), (j), 111 Stat. at 2481, 2483; *see* 13 U.S.C. § 141 note.
[81] Pub. L. No. 105-119, tit. II, § 210(f)(2)(A)(i), 111 Stat. at 2486.
[82] U.S. Dep't of Com., Dep't Admin. Order 216-26, *Disclosure Avoidance for Statistical Products* (June 4, 2026), https://www.commerce.gov/opog/disclosure-avoidance-statistical-products; *see* Proposed Rule, 91 Fed. Reg. at 57529 n.13.
[83] *See* 5 U.S.C. §§ 551(5), 553(b)–(c).
[84] Proposed Rule, 91 Fed. Reg. at 57527.

C. The Bureau Should Treat Count Estimates as a Last Resort.

The Constitution requires an "actual Enumeration."[85] In *Utah v. Evans*, the Supreme Court held that the Bureau's use of "hot-deck" imputation—inferring the population of an unresolved address from a neighboring household—violated neither that requirement nor the Census Act.[86] But that holding followed from two essential premises: first, that the Bureau "uses imputation only as a last resort—after other methods have failed"; and second, that the inference "involves a tiny percent of the population."[87] The Court expressly declined to decide "the precise methodological limits foreseen by the Census Clause."[88] The final rule should incorporate those premises.

Even at a small scale, imputation carries significant representational consequences. In 2000, it increased North Carolina's count by enough to move a Representative from Utah to North Carolina.[89] And because the census exists to apportion Representatives among the States, its constitutional purpose favors distributive accuracy—*i.e.*, getting each State's share correct—over numerical accuracy.[90]

The representational risks of imputation also compound over time. Apart from a brief period after Hawaii and Alaska were admitted as States, the House has had 435 seats since the apportionment following the 1910 census, and in 1929, Congress made the existing number of seats the basis for every future apportionment.[91] Because the number of seats is fixed while the national population grows, each seat represents more people with each census.[92] A misallocated seat carries an electoral vote with it, and it reshapes a State's congressional map for years. Small methodological errors thus produce large downstream representational effects.

Therefore, the Bureau should treat count imputation as a true last resort. Where in-person evaluation and questionnaire responses leave an address unresolved, the Bureau should first look to administrative records to identify the people actually living at that address and impute only when no such record exists. A record of an identified person is a better substitute for a response than a statistical inference. Accordingly, CEC recommends the following additional language:

> *§ 70.3(e) The Census Bureau shall use count imputation to determine the population of an address only when that population cannot be determined from a response by a person or from administrative records identifying the individuals residing there. The Census Bureau shall publish the rules governing count imputation before the census begins.*

D. Independent Checks on the Accuracy of the Count Should Be Preserved and Restored.

In an undertaking of this size, some errors are inevitable. Indeed, the Bureau's own Post-Enumeration Survey found statistically significant undercounts in six States and overcounts in eight States following the 2020 Census, after finding none in 2010.[93] As undesirable as these mistakes may be, what matters most is that they can be found

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[85] U.S. Const. art. I, § 2, cl. 3.
[86] 536 U.S. at 457.
[87] *Id.* at 478–79.
[88] *Id.* at 479.
[89] *Id.* at 458.
[90] *See Wisconsin*, 517 U.S. at 20 ("Indeed, a preference for distributive accuracy (even at the expense of some numerical accuracy) would seem to follow from the constitutional purpose of the census, viz., to determine the apportionment of the Representatives among the States."); *Evans*, 536 U.S. at 488 (O'Connor, J., concurring in part and dissenting in part).
[91] Act of Aug. 8, 1911, ch. 5, 37 Stat. 13, 13–14; Act of June 18, 1929, ch. 28, § 22(a), 46 Stat. 21, 26 (codified as amended at 2 U.S.C. § 2a(a)).
[92] *See* U.S. Census Bureau, *Historical Apportionment Data (1910–2020)*, https://www.census.gov/data/tables/time-series/dec/apportionment-data-text.html (showing about 210,000 persons per seat in 1910 and about 761,000 per seat in 2020).
[93] U.S. Census Bureau, *2020 Census Undercounts in Six States, Overcounts in Eight* (May 19, 2022), https://www.census.gov/library/stories/2022/05/2020-census-undercount-overcount-rates-by-state.html.

and corrected in time. CEC therefore recommends that the Bureau take action to ensure that the following checks remain effective.

