MINNESOTA STATE DEMOGRAPHIC CENTER
DEPARTMENT OF ADMINISTRATION

October 29, 2026

Submitted electronically via regulations.gov

U.S. Census Bureau
4600 Silver Hill Road
Designation: ADDEMO/FRN
Washington, DC 20746

Re: Docket No. USBC-2026-0628

To whom it may concern:

The Minnesota State Demographic Center (SDC) submits the following comments on the above-referenced proposed rule. SDC is Minnesota's Census Bureau-designated State Data Center and Federal-State Cooperative for Population Estimates (FSCPE) partner. Our office produces the state's official annual population and household estimates and population projections. We directly use the decennial census and the Population Estimates Program (PEP) in producing our estimates, and we draw on all available data, including decennial census detail, in producing our projections.

SDC asks the Bureau to withdraw the proposed rule in both of its parts. We ask that the Bureau continue to apply the residence criteria it used in 2020 and in every census since at least 1990, under which each person is counted at the place where they live and sleep most of the time, within the usual-residence principle the Bureau has followed since 1790. We also ask that the Bureau continue to collect race and ethnicity data in the decennial census. The Preliminary Regulatory Impact Analysis (PRIA) does not show that the proposed rule meets the standard it sets for itself, which is to weigh the costs and benefits of the available alternatives and select the approach that maximizes net benefits. It quantifies no cost or benefit, considers no alternative to the proposed rule other than taking no action, and offers no evidence for the claims on which its stated need rests. The sections below set out the operational and methodological reasons for our position and identify what the record lacks. The closing section sets out what we ask the Bureau to address if it nonetheless proceeds.

1. Section 60.2's tax-record evidentiary standard needs a specified fallback for non-filers and late filers

Proposed § 60.2(a) provides that a person's usual residence "should be consistent with, and evidenced by, their tax records." A substantial share of the population generates no independent tax record for the January 3 to April 1 enumeration period, including but not limited to: dependents, many low-income non-filers, and filers who extend past the reference period entirely. The preamble notes that the Bureau will consider tax records

"filed after April 1" as probative of residence during the enumeration period, but the proposed regulatory text does not specify how residence is to be determined when no tax record exists, when a return is filed after the field operation has closed, or when the address on a return conflicts with other administrative sources. The Bureau has also not said what share of the population is expected to lack a matching tax record, so data users cannot assess the resulting uncertainty. The Census Bureau has not demonstrated what the likely impact of this change will be on accuracy and completeness of the count.

Beyond the evidentiary gaps described above, tying usual residence to tax records raises questions about how well tax records align with usual residence for people with more than one home. State income tax treatment gives filers with more than one home a financial incentive to declare residency in a lower-tax state, and state revenue agencies audit such declarations because the declared residence and the place where the filer spends the most days can differ. A usual-residence standard anchored to tax records would import that tax-driven selection into the census count itself, so that the resulting population distribution reflects tax-residency incentives as much as actual residence patterns. This is a conceptual problem with the proposed standard, not an administrative gap that a fallback hierarchy can fix. The Bureau has not said how it would distinguish a person's actual usual residence from a tax-motivated residency declaration when the two diverge.

A further issue follows from how § 60.2(a) would actually be implemented. Determining whether a person's usual residence is "consistent with, and evidenced by" their tax records requires reconciling self-reported census information against administrative data, which in turn requires some form of probabilistic record linkage, since names, addresses, and other identifiers will not match cleanly across sources. Record linkage of this kind carries known false-match and false-non-match rates. That is a source of uncertainty entering the population count, introduced at the point of adjudicating residence rather than at the point of publishing a statistic, but uncertainty nonetheless. Department Administrative Order (DAO) 216-26 prohibits noise infusion, a category that includes differential privacy, for all Census Bureau statistical products, and establishes accuracy as the Department's primary objective in disseminating statistics. The record linkage error inherent in adjudicating usual residence against tax records would be neither disclosed nor statistically characterized, and it would affect the base population count itself, which apportionment and every downstream use depend on, rather than only published small-area detail. The Census Bureau has not reported match rates for this record linkage process or identified the errors it would introduce into the base population count, and it has not explained how admitting unmeasured error into the base count is consistent with the Department's stated objective of providing accurate and objective information. For these reasons we do not support the proposed rule.

2. Section 60.2(c)'s enumeration period would count seasonal residents in their winter state for apportionment

Section 60.2(c) defines the census enumeration period as January 3 to April 1, and § 60.2(a) defines usual residence as the residence at which a person lawfully spent the greatest number of days during that period. This affects people who move during the period and people who live in more than one place during the year.

