



November 8, 2022

Robert A. Santos, Director
U.S. Census Bureau
4600 Silver Hill Road
Washington, DC 20233

RE : **Docket Number USBC-2022-0004**

Scott Bedke
Speaker of the House
Idaho
President, NCSL

Anne Sappenfield
Director
Legislative Council
Wisconsin
Staff Chair, NCSL

Tim Storey
Chief Executive Officer
NCSL

Dear Director Santos,

On behalf of the National Conference of State Legislatures (NCSL), the bipartisan organization representing the legislatures of our nation's states, territories, and commonwealths, I am proud of the organization's decades long partnership with the U.S. Census Bureau. The connection dates to the adoption of P.L. 94-171 in 1975, when NCSL worked with Congress and the bureau to create the federal law that requires the agency to furnish the states with tabulations of population for the areas of geography that the states determine are needed to implement their redistricting programs.

In the 1990s, the bureau, NCSL and legislative staff from across the nation worked together to create the bureau's TIGER files, the geography underlying decennial census data. It is NCSL's long-standing policy to support adequate funding for the Census Bureau, and NCSL staff have worked with staff from the bureau's Redistricting and Voting Rights Data Office every year for 40 years to provide venues for communication both from the bureau about upcoming decisions to state-level stakeholders and from those stakeholders to the bureau

I am writing today in response to the Federal Register notice titled "Soliciting Input or Suggestions on 2030 Census Preliminary Research," dated Aug. 17, 2022. I will address the four categories laid out in the notice but will begin by expressing appreciation for the opportunity to share the states' perspective on the 2020 decennial census and expectations for 2030 and beyond, and to outline several overarching messages:

First, ensuring that decennial census data provide state redistricting entities with what they need to meet the "one person, one vote" standard must be paramount in any decisions the bureau makes. The use of decennial census data for congressional apportionment is the very reason the U.S. Constitution specified a requirement for a census. The nexus between redistricting and the census is detailed in federal statute P.L. 94-171. Fortunately, standards for redistricting are not unlike those for other data uses: a full count, including children and others who are often undercounted; adequate race data so small minority communities are accurately reflected; and accurate data at small levels of geography so districts can be constructed to be of equal population.

Second, NCSL asks that accuracy at small levels of geography be given due precedence. Accurate data are necessary not only for redistricting but also for determining equitable funding. Specifically, local jurisdictions rely heavily on federal funds, which are often distributed based on formulas that include census data. People

living in these jurisdictions see when a prison or university isn't included in their data, or when the population is shown as declining when they know it has increased. If the data released are questioned at the local level, users will go elsewhere for their data needs, and confidence in all Census Bureau products declines. Local users cannot see if inconsistencies are based on miscounts or on disclosure avoidance as applied.

Third, while NCSL is grateful that the bureau provided operational quality metrics for counties and tracts, the organization hopes that in the next cycle these can be released closer to the release of the data itself. With redistricting data released on April 1, having information such as this by summer—and an explanation of how pre-census decisional rules varied throughout the operation—will increase user confidence. Similarly, it is important to states that the bureau establishes a known timeline of events for the next cycle. This may entail the bureau outlining a full decade's schedule of decision-making so changes are not adopted in 2028, 2029 or 2030.

Finally, NCSL values the bureau's long-standing partnership with the organization and the states and seeks to improve it. Although the decennial census is a federal responsibility, states and localities dedicated significant resources in the last decade to increase awareness and response rates. The users of census data are spread across the nation, and working with them as decisions are made will contribute to a best-ever census in 2030. This means ensuring redistricting stakeholders serve on the bureau's pre-census advisory groups, which did not happen before the 2020 census; strengthening the liaison process for redistricting data; and engaging with state demographers or similar state-level experts on a routine basis. NCSL stands ready to do its part to facilitate more and deeper connections between the bureau and the states.

NCSL responds to your specific prompts as follows:

A. Reaching and motivating everyone.

In the decade leading up to the 2020 census, most states and many nonpartisan organizations and localities engaged in "get out the count" activities, augmenting the bureau's increased commitment to outreach.

As the bureau prepares for 2030, it would be helpful to know, through research, what impact state and federal outreach programs had in 2020. Over half the states dedicated funding to census outreach. Did the millions of dollars spent bear fruit? These data-driven results will assist states in determining whether and to what extent states repeat their outreach.

Indeed, research on how best to reach people and what encourages people to respond may open new communication venues, including various social media platforms and text-based campaigns. It is important for the bureau to use these inexpensive and modern resources to its advantage.