The first is litigation. Congress gave "[a]ny person aggrieved" by the unlawful use of a statistical method a cause of action with direct appeal rights to the Supreme Court, and it commanded that such cases be expedited because "it would be impracticable for the States to obtain, and the courts of the United States to provide, meaningful relief after such enumeration has been conducted."[94] But that judicial pathway is useful only if potential litigants have the data necessary to evaluate and prosecute such actions. CEC has made this point to the Department before. In its amicus brief in *University of South Florida College Republicans v. Lutnick*, a pending appeal concerning the 2020 Census that the Proposed Rule itself mentions, CEC explained that the timing of the Bureau's releases can leave a plaintiff unable to plead an undercount before the coverage estimates are published, yet unable to obtain relief once the States have used the census figures to redistrict.[95] The State-level coverage estimates for 2020 were not published until May 2022, after Florida, which the survey estimated had been undercounted by approximately 760,000 residents, had finished redistricting.[96] Because the Bureau ultimately controls when data are released, the Bureau can keep this check meaningful by publishing its methods well before the count; publishing count-imputation statistics on the schedule CEC's proposed § 70.3(d) would require; and releasing its coverage estimates as early as possible.

The second is correction. A Count Question Resolution process lets governmental units identify and correct errors in their counts. Apportionment errors are difficult to reverse, but errors below the State level can be corrected for later uses. The Bureau should maintain such a process for 2030.

The third is independent oversight. The Census Monitoring Board that Congress created for the 2000 census, appointed by congressional leaders and the President, was charged to "observe and monitor all aspects of the preparation and implementation" of that census, and its members had access to "any data, files, information, or other matters maintained by the Bureau of the Census," subject to the confidentiality obligations that bind the Bureau's own employees.[97] The Board ceased to exist in 2001.[98] Although the Bureau cannot reestablish that Board on its own, CEC urges the Bureau to establish an internal administrative committee to review its work as an interim safeguard, not a substitute for independent oversight. CEC also encourages Congress to restore formal independent oversight of this kind before 2030 and urges the Bureau to recognize its importance.

The 2030 Census Should Include a Citizenship Question, and the Bureau Should Publish the Data Needed to Equalize Voters

The Bureau "welcomes comments on the inclusion of a legal-status question on the short-form decennial census questionnaire."[99] CEC urges the Bureau to include a citizenship question on the 2030 short form, together with the legal-status follow-up the Bureau is considering; to use the responses alongside the administrative records it already holds or can readily access from other agencies; and to publish block-level counts of citizen voting-age population. Those steps both allow the Bureau to apply proposed § 60.4 accurately and give States more precise citizenship data to inform decisions about drawing districts with equal numbers of eligible voters, if they so choose.

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[94] Pub. L. No. 105-119, tit. II, § 209(a)(8), (b), (e), 111 Stat. at 2481–82; *see Evans*, 536 U.S. at 462–63.
[95] Br. of Amicus Curiae Center for Election Confidence in Support of Appellants 2–3, 6–12, *Univ. of S. Fla. Coll. Republicans v. Lutnick*, No. 26-205 (U.S. Sept. 17, 2026); *see* Proposed Rule, 91 Fed. Reg. at 57529 n.10 (citing the district court proceedings).
[96] *Supra* note 93; The Florida Senate, *Redistricting: About Redistricting*, https://perma.cc/G6V7-SJT8 (last visited Oct. 5, 2026).
[97] Pub. L. No. 105-119, tit. II, § 210(b), (e)(3)(A), (e)(4), 111 Stat. at 2483, 2485.
[98] Pub. L. No. 105-119, tit. II, § 210(j), 111 Stat. at 2487.
[99] Proposed Rule, 91 Fed. Reg. at 57526.

A. Eligible Voters Should Be the Basis for "One Person, One Vote."

As discussed above, in *Evenwel*, the Supreme Court held that a State may draw its legislative districts on the basis of total population, but it expressly declined to decide whether a State may equalize districts based on the total number of eligible voters to secure equal voting power for citizens.[100] And before *Evenwel*, the Court recognized, in a case concerning state legislative apportionment, that a State need not include, in its apportionment base, "aliens, transients, short-term or temporary residents, or persons denied the vote for conviction of crime."[101]

CEC believes eligible voters are the correct basis. One person, one vote protects voters against vote dilution. The Supreme Court has long held that "the weight of a citizen's vote cannot be made to depend on where he lives."[102] Equalizing total population across districts does not secure that principle when residents who cannot vote are unevenly distributed. Two districts with the same total population can have vastly different numbers of eligible voters, and each vote in the district with fewer eligible voters carries more weight than a vote in the other district. *Reynolds* called population "the starting point for consideration" in apportionment cases,[103] but it addressed the malapportionment of rural and urban districts, not the question posed by *Evenwel*. Equalizing districts according to the total number of *eligible voters* directly ties the guarantee of equal representation to the people whose votes it protects. Citizen voting-age population is an important measure for evaluating voting power, though it does not itself identify every legally eligible voter because voting eligibility may depend on additional state-law qualifications.