MINNESOTA STATE DEMOGRAPHIC CENTER
DEPARTMENT OF ADMINISTRATION

200 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Consider a Minnesota resident who lives in Minnesota eight months of the year and files Minnesota resident income tax returns. After the holidays with family in the Twin Cities, this person winters in Florida or Texas. By the definition in § 60.2(a), this person's usual residence is the winter residence, because the greatest number of days from January 3 to April 1 were spent there, and the person is counted in Florida or Texas for purposes of congressional apportionment. The next sentence of § 60.2(a) provides that usual residence "should be consistent with, and evidenced by" tax records, and this person's tax records show Minnesota. The word "should" does not say that the tax record overrides the day count, and the proposed text does not say what happens when the two conflict. If the tax record is meant to control, the day count has no effect in the cases where the two diverge. Because the enumeration period covers the winter months, reassignment of this kind would be expected to run mainly from northern states to southern states, moving population between states for purposes of apportionment.

Section 60.2(b) adds that a person may spend a day at more than one residence, and the proposed text gives no tie-breaking rule when days are split closely between two residences. The Census Bureau has not stated which controls when days present and tax records diverge, how it will resolve discrepancies between days present and administrative records, or how many residents, by state, would be assigned to a state other than the one in which they file resident returns. It has also not provided evidence that the proposed methods can reliably determine usual residence as of Census Day. Because the Bureau has not said how it will handle these discrepancies, SDC does not support the proposed rule.

3. Section 60.4(b)'s exclusion of foreign citizens appears broader than the stated rationale

SDC's position is that the census should count everyone who lives in the United States where they live and sleep most of the time, regardless of legal status, as it did in 2020. The discussion below begins with a narrower matter: even on the Bureau's own rationale, the exclusion reaches lawfully present residents. Proposed § 60.4(b) excludes from apportionment all foreign citizens present in the United States who are not citizens or lawful permanent residents (LPRs) as of April 1. As drafted, this excludes not only individuals without lawful status but also foreign citizens with other durable, lawful bases for presence, for example temporary work and student visa holders. The preamble's rationale is framed around allegiance, durable permission to settle, and lack of a "usual residence" tied to unlawful presence; it does not address why lawfully present, non-LPR foreign citizens with an established usual residence in the United States (a population material to Minnesota given our university and employer-sponsored visa populations) should be treated the same as individuals without lawful status. The Bureau has not said whether this scope is intended or stated the basis for excluding lawfully present non-LPR populations from a usual-residence standard that otherwise turns on physical presence and ties to a place.

The provision also excludes international students, temporary workers such as H-1B visa holders, and refugees and asylees who have not adjusted to lawful permanent resident status. The preamble invites comment on whether other forms of legal status are materially similar to lawful permanent resident status, but it does not address each of these categories or state the basis for the treatment it proposes for each.

200 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Applying the provision depends on the Bureau's ability to determine citizenship and lawful permanent resident status accurately. The preamble states that the Bureau is considering using administrative records to determine legal status. Immigration status changes over time, administrative records can be incomplete or outdated, and some residents may not appear in the records the Bureau is considering using. The record linkage uncertainty described in point 1 applies here as well, with the added consequence that a misclassified usual resident is removed from the apportionment count. The Bureau has not explained how individuals will be classified when records are missing, inconsistent, or incorrect, how changes in status will be captured, or what testing Census Bureau subject matter experts have conducted to establish the accuracy of these classifications.

Section 60.4(b) also bears on redistricting data. The decennial census is the only source of full-count population data at the block level, and block-level counts are what states use to construct districts and to evaluate whether they meet population requirements. Endnote 5 of the preamble states that the Bureau publishes statistics separate from those for apportionment and expects to continue doing so, but the proposed rule does not say whether the P.L. 94-171 redistricting file will include persons excluded under § 60.4(b). The Bureau has not clarified what population data states will receive for redistricting, or whether those data will provide a complete count of all usual residents at the block level.

