

FACT SHEET

# Improving the Census

## Legal and Policy Reforms for a More Accurate, Equitable, and Legitimate Count

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**T**he census is a cornerstone of our democracy. The constitutionally required, once-a-decade head count determines how many seats each state gets in the U.S. House of Representatives, how state and local governments redistrict, and how more than \$1.5 trillion in federal funding is distributed each year. And yet the law that governs the census has not been systemically altered in decades. In a [new, comprehensive report](#), the Brennan Center sets forth proposals for reforming census law and policy to make the count more legitimate, accurate, and equitable. Taken together, these reforms will free the Census Bureau from recurring problems that it has never squarely addressed and set it up to respond to future problems in a more flexible, effective, and democratically responsive way.

The 2020 census faced threat after threat, from executive interference to a pandemic to chronic underfunding. In the end, the Census Bureau missed 18.8 million people, more than 5 percent of the country's population. States both red and blue suffered undercounts. And people of color went undercounted at disproportionate rates, with Black, Latino, and Native American populations in particular missing from the numbers at unacceptably high levels.

Existing law leaves too much room for political actors to override the best science and manipulate the census, and too little room for the Census Bureau to innovate its operations and questionnaire design to combat persistent problems like racially discriminatory undercounts that bake inequity into our democracy.

With planning for 2030 already underway, we urge Congress to take swift action on the following proposals for reform.

### Limiting Executive Interference in the Count

To insulate future censuses from attempts by the executive branch to manipulate the count, Congress should:

- Establish the Census Bureau as its own executive agency separate from the Commerce Department
- Limit the number of political appointees within the bureau
- Require political appointees at the bureau to publicly disclose communications they have about the enumeration with the White House and the Office of Management and Budget

- Remove the president from the congressional apportionment process
- Bar untimely and untested additions to the census questionnaire

### Enhancing Congressional Oversight of the Census Bureau

To ensure that the Census Bureau remains transparent and democratically accountable in its work, Congress should:

- Establish new permanent committees or subcommittees in the House and Senate to assume jurisdiction over the bureau
- Rigorously pursue oversight of operational planning for the 2030 census, as well as research and testing to improve data quality

### Improving and Protecting the Census Bureau's Counting Methods

To enhance the Census Bureau's ability to collect accurate, inclusive, and equitable data, Congress should:

- Revoke statutory limits on the bureau's data collection methods, providing more latitude for the bureau to experiment with methods to cure undercounts
- Permit the bureau director to extend the reporting deadlines for apportionment and redistricting data in the event of emergencies
- Provide an exception to the Family Educational Rights and Privacy Act that would allow the bureau more freedom to collect student demographic data directly from educational institutions
- Facilitate a combined race and ethnicity question for the 2030 census that includes expanded racial and ethnic categories to account for the diversifying U.S. population
- Facilitate a new question on sexual orientation and gender identity for the 2030 census and the American Community Survey
- Convene a National Academies panel to evaluate additional operational changes to increase the quality of future census data, with a focus on eliminating persistent racial and ethnic differential undercounts

### Supporting State Efforts to End Prison Gerrymandering

To support the movement to end prison gerrymandering, Congress should:

- Change the residence rule to count incarcerated populations at their home addresses
- Hold the bureau accountable for establishing methods for collecting home address data
- Hold other governmental actors accountable to help the bureau collect that data

### Shoring Up Data Confidentiality

To reinforce the confidentiality provisions of the Census Act and to help maximize census participation, Congress should:

- Clarify that the confidentiality provisions of Title 13 supersede all other federal laws
- Codify existing bureau policy requiring specialized review and imposing public disclosure requirements on data releases involving sensitive topics and populations

### Ensuring Adequate Funding and Modernizing the Census Act

Finally, to ensure adequate funding and bring the census into the modern era, Congress should:

- Make the bureau's discretionary spending limits flexible
- Remove obsolete portions of Title 13 that are unnecessary, outdated, or derogatory