B. A Citizenship Question Is the Most Direct Way to Produce Those Data.

The decennial census has not asked all respondents whether they are citizens since 1950.[104] Today, States that want citizenship data for redistricting purposes must rely on estimates from the American Community Survey ("ACS"), which are published only at the block-group level, not the individual census-block level.[105] Adding the ACS's citizenship question to the decennial short form, and combining the responses with the Bureau's administrative records, as discussed below, would allow the Bureau to report counts of citizens of voting age for every census block.

The Secretary has clear authority to ask the question, as the Bureau already notes.[106] The ACS has long asked, "Is this person a citizen of the United States?" with the following five response categories: (1) born in the United States; (2) born in Puerto Rico, Guam, the U.S. Virgin Islands, or the Northern Mariana Islands; (3) born abroad of a U.S. citizen parent or parents; (4) naturalized; and (5) "No, not a U.S. citizen."[107] The decennial question should adopt that wording. The Bureau should then publish, in the figures it reports to the States under 13 U.S.C. § 141(c), block-level counts of voting-age citizens alongside total population. Publication should employ confidentiality safeguards consistent with 13 U.S.C. § 9 that do not alter the underlying total population counts.

C. The Question and Administrative Records Work Best in Tandem.

Administrative records alone are insufficient to identify noncitizens. When the question last arose, the Secretary found records "missing for more than 10% of the population," and the Bureau estimated that, without a citizenship

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[100] 578 U.S. at 75.
[101] *Burns*, 384 U.S. at 92.
[102] *Reynolds v. Sims*, 377 U.S. 533, 567 (1964).
[103] *Id.*
[104] *Dep't of Com. v. New York*, 588 U.S. 752, 760 (2019).
[105] *See* U.S. Census Bureau, *Citizen Voting Age Population (CVAP) Special Tabulation*, https://census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html (describing survey-based estimates published down to the block-group level).
[106] Proposed Rule, 91 Fed. Reg. at 57526 (citing *Dep't of Com.*, 588 U.S. at 760, 770).
[107] *See, e.g.*, U.S. Census Bureau, *2025 American Community Survey Questionnaire*, at 12, https://www2.census.gov/programs-surveys/acs/methodology/questionnaires/2025/quest25.pdf; *see also Dep't of Com.*, 588 U.S. at 761.

question, it would have to estimate the citizenship of about 35 million people, compared to 13.8 million with one.[108] The Bureau's records have since expanded,[109] but no record system reaches everyone, and the usefulness of specific records deteriorates with time. Moreover, estimation is not a viable fallback for the apportionment count, as any method used must satisfy "the constitutional requirement of an 'actual Enumeration' of the persons in each State, as opposed to a conjectural estimate," and the Census Act bars sampling in determining population for apportionment.[110]

Self-response gives the Bureau direct evidence for every responding household, while records corroborate responses and fill gaps for nonrespondents. The Supreme Court held that the Secretary's choice of that combined approach was "reasonable and reasonably explained" and, to the extent § 6(c) of the Census Act applies, consistent with it. The Court nonetheless remanded because the Secretary's stated Voting Rights Act rationale was pretextual, underscoring the importance of a genuine explanation for the Bureau's chosen approach.[111]

Because a citizenship question would assist in applying the residence criteria, CEC urges the Bureau to clarify that the question falls within § 70.2(d) and is outside § 70.2(c)'s voluntary-response provision. That clarification would operate alongside the Census Act's separate response obligations, including 13 U.S.C. § 221. Accordingly, and assuming the addition of a citizenship question, CEC recommends that the final rule clarify that responses regarding citizenship are mandatory, as provided below:

> *§ 70.2(d) Questions that seek information related to the application of the residence criteria in part 60 of this chapter, including questions about citizenship and legal status, are not considered demographic questions subject to the restrictions of this part, and paragraph (c) of this section does not apply to them.*

Conclusion

CEC commends the Bureau for proposing to establish clear residence criteria and accuracy standards for the 2030 Census and respectfully urges the Bureau to finalize the Proposed Rule with the changes outlined above. CEC appreciates the opportunity to comment and would welcome the chance to discuss these recommendations with the Bureau.

Respectfully submitted,

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[108] *Dep't of Com.*, 588 U.S. at 763, 774.
[109] *See* Proposed Rule, 91 Fed. Reg. at 57526, 57528 n.6.
[110] *Trump*, 592 U.S. at 132; 13 U.S.C. § 195.
[111] *Dep't of Com.*, 588 U.S. at 776, 778.