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**Submitted via [www.regulations.gov](http://www.regulations.gov)**

March 5, 2026

Christopher Denno  
Program Manager  
Decennial Census Management Division  
4600 Silver Hill Road  
Washington, D.C. 20233

**Re: Docket No. USBC–2026–0034, 2026 Operational Test in Support of the 2030 Census**

Dear Mr. Denno:

I write on behalf of MALDEF (Mexican American Legal Defense and Educational Fund) in response to the request for comment on the 2026 Operational Test in Support of the 2030 Census that was published in the Federal Register on February 3, 2026. 91 Fed. Reg. 4864 (Feb. 3, 2026) (Docket No. USBC–2026–0034). Founded in 1968, MALDEF is the nation’s leading Latino legal civil rights organization. Often described as the “law firm of the Latino community,” MALDEF promotes social change through legislative and regulatory advocacy, community education, and high-impact litigation in the areas of voting rights, education, immigrant rights, employment, and freedom from open bias.

On February 3, 2026, the Census Bureau published an information collection request (ICR) in the Federal Register regarding field tests in 2026 that the Census Bureau will conduct to support the upcoming 2030 decennial census.<sup>1</sup> The decennial census provides essential information for MALDEF’s work in voting rights and political access, and MALDEF has long taken an active role to encourage Latinos to participate in the decennial census and to advocate for policies and operations to facilitate their participation; thus, MALDEF takes special notice of the methods that the Bureau uses to test and conduct the census. For the following reasons, MALDEF opposes the proposed test as it is currently designed, because the proposed test is ineffective, will waste taxpayer resources, and will fail to provide an accurate evaluation of the Latino population in the United States.

The ICR announced that the test will take place in Huntsville, Alabama, and Spartanburg, South Carolina, using American Community Survey (ACS) materials to “test the viability of new and revamped systems and methods researched and

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<sup>1</sup> 2026 Operational Test in Support of 2030 Census, 91 Fed. Reg. 4864 (Feb. 3, 2026).

developed for the census [and] to identify, document, and address potential challenges.”<sup>2</sup> The ICR further clarified that the test will enable responses via Internet Self-Response (ISR) in English only.<sup>3</sup> The proposed test differs greatly from the previously proposed version and will result in vastly inferior results, wasting taxpayer resources and neglecting the Latino community.

- I. Elimination of four of six testing sites means that the proposed field tests will not survey any areas with high Latino populations, potentially exacerbating longstanding undercounts

Originally, the Census Bureau planned to conduct field tests for the 2030 decennial census in six locations:

- Colorado Springs, Colorado;
- Huntsville, Alabama;
- Certain tribal lands within Arizona;
- Spartanburg, South Carolina;
- Certain counties in western North Carolina; and
- Certain counties in western Texas.<sup>4</sup>

Nationwide, Latinos comprise approximately 20% of the total population.<sup>5</sup> Of the original six (6) test sites, only two—Colorado Springs and western Texas—are home to approximately average or above-average percentages of Latinos.<sup>6</sup> The two testing sites that remain—Spartanburg and Huntsville—have proportionally much smaller Latino populations—6.6% and 8.0%, respectively.<sup>7</sup> The Census Bureau already considers Latinos to be a hard-to-count population.<sup>8</sup> The census often undercounts Latinos—by approximately 5% in 1990, 0.7% in 2000, 1.5% in 2010, and 5% in 2020.<sup>9</sup> By eliminating the proposed test sites that are home to sizable Latino populations, the Bureau will forfeit the chance to improve the count of Latinos in the census.

Additionally, an earlier version of the plan for the census field tests included options in English, Spanish, and Chinese, as well as multiple vehicles for response, including the Internet, phone, and paper

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<sup>2</sup> *Id.* at 4865.

<sup>3</sup> *Id.* at 4865.

<sup>4</sup> Press Release, U.S. Census Bureau, Census Bureau Announces Sites for 2026 Census Test (July 22, 2024), <https://www.census.gov/newsroom/press-releases/2024/2026-census-test-site-selection.html>.

<sup>5</sup> *QuickFacts*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/> (last visited Feb. 18, 2026) (enter relevant state, county, city, or town in search bar).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Julie A. Dowling, Hard to Count Population Working Group Presentation, U.S. CENSUS BUREAU 2 (Mar. 27, 2015), available at [https://www2.census.gov/cac/nac/meetings/2015-03/2015-03-26\\_dowling.pdf](https://www2.census.gov/cac/nac/meetings/2015-03/2015-03-26_dowling.pdf).

<sup>9</sup> U.S. Census Bureau, Press Release Number: CB22-CN.02, Census Bureau Releases Estimates of Undercount and Overcount in the 2020 Census (Mar. 10, 2022); EDWARD W. FERNANDEZ, U.S. CENSUS BUREAU USING ANALYTIC TECHNIQUES TO EVALUATE THE 1990 CENSUS COVERAGE OF YOUNG HISPANICS, WORKING PAPER No. 11 (May 1995) available at <https://goo.gl/zZfxtM>.

questionnaires.<sup>10</sup> Limiting responses to ISR in English only, as the Bureau announced that it plans to do, will artificially curb the results to English speakers with a steady and fast enough Internet connection to support ISR.<sup>11</sup> If the Bureau truly seeks to run an effective test and to reduce undercounts of already underrepresented populations, the Bureau must return to its multilingual, multimodal response options.