The preamble also states that the Bureau could include a question about legal status on the decennial census questionnaire, and it welcomes comments on one. Proposed § 70.2(d) would exempt questions related to the application of the residence criteria from the restrictions of Part 70, so a legal-status question would not be barred in the way a question about race or ethnicity would be. We ask the Bureau not to add a citizenship or legal-status question. The proposed rule does not depend on one, since the preamble identifies administrative records as the means the Bureau is considering for determining legal status. Our questions above about the accuracy of legal-status classification are not a request that the Bureau add a question to improve it. They are reasons not to adopt the exclusion. The Bureau's own reasons for removing race and ethnicity apply at least as strongly to a legal-status question: the preamble cites response burden, the sensitivity of the subject, lower response rates, and the legal obligation to answer. In "Predicting the Effect of Adding a Citizenship Question to the 2020 Census" (Brown et al. 2019; *Demography* 56(4):1173–1194), Census Bureau researchers estimated that adding a citizenship question to the 2020 census would have an 8.0 percentage point larger effect on self-response in households that may include noncitizens than in households with only citizens, which would predict an overall 2.2 percentage point drop in self-response. They also found that ACS respondents who were noncitizens in administrative records frequently skipped the citizenship question or answered that the person was a citizen. A legal-status question would be expected to raise the same concerns at least as strongly. The PRIA does not analyze a legal-status question at all, including its effects on response rates, on the accuracy of the count, or on respondent burden.

MINNESOTA STATE DEMOGRAPHIC CENTER
DEPARTMENT OF ADMINISTRATION

200 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

4. Section 70.2(a)'s elimination of race and ethnicity questions removes the full-count base our office uses for postcensal estimates and redistricting support

Proposed § 70.2(a) would bar race and ethnicity questions from the census enumeration questionnaire. The decennial census is the only full-count source of this data at the block level. We also produce estimates on request and serve data users who need race and ethnicity detail, and that detail comes from the decennial census. The P.L. 94-171 redistricting file, which states use for redistricting and voting rights compliance analysis, is built from the same block-level detail. Proposed § 70.4 preserves race and ethnicity questions on the American Community Survey (ACS), but the ACS is a sample, which doesn't include block geographies used for redistricting. At many of the sub-county geographies used for our estimates program, ACS margins of error for race and ethnicity categories are too large to substitute for a full count. The Bureau has not said whether any substitute full-count mechanism for block-level race and ethnicity data is contemplated, and it has not analyzed the specific effect on state redistricting files and on state and Bureau postcensal estimates programs that currently use decennial race and ethnicity detail as their base.

This is not limited to the decennial census and its direct derivatives. ACS estimates themselves are controlled to independent population totals, including totals by race and Hispanic origin, produced by the Population Estimates Program. PEP in turn uses the decennial census as its population base. If the decennial census no longer collects race and ethnicity data, PEP cannot produce updated race and ethnicity population controls past the 2030 base year, which removes the mechanism ACS currently uses to weight its own race and ethnicity estimates to an updated independent population total. The effect would not be confined to the data lost from the decennial census itself; it would degrade the reliability of ACS race and ethnicity estimates over the course of the decade, since the updated control totals those estimates depend on would no longer exist. Treating the ACS as a substitute for decennial race and ethnicity data does not account for this dependency.

A full count by race and ethnicity also serves a second function. After each census the Bureau produces intercensal estimates for the preceding decade, reconciling the postcensal series with the new count and distributing the error of closure over the intervening years. Without a 2030 count by race and ethnicity, the Bureau could not produce intercensal estimates by race and ethnicity for the 2020s, and the error of closure in the 2020s postcensal series could be neither measured nor distributed.

The PRIA acknowledges these dependencies. It states that population controls for major federal surveys, and the denominators for indicators such as fertility and mortality rates, poverty rates, and unemployment rates, depend on annual population estimates by race and ethnicity, that the decennial counts are relied upon because there are no other comparably accurate, comprehensive, and reliable sources, and that omitting race and ethnicity "would require the development of estimates from a base population derived from outdated and/or less accurate data and would deteriorate the accuracy of the estimation method itself." It also states that the ACS is strongest for the characteristics of race and ethnicity groups, while population totals for those groups from the decennial census and population estimates are more reliable, and that without new decennial data to recalibrate those estimates, the ACS weights and its population estimates will become less reliable. The PRIA

does not quantify these effects, identify a mitigation, or address them in relation to the requirement in proposed § 70.3(a) that the Bureau prioritize the accuracy of the population count.

The PRIA also treats disclosure avoidance as a cost of the demographic questions, but every statistic the Bureau publishes, including a population count, carries disclosure risk and must be protected under Title 13, so removing race and ethnicity does not remove disclosure avoidance. Under DAO 216-26, the protection that remains is coarsening, defined as reducing the level of detail through rounding, aggregating, or ranges, with suppression permitted only as a last resort when coarsening would substantially defeat the accuracy or usability of a statistical product. The proposed rule eliminates race and ethnicity at collection, which goes further than suppression and is not preceded by any analysis of whether coarsened race and ethnicity tables would serve users.