B. Technology.

NCSL urges a complete review of the use of differential privacy, the bureau's chosen method to fulfill its disclosure-avoidance duties. NCSL recommends that bureau counsel research the agency's constitutional requirement to provide counts for purposes of apportionment, which includes redistricting, balancing that requirement with its statutory requirement to preserve respondent confidentiality. Both are important, and yet together they create the push-pull of privacy versus accuracy. NCSL recommends that the bureau investigate other options for disclosure avoidance and provide states with the opportunity to determine the feasibility and accuracy of any proposed option in this area.

NCSL expects the bureau will be looking for other approaches to disclosure avoidance as well as fine-tuning its differential privacy approach. As the bureau proceeds this decade, NCSL hopes the agency recognizes that its many surveys, including the American Community Survey, don't face the same disclosure threats as a complete enumeration does.

NCSL applauds the bureau's commitment to technological modernization and its recognition that a cautious approach to adopting new technology is required when the stakes are so high. For instance, NCSL commends the bureau's use of hand-held devices for in-person enumeration in preparation for the 2020 census.

Last decade, the bureau debuted the use of satellite images to improve the underlying geography. This in-office work replaced some on-the-ground efforts to ascertain accurate addresses. The more work on geography that can be done early and from a centralized location, the better.

NCSL recommends that the bureau explore the use of further geocoding in this decade. The Department of Homeland Security is investing in geocoding for emergency purposes, and many states are using the technology for their next-generation 911 plans. The bureau could coordinate with DHS and the states to share this important information.

Collaboration with states could also improve census geography. The bureau offers the Block Boundary Suggestion Program and the Local Update of Census Addresses, but not all states participate in these valuable programs. NCSL and the bureau should work together through a coordinated outreach plan to strengthen participation, which will in turn result in better geography—the foundation for a good count. NCSL is committed to assisting in this effort.

C. New data sources.

NCSL understands that the bureau is interested in making greater use of administrative records in future cycles. The key question is, when does the use of these records impinge on the constitutionally mandated full enumeration? Beyond the legal question, administrative records may prove to be a crucial component of an accurate census. Given that the federal government does not maintain national data on all residents, administrative records are a proxy, and not all records are highly reliable. This is an area ripe for research: Would the extensive use of administrative records affect the need for self-response? Would the people who are hard to count be any easier to find through administrative records?

Disclosure-avoidance methods may cause discrepancies in the administrative records content coming from prisons and colleges. These differences decrease user confidence in all census data. Currently 13 states have chosen to reallocate inmate data from the prison address to the inmates' home communities for redistricting purposes, rendering the quality of prison data more important than ever.

Because the bureau's work is part of a flow dating to 1790 and extending into the foreseeable future, NCSL asks that the agency return to documenting its work by creating procedural histories along the way.

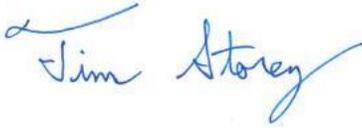
D. How we contact respondents.

The bureau's use of an internet-based self-response option for the 2020 census was a success, especially considering the challenges created by the pandemic. NCSL is pleased to know the bureau is refining and expanding this process because self-reported data is the gold standard. Options for expanding self-response include mailing a post card, early in the process, to every P.O. Box to alert all people, in rural or urban areas, who do not receive their mail at their MAF residence to go online or request an alternative response option. This could reduce both the high cost of the leave/update program and the burden on the U.S. Postal Service, which is forced to return a significant portion of the forms as undeliverable with each mailing.

NCSL applauds the bureau for its continued efforts to make sure its data are both accurate and usable for legally required processes such as apportionment and redistricting, while protecting respondent confidentiality. These are difficult issues and we at NCSL look forward to working with the bureau to find the best paths forward to ensure that the 2030 census is relevant and trustworthy.

I had the pleasure of being NCSL's liaison to the bureau from 1992 to 2019, when I became the organization's chief executive officer. Most recently, NCSL was pleased to welcome the bureau to its 2022 Legislative Summit. I look forward to this storied relationship continuing. NCSL staff Wendy Underhill (wendy.underhill@ncsl.org) and Susan Frederick (susan.frederick@ncsl.org) would like to set up a meeting with you to discuss redistricting data uses.

Sincerely,

A handwritten signature in blue ink that reads "Tim Storey". The signature is written in a cursive style with a long, sweeping underline.

Tim Storey, CEO
National Conference of State Legislatures