II. The field test's proposed use of ACS questions will render its results useless for testing the census

Testing an entirely different set of questions than those used in the decennial census is useless for the purposes of testing for the decennial count. The ACS performs a different function than the decennial census.<sup>12</sup> The decennial census asks a shorter set of questions every ten (10) years to “[p]rovide[] an official count of the population, which determines congressional representation.”<sup>13</sup> By contrast, the U.S. Census Bureau conducts the ACS on a rolling basis and asks about topics that the decennial census does not include, such as Internet access, education, employment, and more, to aid in policy decisions.<sup>14</sup> While both the decennial census and the ACS provide critical information to policymakers and community members alike, they are not the same and should not be conflated, least of all by the very agency that conducts them. Using ACS questions instead of census questions in a test intended to determine the efficacy of the census will result in a waste of taxpayer resources for irrelevant information.

Furthermore, the ACS questions that the Bureau has proposed using for field testing the census do not contain the updated race and ethnicity standards promulgated by OMB Statistical Policy Directive 15 (SPD15).<sup>15</sup> Refusing to update the format and minimum categories for the test questions not only reflects a failure to comply with SPD15 on the part of the Bureau, but will also render any gathered race and ethnicity data more unnecessarily time-consuming to parse when compared to the updated standards. The Bureau should withdraw the proposed questions and instead test decennial census questions that reflect the updated race and ethnicity standards.

III. The addition of a citizenship question to census field tests will undermine the aim of the census

MALDEF has long opposed the inclusion of a citizenship question in the decennial census. Using the ACS questionnaire for field-testing the decennial census will cause unnecessary confusion and fear among populations that are already at risk of undercount.

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<sup>10</sup> Census Bureau Federal Register Document No. 2025-18804 “2026 Census Test - Peak Data Collection” (Withdrawn Unpublished Version), DOCUMENTCLOUD (Sept. 26, 2025), <https://www.documentcloud.org/documents/26158936-census-bureau-federal-register-document-no-2025-18804-2026-census-test-peak-data-collection-withdrawn-unpublished-version/>.

<sup>11</sup> 91 Fed. Reg. at 4865.

<sup>12</sup> *The Importance of the American Community Survey and the Decennial Census*, U.S. CENSUS BUREAU, <https://www.census.gov/programs-surveys/acs/about/acs-and-census.html> (last updated Mar. 13, 2024).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Hansi Lo Wang, *Trump Officials Propose Testing a Citizenship Question Amid a Push to Alter the Census*, NAT’L PUB. RADIO (Feb. 5, 2026), <https://www.npr.org/2026/02/05/nx-s1-5584085/census-citizenship-question>; Revisions to OMB’s Statistical Policy Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity, 89 Fed. Reg. 22182 (Mar. 29, 2024).

Including a citizenship question in census field tests will only exacerbate undercounts of the Latino community. In the 2013–16 ACS, 11.6–12.3% of Latinos did not respond to the citizenship question, compared to 6.0–6.3% of non-Hispanic whites.<sup>16</sup> Likewise, the Census Bureau has previously found that self-response rates decrease for both citizen and noncitizen households when comparing the decennial census to the ACS, but the decrease is sharper in noncitizen households than in citizen households.<sup>17</sup> Given that the Fourteenth Amendment requires that the apportionment of congressional seats be based on total state population, this undercount, if replicated during the decennial census itself, could lead to loss of political representation for states with large Latino and immigrant communities in direct contravention of the Constitution.<sup>18</sup>

Additionally, including a citizenship question for field testing in the two remaining sites makes little sense because Huntsville and Spartanburg contain lower-than-average percentages of foreign-born residents. Huntsville’s foreign-born population comprises 6.7% of its total population,<sup>19</sup> and Spartanburg’s foreign-born population comprises 6.1% of its total population.<sup>20</sup> The nationwide foreign-born population, however, comprises 14.1% of the total U.S. population.<sup>21</sup> Thus, including a citizenship question in the field tests for the 2030 census will not only cause undue fear and confusion and reduce response rates, but also fail to collect meaningful information, wasting Bureau time and resources.

#### IV. Conclusion

For the foregoing reasons, MALDEF respectfully requests that the Census Bureau either revert to its earlier field test plan—so long as the questions comply with the updated SPD15 standards—or forgo this field test as it is currently designed in its entirety. Please feel free to contact us with any questions or concerns about these comments at (202) 293-2828 or [efindley@maldef.org](mailto:efindley@maldef.org).

Thank you.

Sincerely,



Ellen E. Findley  
Legislative Staff Attorney

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<sup>16</sup> Memorandum from Secretary Wilbur Ross, Department of Commerce, to Karen Dunn Kelly, Under Secretary for Economic Affairs, on Reinstatement of a Citizenship Question on the 2020 Decennial Census Questionnaire (Mar. 26, 2018), available at <https://goo.gl/5FHVPN>.

<sup>17</sup> Complete Administrative Record, U.S. Dep’t of Com. 001280 (June 8, 2018), available at <https://goo.gl/cWrF8f> [hereinafter *Administrative Record*].

<sup>18</sup> U.S. CONST., Amtd. XIV, § 2 (“Representatives shall be apportioned among the several States, according to their respective numbers, counting the whole number of persons in each State.”).

<sup>19</sup> *QuickFacts*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/> (last visited Feb. 18, 2026) (enter relevant state, county, city, or town in search bar).

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*