NORTH CAROLINA DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

JOSH STEIN
GOVERNOR

JOCELYN MITNAUL MALLETTE
SECRETARY

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

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

Dear Mr. Sweeney:

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

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1. Adverse Impact on Accurate Enumeration of Military Communities

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

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

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

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

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2. Risk of Systematic Undercounts in North Carolina

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

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

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

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

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

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

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

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4. Operational Challenges and Data Integrity Concerns

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

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

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

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5. Requested Actions

NC DMVA strongly urges the Census Bureau to:

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

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

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6. Conclusion

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

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

Sincerely,

Jocelyn Mitnaul Mallette

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