Administrative records are not a substitute. The preamble states that the Bureau receives demographic data from administrative records and does not propose to restrict that. Those records may be incomplete, outdated, inconsistent across agencies, or unavailable for some residents, and the preamble does not describe how block-level race and ethnicity counts would be produced from them. Before eliminating race and ethnicity questions, the Bureau should identify what data would replace the information now collected and evaluate whether those alternatives provide comparable coverage, accuracy, geographic detail, and timeliness. The Bureau has not published such an evaluation, or an assessment by Census Bureau subject matter experts of whether the alternatives can meet these needs.

5. The proposed changes would break the continuity of federal statistical series that use census data as inputs

Federal surveys and rate series use decennial-based population estimates as controls, denominators, or benchmarks, and they depend on a consistent definition of who is counted and where. The ACS and the Current Population Survey (CPS) are both weighted to Population Estimates Program controls, which rest on the decennial base. The Local Area Unemployment Statistics (LAUS) program uses CPS state estimates as its primary model inputs, receives new population controls from the Census Bureau each year, and uses decennial census and ACS inputs for substate estimation.

The proposed changes would affect these series in three ways. First, the proposed residence criteria would move population between states and sub-state areas because of the definition rather than because of any change in where people live, and because the criteria are tied to tax records, residence decisions made for tax reasons could enter the census geography and change with state tax policy. Second, eliminating race and ethnicity questions from the decennial census removes the full-count base for series that are controlled or benchmarked by race and ethnicity, including the CPS and ACS controls by race described above. Third, with no 2030 full-count base for race and ethnicity, those series could only carry forward the 2020 distributions, so that race and ethnicity detail in federal series would stay anchored to 2020 while the population changes, unless the Bureau identifies another source as discussed in point 4. In each case the 2030 base would not be comparable with the 2020 base, and trends spanning the two would reflect the change in definition as well as real change.

200 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

The Bureau has not identified the federal series that use decennial or PEP data as inputs or described how each would be affected, including series by race and ethnicity and series that depend on state and sub-state population levels. It has not said whether PEP, the ACS controls, and the CPS controls would continue on the residence concept used in 2020 or move to the proposed concept, whether it would publish a bridge between the two so that users can measure the break, or what it proposes for race and ethnicity detail after 2030, since a bridge cannot be built to data that are not collected. As noted in point 3, endnote 5 of the preamble states that the Bureau publishes statistics separate from those for apportionment and expects to continue doing so, but it does not say whether that includes a series maintained on the 2020 residence concept.

6. The proposed rule's effects on American Indian and Alaska Native population data warrant specific clarification, and the tribal consultation record should be public before comment closes

Minnesota is home to eleven federally recognized tribal nations: seven Anishinaabe (Chippewa, Ojibwe) reservations and four Dakota (Sioux) communities. Proposed § 70.2(a)'s elimination of race and ethnicity questions would remove American Indian and Alaska Native (AIAN) as a collected category on the census questionnaire, since AIAN is one of the Office of Management and Budget (OMB) race categories captured by that question. This is the only full-count source of AIAN population and sub-group detail at the block level, and it is the basis for the P.L. 94-171 redistricting file's AIAN counts.

Decennial census counts of AIAN persons are also the base for sample-survey estimates of health and socioeconomic conditions, including income, poverty, employment, education, housing, and disability. AIAN populations are small and geographically concentrated, which makes them difficult to measure reliably in sample surveys without a dependable full-count base. The counts also affect state and federal funding. The Indian Housing Block Grant formula of the Department of Housing and Urban Development (HUD), for example, uses decennial census counts of AIAN persons in each tribe's formula area as a need variable. A change in the availability or geographic detail of race data would change the information used to distribute resources to tribal communities.

Endnote 11 of the preamble states that "questions about tribal membership are not necessarily questions about race and/or ethnicity," citing Morton v. Mancari's distinction between tribal political affiliation and racial classification. The proposed regulatory text does not resolve how this distinction applies to AIAN data collection going forward. The Bureau has not clarified whether a tribal membership or affiliation question, distinct from a race question, would be permitted to continue under the proposed rule. If it would not, the Bureau has not addressed the resulting loss of the only full-count source of population data used in tribal consultation, service-area planning, and related state-tribal government functions.

Separately, § 60.2(a)'s tax-record evidentiary standard for usual residence raises particular questions for reservation populations. The preamble states that the Bureau plans to conduct tribal consultation under Executive Order 13175. With two weeks' notice, the Bureau held a single virtual consultation session on October 2, 2026, from 3:00 to 4:30 p.m., for hundreds of tribal nations and Alaska Native communities, 22 days

200 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

after the proposed rule was published. Tribal representatives overwhelmingly rejected the idea that this process constituted adequate government-to-government consultation.

We ask the Bureau to explain how input from that session has informed the proposal, how the concerns raised by tribal nations will be addressed before any final action, and how this process satisfies applicable federal consultation requirements. We request that the results of the consultation be made public before the close of the comment period, so that the specific concerns raised by tribal nations can inform public comment rather than follow it, and that the Bureau provide further consultation, early enough and with sufficient opportunity for tribal input to inform the policy, before a final rule is issued. The Bureau has also not explained how the federal statistical system will continue to produce reliable and comparable data on the health and socioeconomic conditions of AIAN populations and the data needed to administer state and federal programs.

7. The record supporting the proposal should demonstrate that it meets the standards that govern federal statistical agencies

Under 44 U.S.C. § 3563, a recognized statistical agency such as the Census Bureau must produce relevant and timely statistical information and conduct credible, accurate, and objective statistical activities. The Trust Regulation, 5 C.F.R. Part 1321, implements these responsibilities. Section 1321.5(b)(1)(ii) requires a recognized statistical agency to consult, as the head of the agency determines is appropriate, with data users, including State and Tribal governments, to assess whether its statistical products meet users' needs and to inform what products it produces. States are major users of decennial census data, and more than 600 Minnesota statutes use census data to distribute funding, administer programs, establish population thresholds, and meet other legal requirements. The preamble describes no consultation with State governments about the proposed changes, and its federalism statement concludes that the proposal would not have substantial direct effects on the States.

The proposal would make fundamental changes to the longstanding residence criteria and to the demographic information collected through the decennial census, with consequences for apportionment, redistricting, state and federal programs, and the statistical information available to governments and the public. The public record should provide a clear statistical and operational basis for these changes. It should identify the supporting research and testing, assess the likely effects on census accuracy and completeness, evaluate the proposed use of administrative records and alternative data sources, and explain how Census Bureau statistical and subject matter experts were involved in determining whether the proposed methods can meet the needs that the decennial census currently serves. The Bureau has not addressed whether the resulting data would continue to meet the programmatic and administrative needs of states.

For these reasons, SDC asks the Bureau to withdraw the proposed rule, to continue applying the residence criteria used in 2020, and to continue collecting race and ethnicity data in the decennial census.

If the Bureau nonetheless proceeds, SDC asks that it, at a minimum, take the following steps before any final rule is issued:

(a) specify an evidentiary hierarchy for determining usual residence when tax records are missing, late, or conflicting, disclose what share of the population is expected to lack a matching tax record, and explain how it will distinguish a person's actual usual residence from a tax-motivated residency declaration;

(b) state which controls when days present and tax records diverge, and estimate how many residents, by state, would be assigned to a state other than the one in which they file resident returns;

(c) disclose the expected false-match and false-non-match rates of the record linkage the proposed criteria require, and explain how the resulting error is consistent with the Department's stated objective of providing accurate and objective information;

(d) state the basis for excluding lawfully present non-LPR foreign citizens, address each category of legal status on which the preamble invites comment, and explain how legal status will be determined, how changes in status will be captured, and with what accuracy;

(e) clarify what population data states will receive for redistricting, including whether the P.L. 94-171 file will provide a complete count of all usual residents at the block level;

(f) quantify the effects of eliminating race and ethnicity on state and Bureau estimates programs, on the ACS and CPS population controls, and on the federal series that depend on them;

(g) identify the federal series that use decennial or PEP data as inputs, state whether their controls would continue on the 2020 residence concept, and publish a bridge so that users can measure the break;

(h) evaluate whether coarsened race and ethnicity tables, or any other substitute, would provide comparable coverage, accuracy, geographic detail, and timeliness, and publish that evaluation, with an assessment by Census Bureau subject matter experts, for public review;

(i) complete consultation with tribal governments, make its results public, and explain how the federal statistical system will continue to produce reliable and comparable data on AIAN populations; and

(j) publish a complete regulatory impact analysis that addresses these points and the likely effect on the accuracy and completeness of the count, and provide a further public comment period on it.

MINNESOTA STATE DEMOGRAPHIC CENTER
DEPARTMENT OF ADMINISTRATION

200 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

We appreciate the opportunity to comment and are available to provide additional detail on any of the operational points above.

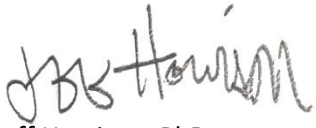
Sincerely,



Susan Brower, PhD
Minnesota State Demographer



Eric A. Guthrie, PhD
Senior Demographer



Jeff Howison, PhD
Senior Research Analyst



Drew Schaefer, PhD
Senior Research Analyst

MINNESOTA STATE DEMOGRAPHIC CENTER
DEPARTMENT OF ADMINISTRATION

200 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155